

**A CRITICAL REVIEW OF PARTICIPATORY PRACTICE
IN INTEGRATED WATER RESOURCE MANAGEMENT**

H Lotz-Sisitka • J Burt

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Compiled by

HEILA LOTZ-SISITKA & JANE BURT

Environmental Education and Sustainability Unit, Rhodes University, Grahamstown

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RESEARCH MANAGER

Dr Heather Mackay Water Research Commission

PROJECT LEADER

Prof Heila Lotz-Sisitka RUEESU

LEAD RESEARCHER

Ms Jane Burt RUEESU

RESEARCHERS

Mr Derick du Toit AWARD
Mr David Neves UKZN
Mr Alistair McMaster Independent
Ms Beverley Taylor Geography Department, RU

RESEARCH ASSISTANCE AND ADMINISTRATION

Ms Bulelwa Nqweniso RUEESU
Ms Katie Farrington RUEESU

MASTERS STUDENTS

Mr Cyril Mbatha Economics Department, RU
Ms Merle Naidoo Geography Department, RU
Mr Vhangani Silima Education Department, RU

INTERN STUDENT

Ms Marjolein de Jong Wageningen University, Holland

REFERENCE GROUP

Mr Willie Enright DWAF, Western Cape
Prof Carolyn Palmer IWR, RU
Dr Sharon Pollard AWARD
Prof Peter Vale Politics and International studies, RU

PROJECT STEERING COMMITTEE

Prof Rob O' Donoghue RUEESU
Dr Guy Pegram Pegasus Strategy
Dr Joan Jaganyi CED, UKZN
Mr Stephen Mullineux DWAF, Eastern Cape
Dr Malene Roefs CSIR
Dr Barbara van Koppen IWMI
Mr Ralph Heath PHD

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List of Acronyms

ARP	Arvari River Parliament (India)
BHNR	Basic Human Needs Reserve
CAN	(Acronym of Spanish term for the 'federal water agency' (Mexico)
CBO	Community Based Organisation
CC	Catchment Council (Zimbabwe)
CDF	Catchment Development Forum
CED	Centre for Environment and Development
CMA	Catchment Management Agency
CMS	Catchment Management Strategy
DANIDA	Danish International Development Agency
DEAT	Department of Environmental Affairs and Tourism
DFID	UK Department for International Development
DWAF	Department of Water Affairs and Forestry
DWD	Department of Water Development (Zimbabwe)
EU	European Union
GEF	Global Environmental Facility
HSRC	Human Sciences Research Council
ICM	Integrated Catchment Management
IDASA	Institute for Democracy in South Africa
IDP	Integrated Development Plan
ISP	Internal Strategic Perspectives
IWMI	International Water Management Institute
IWR	Institute of Water Research
IWRM	Integrated Water Resources Management
NGO	Non-governmental organisation
NRM	Natural Resource Management
NWA	National Water Act
PDI	previously disadvantaged individual
PDWG	Proposal Development Working Group
PLAAS	Programme for Land and Agrarian Studies
RBA	River Basin Council (Mexico)
RBMA	River Basin Management Agency (Indonesia)
RQO	Resource Quality Objectives
RSA	Republic of South Africa

RU	Rhodes University
SSP	Save the Sand Project
UKZN	University of KwaZulu Natal
UWC	University of the Western Cape
WITS	University of the Witwatersrand
WM	Water Management
WMI	Water Management Institutions
WRC	Water Research Commission
WRC	Water Resources Committee (Indonesia)
WRM	Water Resources Management
WSDP	Water Services Development Plan
WSI	Water Service Institution
WUA	Water User Association

Executive Summary

The South African National Water Act (Number 36 of 1998, RSA) (NWA) makes provision for the establishment of statutory bodies, called Catchment Management Agencies (CMAs), as the institutional base from which to manage water resources. The NWA incorporates international principles of Integrated Catchment Management and embraces the national values of democracy and equity, both of which call for a high level of participation from water users. These developments in Integrated Water Resources Management (IWRM) in South Africa are in stark contrast to pre-1998 South African water legislation, which emphasized riparian ownership and commercially based control of water. The NWA thus recognizes water as a public good. Water in South Africa now has to be protected so that the interests of society at large are best served. Water resources management in South Africa has therefore broadened to include human rights (the basic right to water) and the environment (to protect and conserve water to ensure healthy ecosystem functioning and sustainability of the water cycle), as well as use for purposes such as agriculture, commercial developments, recreation and other needs. IWRM requires a change from single sector, centralised, delivery-orientated management to sector-integrated, locally focused management, which includes and takes into account the interests of diverse stakeholders.

This research project, entitled 'A critical review of participatory practice in Integrated Water Resource Management' (Project No. K5/1434), was commissioned by the Water Research Commission (WRC) in 2003. It is primarily focused on participation in the establishment of CMAs, and was commissioned to contribute to, and to extend a broader range of research initiatives related to institutional arrangements for IWRM in South Africa. To date, institution building (with a focus on participatory practice) has taken place mainly at the individual catchment level. This study (K5/1434) broadens earlier research into participatory practice in IWRM, as it focuses on participatory practice at CMA level. When the research was commissioned, no CMAs had been established, but there were numerous participatory practices emerging to enable the establishment of CMAs in South Africa's 19 Water Management Areas (WMA). When the research was completed, only one CMA was established, but it was not yet fully functioning. The expected outputs of this research were: 1) an international literature review; 2) a national review of participatory practice in IWRM; 3) guidelines for best practice; and 4) a set of performance indicators for monitoring and evaluation of participatory practice in CMA establishment and governance.

Chapter 1 indicates that participatory practice in CMA establishment in South Africa is located in a particular social context, that of institution building in a democratizing society. The Chapter presents a theoretical framework, articulating different models of democracy, as well as the 'status'

of democracy in South Africa, and considers associated implications for participation in institution building. This provides a theoretical and social vantage point for interpreting participatory practice in IWRM in South Africa. This theoretical and social vantage point is offered because the study indicates that models of democracy may not be clearly articulated or well understood amongst South African citizens. The report argues that this is a key consideration in establishing participatory practices, as current national legislation (the NWA, No 36 of 1998) is based on principles of equity, efficiency and sustainability, all of which need to be achieved through a democratic process. Foregrounding understandings of democracy is important, given the history of inequality and lack of broad participation in IWRM (lack of democratic process) in South Africa. Chapter 1 also indicates that IWRM in South Africa crosses political boundaries, is framed within geo-physical boundaries, and is complicated by different governance frameworks for water service delivery and water resources management (where water services delivery is a key priority for people on the ground who have traditionally not had access to water). Water resources management is therefore likely to be a 'secondary' priority, and the possibility exists that the two needs could be confused amongst those who are to participate in IWRM in South Africa. Chapter 1 argues that participatory practices in CMA establishment are therefore unfolding in an extremely complex social and institutional context.

Chapter 2 of the report outlines the research methodology of the study. It presents an open-process research design, which allowed for emergent themes, and a deepening of the enquiry over the research period. Two case portfolios of participatory practice, from the Kat and Sand River catchments, were used as a starting point for the research. The issues, tensions and lessons learned were synthesized and used to develop the initial research questions, and to design the initial scoping framework for the national review. The national review involved a 'wide' review of participatory practice in all 19 WMAs (as these provide the geo-physical framework for CMA establishment). The purpose of the national review was to identify key themes of relevance to participatory practice in CMA establishment. Bio-physical and social data; data on the status of CMA establishment with reference to participatory practice; and data on water management structures and their functioning was generated. A focused international literature review was undertaken to review the establishment and nature of CMA type structures in other countries, with a view to identifying key issues of relevance to CMA establishment in developing country contexts. Case study research was undertaken to deepen the lines of enquiry established through the national review and the international literature review. Two in-depth case studies of participatory practice in two CMAs (Inkomati and Mvoti) were developed to provide further insight into the kind of guidance that may be needed to support the emergence of 'best practice' in different contexts. The in-depth case studies were also analysed to provide insight into key themes and issues for monitoring participatory practice. Three Masters-level studies were initiated to provide methodological guidance on how stakeholder interests can best be probed and identified, as this is a key dimension of enabling successful participatory practice. The methodology of this study was

primarily qualitative, and was framed within a critical realist orientation, which avoids the problem of methodological individualism (which holds that facts about society and human actions are to be explained solely in terms of facts about / actions / views of individuals). Methodological individualism does not take account of the predicates of actions / views of individuals, namely the social context for action. The theoretical framework for the research therefore strongly emphasizes the need to take account of **the social context** in which the action (participation in the establishment of CMAs) is taking place. The study also unashamedly seeks a deeper, more critical insight into participatory practice, and thus moves beyond simplistic strategies to extract 'lessons learned' or 'guidelines for best practice', as these can erroneously become disembodied from the social context in which they are situated. The focus on social context is therefore a strong factor shaping the research design, the research reporting and the research outputs.

With this methodological vantage point, insights from the international review discussed in Chapter 3 indicate that participatory practice in IWRM and CMA establishment in developing countries is shaped by, *inter alia*:

- *Power relations and governance structures* (including the role of donors), *resources* and *capacity* available to implement CMA type approaches and international trends towards IWRM that involve participatory methodologies.
- *Tensions* that exist *between the need for centralised control of natural resources* management and international trends towards *decentralisation*, which appear to result in a form of 'deconcentration', rather than fully embedded and adequately resourced decentralisation. It is also noted here that the distinction between decentralisation and deconcentration may not be obvious at the outset, and practitioners may 'mistakenly' assume decentralisation is occurring when, in fact, all that is happening is 'deconcentration', which may create inappropriate operational expectations and approaches.
- A need to consider the particular characteristics and processes of *local community participation*. This includes a valuing of local knowledge, how communities express their needs for participation, the potential of community activism, and access mechanisms available to communities.
- Issues of *representivity*, which are central to participatory practice. The terrain of establishing valid representation is characterised by power relations, capacity development issues, and issues of inclusion and exclusion. In developing countries, there is a particular need to consider exclusions related to gender inequalities and relationships which have historical and cultural antecedents.

Chapter 4 indicates that participatory practice in IWRM, with particular reference to CMA establishment in South Africa, is characterised by the following features:

- Different *types of participation* are possible (e.g. broad-based or narrow), and these appear to be related to the amount of time and resources available, as well as the orientation and capacity of stakeholders and the managers of the process (these are different in different WMA contexts).
- Different *contextual factors* combine to shape and influence the way a participatory process is established and managed (these are different in different WMA contexts).
- Different *forms of participation* arise, and these different forms of participation appear to be more or less relevant for different stages and needs in the larger participatory process. The application of different forms of participation is closely associated with the types of participation applied, and the different contextual factors that shape participatory practice. These different forms of participation appear to also be linked to interests and motivation (why people feel the need to participate), as well as access mechanisms created to foster participation.
- Different *issues, tensions and contradictions* arise in the participatory process which include and result from: a) the orientation to participation and democracy held by different stakeholders (and in particular the ‘drivers’ of the participatory processes) b) the politics of inclusion and exclusion c) capacity-building approaches and needs, and d) different levels, narratives and layers of participation, which in turn are influenced by ideology and understandings of participation.

The national review therefore brings a number of key issues to the fore that may potentially impact on participatory practices in CMA establishment, key amongst them being the need for an in-depth understanding of the reasons for participatory practice amongst all stakeholders, which includes the legal and social aspects of participatory practice, as well as knowledge of water use, and an understanding of the sustainability of the water cycle and ecosystems. This key finding influenced a decision to produce two booklets for supporting best practice in different contexts (as a key research output) rather than a set of ‘guidelines for best practice’ which may have become dissociated from the social context in which the practices arose. Two booklets to support participation in contextually situated CMA establishment processes were developed, namely:

- Book 1: Learning about participation in IWRM: A South African review
- Book 2: A task-orientated approach to participation

Chapter 5 of the report draws on the two in-depth case studies, to provide further insight into aspects of participatory practice that may be monitored in **CMA establishment**. Given the slow pace of CMA establishment, it was not possible to develop a definitive set of reliable performance indicators for monitoring and evaluation of participatory practice in CMA establishment. Given that no CMAs were functioning adequately at the time that the research was conducted, it was not possible to establish reliable performance indicators for monitoring and evaluation of participatory

practice in **CMA functioning**, but some insights into potential aspects of CMA functioning are considered. Besides the aspects of participatory practice that may need to be monitored, the study also identifies a structural framework for monitoring participatory practice (based on the water management cycle) that is aligned with the tasks required to manage water as required in the NWA. The report therefore provides the 'starting points' for development of monitoring and evaluation indicators.

Chapter 6 provides a summary of the key findings of the study. Three different types of findings are shared:

- ***Findings that provide orientation to participatory WRM:*** The study found that it is vital to recognize complexity in IWRM in South Africa, as this influences participatory practice in many different ways. Complexity is evident in the institutional set-up for participatory practice, in the geo-physical boundaries that shape IWRM institutional structures and in concepts such as participation and democracy. The study also found that there is a need to move beyond counterfactual views of democracy in IWRM if South Africa's water legislation is to be effectively implemented, and that deeper understandings of democracy need to be developed in the WRM sector in support of effective participatory practice. The study also found that history and social context influence participatory practice in significant ways, and that contextual approaches need to be developed in support of participatory IWRM practice. The study also found that most of the emphasis in participatory practice is on institution building, with inadequate attention being given to the development of agency. The study found that there is a need to focus more carefully on the *relationship and interplay between structure and agency* in IWRM. Power relations were also identified as a key issue to be considered more carefully in participatory IWRM. The study also found that there is a need to develop a deeper understanding of demand-orientated management approaches in South Africa's WRM sector, particularly since these approaches require increased levels of stakeholder participation. International studies showed that demand orientated approaches are easier to implement in homogenous societies. Given its history, South Africa has a highly complex social set-up, which provides additional challenges to the implementation of demand-orientated approaches to WRM. These broader findings provide the backdrop for additional findings which are more specifically focused towards the emergence of 'best practice' and monitoring and evaluation.
- ***Findings that provide support for the emergence of 'best practice':*** This study found that the emergence of best practice requires careful insight, and a careful taking account of social processes and contextual factors that arise in a given socio-ecological context. Best practice needs to be supported by strategies that allow for deeper contextual analysis

strategies that allow practitioners to 'navigate' the way in which history, resources, knowledge, empowerment, experience, political enfranchisement, language, educational experience, etc. play out differently at different times in different contexts. Another finding points to the importance of building capacity for deliberation (debate / negotiation) and decision making. The study found that capacity for participation was somewhat neglected in favour of efforts to establish institutional structures. The study also found that although much emphasis was placed on institution formation (establishing structures), there were many tensions that exist between different 'layers' of the institutional set-up, most notably between national and regional levels, and between different stakeholders whose positions change or become threatened by the new structures. The study also found that issues such as timing influence the effective establishment of structures, and inclusivity and approaches used to identify stakeholders. Available resources also influence effective establishment of structures. The study also found that there is a need to *strengthen agency* of communities and officials to participate effectively in IWRM. Here stakeholder interests and stakeholder positions were significant aspects to consider. Role clarifications, language and communication and competence are also key aspects to consider in strengthening agency. In addition to improving structure formation and strengthening agency, the study found that there is a need to give attention to the *interplay of structure and agency* which emphasizes *what kind of agency is needed to participate in different structural arrangements and associated IWRM processes*. A task-based approach to participation was suggested, as well as the need for responsive and flexible institutions.

- ***Findings that provide support for the design of monitoring and evaluation indicators:*** The third set of findings relate to the design of monitoring and evaluation indicators. Key amongst these is the need to develop indicators that effectively monitor the 'hidden' dimensions of participatory practice. Here understandings of participation, power relations, the influence of social context and the material effects of inclusion and exclusion need to be monitored. A second finding relates to the need to develop indicators that monitor the development of structures for participation. Here indicators for that recognize the contextually and socially located nature of institutional set-ups that are needed, as well as indicators for monitoring institutional dynamics and structural relationships between different levels and layers of government and between government and other stakeholders. The effective use of resources also needs to be monitored. A third finding here relates to the need to develop indicators that monitor the development of agency in participatory practice, key amongst these being capacity to participate (what skills, knowledge and power do people have to participate, and what skills, knowledge and power do they need to participate). Stakeholder identification is a key aspect of agency, as inappropriate stakeholder identification establishes an inappropriate basis for participation.

The study also provides a review of the study outcomes in relation to the expected outputs, noting that the study was influenced by the context and progress in CMA establishment. It also provides insight into the limitations of the study, and some of the challenges experienced. It makes the following recommendations for further research:

- **Participation in the establishment and functioning of CMAs.** This would involve undertaking further research into issues associated with participatory practice in the establishment and functioning of CMAs in other case study contexts. There is also a need for further research to extend the work on monitoring and evaluation presented in this report. The research should focus on development of reliable indicators for monitoring and evaluation of participation. This should not be simplistically approached, and should take account of contextual diversity, should take account of hidden aspects of participation, and should address the interplay of structure and agency, and should ideally be task-linked (as outlined in this study).
- **Addressing issues associated with participation, redress, equity, transformation and sustainability.** Further research needs to be undertaken to assist CMA management teams to a) address the erosion of smaller stakeholders' participation and b) find ways of enabling equal access to participatory structures and processes. The study has shown that there currently appears to be an over-emphasis on structural formation for participation, at the expense / neglect of the development of agency (capacity to participate effectively within these structures). To address redress issues, agency (and capacity to act effectively) should be given equal priority, and should not be neglected in favour of structure in WRM. Further research into agency in the context of WRM, and the interplay between newly formed structures and agency could further inform participatory practice in IWRM, and should also address questions of redress and equity. These are key issues that need to be addressed if the NWA principle of equity is to be achieved. For the NWA principle of sustainability to be achieved, attention should be given to 'who speaks for the environment' in participatory practices, and the adequacy of sustainability deliberations needs to be monitored and evaluated, as this currently appears to be a neglected area of practice in participatory WRM.
- **Capacity-building for participation.** Research needs to be undertaken to conceptualise and support the development of capacity as *an integral aspect* of CMA establishment and functioning. Further research into the relationship between participatory practice and capacity development is also needed to strengthen participatory practice. Monitoring of the use of the guidebooks produced through this research could form a key component of

such a research initiative, although capacity-building is likely to be more extensive in some places, and should not simply be reduced to the use of the guidebooks.

- ***Institutional dynamics and constraints affecting the mandate for participatory practice.*** Further research needs to be undertaken to establish how institutional dynamics (e.g. relationships between DWAF National and Regional offices) and institutional constraints (e.g. resources available to support the process of participation) affect the mandate for participatory practice. A key issue to address here is the alignment, communication and interactions between water resources management and water services provision, and national and regional offices.
- ***The establishment of responsive and reflexive institutions.*** Further research into developing a deeper understanding of participatory practice as a central feature of institution building in South Africa is required. Research is needed to establish how participation, as a mediation process in the interplay between structure and agency can assist institutions to become more reflexive and responsive to social and ecological context. The research needs to focus on institutional design that supports agency and the capacity to participate meaningfully in the tasks of WRM, rather than focus on a 'politics of participation' that is not grounded in practice. This study indicates that different kinds of agency are required in different task-based participatory processes. This needs to be researched in more depth.

The report concludes by noting the importance of supporting research that allows for the deliberation of concepts and practice, such as participation in IWRM, through a questioning, probing approach. Enabling researchers to ask the 'deeper' questions relating to socio-ecological relationships is critical for the development of a better understanding of what constitutes 'best practice'. The report argues that this orientation to research is vital to support and enable deliberative approaches to democracy which lie at the heart of institution building in post-apartheid South Africa.

Chapter 1: Context and Key Concepts

1.1 INSTITUTION BUILDING FOR IWRM

This chapter briefly scopes the institutional framework, purpose and required outputs of the research project. A theoretical framework for the research and the IWRM governance framework provides a broader depth-perspective on the data reported in Chapters 3, 4 and 5. The assumption guiding this section is that 'best practice' and monitoring and evaluation indicators for CMA establishment need to be both practically and theoretically informed, to avoid superficial interpretations and methodological individualism¹.

The NWA makes provision for the establishment of statutory bodies, called Catchment Management Agencies (CMAs) as the institutional base from which to manage water resources. The NWA incorporates international principles of Integrated Catchment Management (ICM), and embraces the national values of democracy and equality, both of which call for a high level of participation from water users.

(Extract from Book 1)

In contrast to pre-1998 South African legislation, which emphasized riparian ownership and commercially-based control of water, the National Water Act of 1998 (RSA, 1998) recognised water as a public good. Water in South Africa now has to be protected and used so that the interests of society at large are best served. The National Water Act explicitly sets up the national government as the custodian of water resources.

Integrated Water Resources Management (IWRM) is a management approach, which requires the active participation of multiple parties across multiple levels, in many different ways. Given the history of water management in South Africa, implementing IWRM requires a change from single-sector, centralised, delivery-orientated management to sector-integrated, locally focused management, which incorporates the interests of diverse stakeholders. IWRM and Participatory Water Resources Management are inseparable.

The National Water Act sets out an enabling framework for this type of management through the establishment of Catchment Management Agencies to control 19 Water Management Areas. The function of a CMA is to support, regulate and coordinate the activities of water users and

¹ Methodological individualism holds that facts about society or human action are to be explained solely in terms of facts about / actions / views of individuals (and what they do) (Manicas, 1998). Methodological individualism does not take account of the predicate, presupposing a social context for action. In providing a theoretical framework for the research, the report provides insight into the social context in which the action (establishing CMAs) is taking place.

management institutions, through a catchment management strategy, so as to ensure the sustainable use of the resource in keeping with the principles of IWRM and the National Water Act. The aim is to have sustainable, equitable and efficient water resources management through local relevance, appropriate management structures, greater opportunity for involvement and feedback by local stakeholders, and greater opportunities for integration with other local planning and development initiatives.

This research project, entitled, *A critical review of participatory practice in Integrated Water Resource Management*² (Project No. K5/1434), focusing on participation in the establishment of Catchment Management Agencies, is fundamentally about institution building for governance in post-apartheid South Africa. The research was commissioned by the Water Research Commission in 2002 to contribute to, and extend a broader range of research initiatives related to institutional arrangements for IWRM in South Africa. Institution building for IWRM has taken place at the catchment level, and there are a number of case examples of successful practice at these levels, for example the Mlazi River Catchment Management Programme, the Kat River Catchment Forum and Water Users Association, and the Sabie Sand Catchment Management Programme. Guidelines have been developed for enabling participation in IWRM at catchment level (Motteux, N, 2004, in press). This research (WRC Project No. K5/1434) reviewed experience of participatory practice at catchment level, *in the context of participation in CMA establishment and functioning*, thus broadening the focus of previous research, from catchment level to CMA level.

When the research was commissioned in 2003 CMAs, as new institutions for the governance of IWRM, had been conceptualized at a legislative and policy level, but none were fully established in practice. At the stage of the final reporting (June, 2005), only a single CMA has been established (the Inkomati) but was not yet fully functional. There was, at the time that this research was undertaken, no previous research into participation as a key focus in both the establishment and the management responsibilities of CMAs. Researchers involved in this research programme were therefore researching at the 'cutting edge' of the process of conceptualizing participation in the context of the establishment and functioning of CMAs.

The broader purpose of this research programme: Project no K5/1434 – 'A critical review of participatory practice in Integrated Water Resource Management (IWRM)', is to inform further establishment and functioning of CMAs, with particular emphasis on participatory practice (the establishment of the CMA involves a participatory process). Given the early stage of CMA

² This is the short title used for the research project. The longer title reads as follows: *A critical review and assessment of participatory methodologies in water resource management in South Africa, with a view to promoting a platform for dialogue and capacity-building, and developing appropriate resources and methods, for the implementation of CMA processes*. For the purposes of this report, the short version of the title will be used.

establishment in South Africa, the purpose of the research was to *create a platform for dialogue and capacity-building*, and to develop appropriate resources and methods *to assist in the establishment and functioning of CMAs*, in particular to support the development of capacity for enabling and facilitating participation in IWRM in South Africa. The research did not, therefore, set out to establish a fully detailed analysis of participation in CMAs, but rather to identify key themes and issues associated with participation that could provide insight into participatory practice in ongoing CMA establishment and functioning. Given the timing and scope of the research, it was also not possible to provide a full analysis of participatory practice in all newly emerging CMAs in South Africa. The primary function of this research was therefore to *support the process of enabling participation* in the establishment and functioning of CMAs, in support of the broader goals of redress, equity and democracy in South Africa.

Requested research outputs:

1. Literature review of international experience of stakeholder involvement in WRM at catchment/river basin level (see Chapter 3)
2. Documentation of 'lessons learned' from stakeholder consultation / participation at catchment level since 1998 (see Chapter 4)
3. 'Best practice' guidelines for stakeholder participation in the establishment and governance of CMAs (see Chapter 4, 5 & 6 and Books 1 & 2)
4. Performance indicators for monitoring and evaluation of multi-stakeholder participation and governance of catchment management structures (see Chapter 5)

Output 1 and 2 are synthesized in this research report. Outputs 3 and 4 are partially contained in this research report, and partially in the two books (which form a key output of the research) developed to support the establishment of participatory practice in CMA establishment and functioning.

This research report aims to synthesize the research outputs, and to contextualize the research within the broader process of ensuring sustainable IWRM through democratic governance in South Africa. It also aims to speak to the 'critical' dimension of the project title, by providing a **critical analysis** of participation in IWRM, with a view to informing guidelines for practice, and performance indicators for monitoring and evaluation of participation. The report argues that a critical analysis of this nature is necessary to ensure that guidelines for 'best practice' and 'performance indicators for monitoring and evaluation' are not simply of a technical nature. It

therefore unashamedly³ provides a deeper level of analysis in terms of participatory practice in IWRM in South Africa.

1.2. THE BROADER CONTEXT: PARTICIPATION IN IWRM POLICY

This section of the report scopes the policy context shaping the research. Key issues and concepts, central to understanding and interpreting the research results, are introduced here.

1.2.1 Participation, decentralisation and IWRM policy in South Africa

The establishment of CMAs for IWRM in South Africa would seem to be part of a broader global trend in policy making towards decentralisation (see Chapter 3). A cornerstone of effective decentralisation is the achievement of increased participation from stakeholders at various levels and stages in the decentralisation process. To achieve this, participation has been institutionally framed within government legislation relating to IWRM. The National Water Act requires that a strategy for water management be developed for each Water Management Area. This is called a catchment management strategy and according to the NWA must ‘...enable the public to participate in managing water resources within its water management area; ... [and] ... take into account the needs and expectations of existing and potential water users’ (RSA, 1998). The assumption is that if the public shares in the responsibility of managing water resources, greater emphasis will be placed on equitable access to water, and also on the conservation and sustainable use of the resource for both present and future generations.

As will be discussed later in this research report, participation is also institutionally framed within a number of other legislative frameworks in the South African context, with interesting ‘on the ground’ consequences (see Chapter 5). This move towards institutionally defining participation in IWRM cannot therefore be seen as specific to IWRM only, but should be seen in a broader context in which participation is increasingly being embedded into a wide range of policy and legislation, presenting a range of new challenges for citizens and state officials. This report (see Chapters 3, 4, 5, also see the citations below) indicates that this policy move, and its ‘on the ground’ consequences are not well understood in the IWRM sector, nor in the broader social context. This move in policy making should also be understood in the context of South African history, where a strong reliance on centralised governance still exists.

³ In many instances contract research requires technical / practical outputs. This research report however, argues strongly for a more in-depth analysis and a more critical approach to the production of technical/ practical outputs. This is necessary to avoid simply entrenching existing bad practice, or superficially assessing what seems to be ‘good practice’.

Water management policy proposes that the management of demand contributes to improving availability. Ideally all residents of a catchment should be in a position to negotiate water allocations and resolve resource-based conflicts in an equitable way. The situation in the Sand River Catchment reveals how difficult this task actually is. Communities and users in the catchment have been historically divided, with participation in resource management virtually non-existent.

(Extract from Book 1)

South Africa is emerging from a centralised and authoritarian water resource management system. In the past, civil society was rarely, if ever, consulted about or involved with issues related to water provision and management. Access to water was inequitable and based on racial lines. We now have a revised legal framework, based on a non-racial participatory orientation, but there is still a lack of clarity on what this really means.

(Extract from Book 1)

DWAF staff at a national level were enthusiastic and proud of the country's new water policies, staff at a regional level were dubious. The policy and legal environment were designed to be enabling, but a number of regional staff members said they felt neither prepared nor adequately supported to meet the demands the policy placed on them.

(Extract from Book 1, Inkomati Case study)

As indicated in the citations above, participation of society in IWRM in South Africa is in its infancy. Stakeholders still perceive central government to be the body that must provide solutions. The need for guidance and support was expressed from a regional to community level. Understandings of the implications and practice of achieving the decentralisation policies (e.g. IWRM policy) are not well developed in South African institutions and society, and this affects the definition and clarification of roles and responsibilities, and it affects relationships between different stakeholders. There are also different understandings of policy at the national and regional levels, resulting in differing levels of commitment towards decentralised practice and participation (See Chapter 4 & 5).

1.2.2 Broadening of IWRM policy in South Africa: Implications for participation

Not only is South Africa experiencing decentralisation of policy related to IWRM, it is also facing the challenge of broadening its understanding of IWRM policy, with the introduction of the National Water Act (1998). In establishing a framework for comprehensive protection of all major water resources, the NWA specifies the need to set a 'reserve', which is '... the water set aside for basic human needs and to protect water ecosystems (sustain healthy ecosystems)' (DWAF, 2002). The NWA recognises '... that the protection of the quality of water resources is necessary to ensure sustainability of the nation's water resources in the interests of all water users' (RSA, 1998). Thus

the NWA broadens South Africa's framework for water management to one which includes a) the right to and access to water for basic human needs and b) a reserve to protect water ecosystems. Water management is therefore not only for use, but also for the protection and sustainable management of the water cycle and for addressing human rights. The significance of this policy framework, and its relationship to participation, is outlined by Hunt:

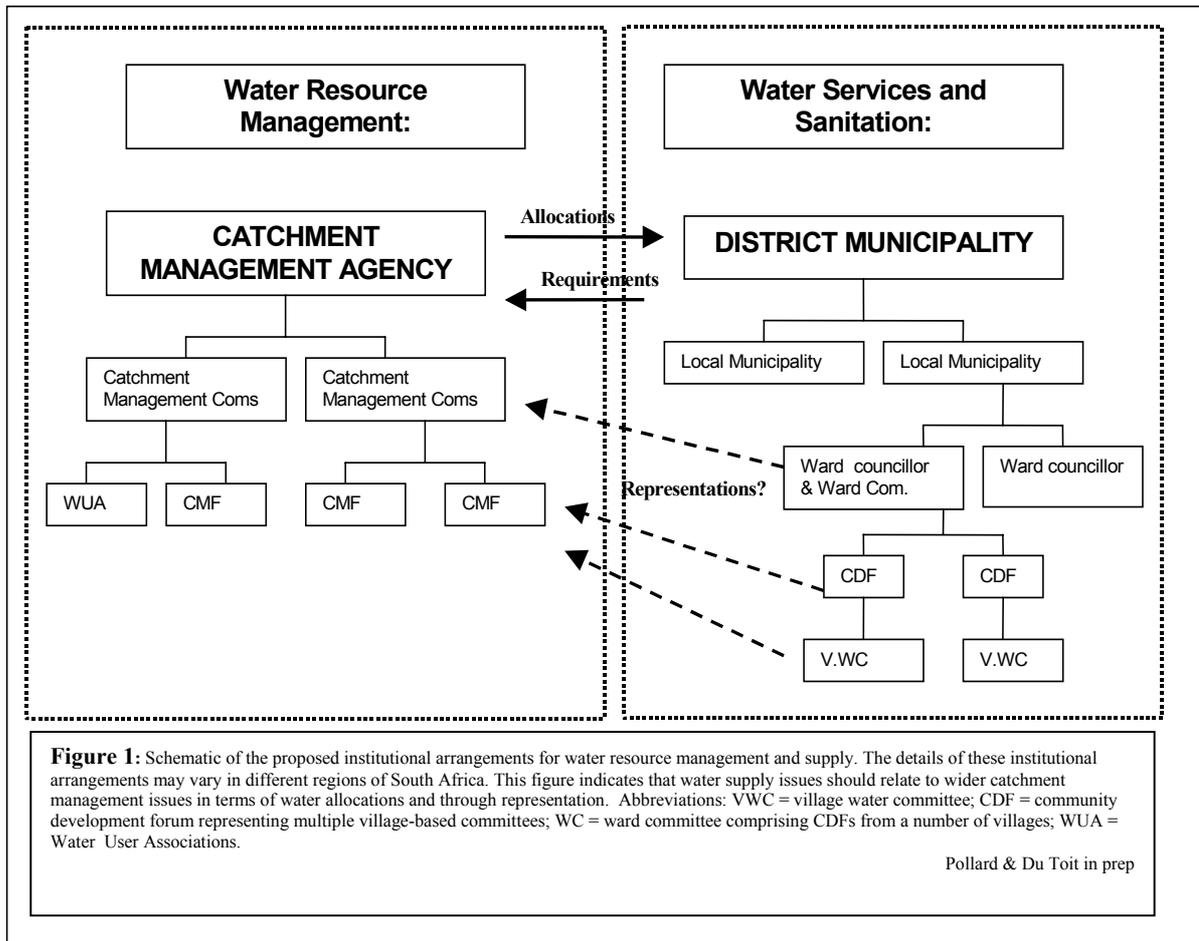
Nature is the source of water; therefore our ability to support additional human lives on planet Earth depends on the protection of nature and the continued operation of the water cycle... The water cycle depends on the integrity of our planet's ecosystems in order to function... In the interest of the long term sustainability of the water cycle, world leaders must commit their countries to protecting the natural ecosystems that sustain it... this may require substantial changes to current patterns of water use. Uses that change the quantity, quality and timing of water flows to various parts of the natural ecosystem [are critical to consider as] ...current approaches to water management disrupt the water cycle... adequate representation of and participation of local people in water management [is needed]... a balance between global governance and decentralisation or between the efficiency of markets and the protection of human rights and the environment [is needed] ... water management practices need to change if we are to sustain the water cycle (Hunt, 2004: 1,2,3).

A further dimension of the broadening of IWRM policy in South Africa is understanding how the management of water (in terms of protection, human rights and use) and water services (supply and sanitation) intersect. Figure 1 shows how water resources management is the responsibility of the CMA (a national competence) while water supply and sanitation is the responsibility of municipal structures (a local government competence). The public is expected to participate in both sets of activities. However, there are two distinct lines of communication for each, as shown in Figure 1.

The CMA mediates water protection and use demands against a framework of sharing water equitably, as expressed in the management goals of the NWA. Of significance to this research is the fact that the CMA-led approach to water management potentially contrasts with demands articulated by the public through village and political structures such as Community Development Forums, Ward Councillors and eventually through to local government where the focus of the participation is on technical supply and not holistic management (Pollard & Du Toit, 2004).

The structural dimensions of water resource management and service provision (outlined above) thus present a 'second layer' of complexity with which those participating in IWRM need to come to terms. As shown in this research report (see Chapters 4 & 5) these complexities are not well understood in the IWRM sector, or in the broader social context. This is further exacerbated in some contexts by added complexities of local government structures where traditional leadership

and newly established local governance structures intersect to 'govern' natural resources such as water and associated land use practices.



1.2.3 Geo-physical frameworks for Water Resources Management policy in South Africa: Implications for participation

CMA, as institutional frameworks for IWRM in South Africa, are set up according to geo-physical boundaries. In many instances these boundaries are different to political boundaries (e.g. those of provinces), which creates an added layer of complexity in the context of institution building and governance. The co-operative governance framework used by South Africa also affects IWRM, in the sense that IWRM is a national policy competence, and national government needs to work with provincial and local government in various ways (for example to establish and ensure the effective functioning of CMAs).

The next section of the report provides a theoretical orientation for examining questions of democracy and participation.

1.3 A THEORETICAL FRAMING: PARTICIPATION AND DEMOCRACY

Participation is not an end in itself. It cannot be inadequately conceptualized or simplistically applied with assumptions that information access will translate into behaviour change. Participation requires consensus building, negotiation, conflict resolution, tradeoffs and holistic thinking.

(Book 1, Inkomati case study)

Our analysis reveals yet another layer of complexity associated with the broader context of IWRM and the establishment of CMAs in South Africa, which is related to people's understandings of participation and democracy. Findings in the research (see Chapters 4 & 5) point to the need for developing a more in-depth understanding of the relationship between democracy and participation in South African society, and in the water resources sector, if participatory practice is to be more effective in the establishment and functioning of CMAs.

1.3.1 Understanding democracy

To overcome the logistical challenge of reaching millions of PDIs [previously disadvantaged individuals], the consultant recommended a strategy of 'active participation of those mandated to speak in terms of representative democracy'. 'Appropriate' representatives were identified prior to public meetings and were sent special invitations to attend. (DANCED / DWAF, 2002)

The citation above illustrates that *participation in IWRM and CMA establishment is closely linked to understandings of democracy*. Participation as a process is a cornerstone of democracy. To understand participation and what is meant by 'best practices' surrounding participation in IWRM, it may therefore be useful to consider some of the deliberations around different forms of democracy from an historical and social theory perspective, by way of background to the rest of the research findings, and to guide their interpretation in the context of the emergence of CMAs in South Africa.

Isischei (1997) defines ecology as one of the central themes in African history – the interaction between African communities and their environments. She notes that "at the heart of all African history is the productive base – agriculture, pastoralism ... fishing, hunting and gathering". An analysis of democracy in natural resource management in an African context can therefore be grounded in an analysis of production. In contemporary societies, the relations of production are central to an understanding of the political process. Participation in IWRM, as can be noted in this research, is closely linked to the politics of production, which is closely associated with 'ownership' and distribution of resources – a key issue addressed in the National Water Act of 1998. Isischei

(*ibid*), however, warns against concentrating on structures to the point where the particularity of the local community, or the life/lives of the individuals become invisible. In many ways, the focus on participation in IWRM involves a focus on both **structure** (the setting up of new institutional structures through participatory practice) and **agency** (the agency of communities and individuals to make decisions in the context of IWRM⁴) (see Chapter 6 for further insight into this in contemporary IWRM). Isichei (1997) notes further that a fundamental insight drawn from much writing on Africa is the paramount importance of people (rather than land, possessions etc.), which is abundantly documented in oral sources. Like in other societies, however, there is evidence of profound tensions between different loci of value – the need to share and the need to accumulate, the desire for followers (ascendancy through power) and the retention of treasures (ownership over resources). These themes from African history remain pertinent to a study on participation in IWRM in South Africa in the present. They reflect historically situated tensions in experiences of organizing social life, which is a key focus of contemporary discussions on democracy.

South Africa's current democracy is being debated in forums such as the Institute for Democracy in South Africa (IDASA). A recent review *Lessons from the field: A Decade of Democracy in South Africa* (IDASA, 2004) indicates that there is a need for an interrogation of experiences, with a view to highlighting the deeper paradigms and conceptions of what democracy, politics and citizenship means in contemporary South Africa. The strongest theme arising from this deliberation was the *role of citizens in democracy*. The IDASA report notes that a critical choice facing South Africa's emerging democracy is whether we should focus on the democratic state, or the broader concept of a democratic society, in which new roles for citizens are to be developed – a 'new picture' is needed.

When democracy is conceived too narrowly, as simply the work of government, citizens become marginalized and democracy seems to revolve around politicians [or state officials]. When citizens are placed at the centre, everything looks different (IDASA, 2004:1).

Villagers and practitioners have had to balance two diametrically opposite approaches to participation [in the Kat River context]. The first approach, driven from within the catchment, sees participation primarily as a response to catchment needs. The second approach treats participation primarily as a response to the legal requirements of the National Water Act, and is driven largely from outside the catchment. The difficulty of juggling these two approaches sparked a need to enter into dialogue with other WRM practitioners.

(Extract from Book 1)

⁴ This research incorporates a strong focus on emerging structural dimensions of participation in IWRM. It also reports on how individual agency affects the structural dimensions of participation, pointing out that there is an **interplay** between structure and agency. **Structure influences agency, and agency in turn influences structure** (Archer, 2002). **Mediation of participatory practice shapes and influences the interplay between structure and agency.**

IDASA (2004) does not provide insight into how a 'different picture' is to emerge. In a similar manner, the National Water Act does not provide guidance on how a 'different picture' should look, hence the purpose of this research. IDASA (2004) challenges South Africans to engage in an ongoing conversation on this question, going into the next decade of democracy. This WRC research project, a 'Critical Review of participatory practice in IWRM', in many ways speaks to this question, and questions whether research on IWRM in South Africa should focus on the democratic state (i.e. the institutional mechanisms for participation in IWRM) or on a broader concept of a democratic society (i.e. putting citizens at the centre of IWRM)?

However, this reasoning may leave DWAF officials and citizens in 'oppositional camps', as participatory practice is employed for a) either the purposes of the democratic state or b) in the interests of the citizens. These dialectical conceptions of democracy are not new, nor are they unproblematic. For a number of years there have been various debates about the nature of democracy in social theory, and two different kinds of democracies have often been defined and described: **participatory (or direct democracy)** on the one hand and **liberal (or representative democracy)** on the other. Participatory democracy has been the most important conception of radical democracy for the left, and has served as a normative alternative to representative forms of democracy. As will be indicated later in this research, this distinction influences a) different understandings of participation and b) the way in which participation is viewed and the way in which it plays out in the context of IWRM in South Africa. The South African Constitution, on the face of it, would seem to be based on a liberal conception of democracy as majority rule within a constitutional framework, and as formal rights with elite decision-making structures. This form of democracy has failed to deliver on genuine democracy, and perhaps the recent social protests associated with service delivery and job losses are testimony to this. On the other hand, the problem may be that South Africa is seeking to develop a different form of democracy, but is, as yet, unable to 'grasp the nettle' (see discussion below) in respect to what such a democracy could / should look like. Another 'tried and tested' alternative to liberal democracy, is **social democracy**, which has been practiced in some of the wealthier European countries. This model of democracy has not succeeded in offering an alternative to liberal democracy, for it matured as part of the modern welfare state, which institutionalized social justice in these contexts, but failed to transform the basic structures of liberal democracy (Delanty, 1999).

The idea of **participatory democracy**, in contrast, signifies a more direct kind of decision making, which is often associated with the principle of popular sovereignty: the idea of a *self-legislating political community* (Delanty, 1999). The conception of **rights** underlying participatory democracy (here it should be noted that access to water is viewed as a human right in South Africa) shifts the discourse to one of empowerment. Thus, within this conception of democracy, collective decision-making (through and as empowerment) can enter new arenas of social life denied to it in liberal democracy, such as economic life (where water is a key enabling factor), and household and

gender roles (Delanty, 1999). Participatory democracy goes beyond social democracy in seeking greater citizen involvement in politics (in this case, the politics of water resource management).

In recent years understandings of democracy have moved beyond the oppositional frame outlined above, with the idea of **discursive democracy** (Habermas, 1996). This theory is significant for an understanding of participation in IWRM institution building as it moves beyond a theory of democracy that is based on communicative action (theories of radical democracy), to a theory that incorporates a theory of law and democratic institutionalization. Discursive democracy⁵ sees democracy as not being rooted in the civic society or in popular sovereignty, but *in the structures of communication*, for which Habermas presupposes the possibility of consensus and argumentative discourse (and by implication 'equal access' to the discursive terrain). Equal access to the discursive terrain appears to be an important 'fundamental assumption' embedded in the participatory discourse in IWRM in South Africa, and as shown later in this research, this requires careful monitoring, given the historical context of inequality in South Africa.

Habermas notes that popular (participatory) democracy is too simplistic and undifferentiated to be relevant to the highly complex and plural societies of late modernity. In his estimation, republican conceptions of democracy fail to recognize the existence of multicultural value pluralism, which challenge both the notion of unity of the civic community and the appeal to popular sovereignty. Habermas rejects republican / popular forms of democracy due to their 'demand for consensus rooted in a shared form of life for a discursively determined consensus' (Delanty, 1999). Participatory democracy, he argues, has been too romantically conceived around the ideal of the 'democratic polis'. Habermas therefore argues for **a discursive democracy of participation**, one which recognizes multi-cultural value systems, the problem of complexity in modern societies and the question of law and institutionalization. In the case of conceptualizing participation in IWRM in South Africa, this would require participatory practice to take full account of 1) complexity⁶, 2) multi-cultural value systems and 3) the question of law and institutionalization.

Habermas argues, in his theory of discursive democracy, that participatory democracy should be conceived around the problem of institutionalizing democratic norms (in the case of the NWA, the Act is institutionalizing democratic norms of sustainability, equity and efficiency, through the process of legislating participation). He argues too, that the process of institutionalizing democratic norms cannot always be reduced to foundational acts of public deliberation (Delanty, 1999). Habermas stresses the importance of law and democracy because he believes that a constitutional

⁵ As proposed by Habermas (1996), a second-generation critical theorist.

⁶ The Southern African Millennium Ecosystem Assessment has confirmed that complexity is a key issue to consider in Natural Resource Management (including IWRM) (Biggs *et al.*, 2004). Water is identified as a key ecosystem service. The Southern African Millennium Ecosystem Assessment indicates that Ecosystem services (such as freshwater) and the people who depend on them comprise complex socio-ecological systems.

state cannot be created without radical democracy. In his previous work, Habermas, like many others, conceived of democracy in counterfactual terms, as something opposed to the legally regulated systems. As will be seen later in this research report, these perspectives provide insight into the arising tensions associated with participatory practice in IWRM, and may be foundational in assisting South Africans to re-conceptualise radical democracy in the context of the emergence of the constitutional state and its institutions (such as CMAs).

Thus, in Habermas's later writings, law and democracy are bound up with each other (Delanty, 1999). Delanty (1999) argues that the key to understanding the connection is the idea of **institutionalization**. The challenge is to see how existing or new legal structures can be used to institutionalize democratic forms of organisation. This research project is focused on this question, and it would therefore appear to be centred on developing a deeper understanding of discursive democracy in the context of IWRM in South Africa. Delanty (1999) notes that this turn in Habermas's thought effectively amounts to a new paradigm shift in conceptions of radical democracy: the shift from the oppositional (or dualistic) model of democracy, to a model of democratic institutionalization. Central to this process is **the problem of mediation**, which entails a discursive and reflexive relationship between the law and democracy. This may explain why **participatory structures** and **effective participation** have become such a central issue in institution building in South Africa's IWRM. Participatory processes lie at the heart of the mediation process – participation is the means of enabling mediation between the law and democracy – and it would appear to be central to the creation of a discursive democracy in South Africa. To foster this mediation through participation, decentralisation would need to take place, in the case of IWRM this would be to the level of the catchment (as outlined in the National Water Act).

The question that arises (for this research into participation and institution building) is whether the processes being investigated are reflective of such a conception of democracy, and further, how does the dominant conception of democracy influence approaches to participation in IWRM? If one considers the legislative framework and its model of democratic institutionalization, it would seem to signify some of the dimensions of a discursive democracy. An associated question is whether the understandings of those involved reflect this move towards a discursive democracy or not? In providing support for the emergence of 'best practice', and in reporting the data from this research project, it would be useful to bear this question in mind, as it would seem to be central to any future work associated with participation in the context of institution building for IWRM in South Africa. The kind of participation required for institution building would need to be closely aligned with the associated orientation to democracy.

There is also a third generation of Critical Theorists who, like Habermas, are focused on the conditions necessary to establish an authentic democracy. Insights from their work provide a more nuanced perspective on participation in IWRM. This third generation of Critical Theorists, for the

most part, sees the world as a messier and more fragmented place than Habermas does. Their social theory takes more account of the disruptive and contestatory forces of difference and differentiation (Chambers, 2004). One of the third generation Critical Theorists, Axel Honneth (1996), develops a social theory that is explicitly historically orientated, and Benhabib (2002) develops a **model of deliberative democracy** which is 'dual tracked' (similar to Habermas's model) with formal legislative institutions forming one track, while the information deliberations of the public sphere form the other. Both Habermas and Benhabib note that only some topics and disputes will be open to possible consensus, and further, that only some of our disputes actually require consensus. As the move is made away from seeking consensus, **deliberations** begin to centre more on the ethical questions (such as how should / could water resources be allocated fairly), to which there are no universal answers (Chambers, 2004). This provides additional impetus for participatory practice, as these questions need to be deliberated at catchment levels⁷. According to Chambers (2004), identities, norms and ethical frameworks are always under construction – they are always to be understood as works in progress. At any one time a group identity (such as a CMA or a WUA or Catchment Forum, see Book 2) will be riddled with internal contestation and contain multiple understandings and narratives (Benhabib, 2002). According to Benhabib's (2002) fluid constructionism, consensus is still a regulative ideal for deep questions of legitimacy (e.g. the questions of sustainability and equity as outlined in the NWA), but, as all existing consensual understandings are by their very nature partial, they are 'always corrigible and fallible' (i.e. decisions made in CMAs and in other participatory structures are always likely to be corrigible and fallible). She argues further that democratic processes should be focused on the design and establishment of 'impartial institutions in the public sphere and civil society where struggle for the recognition of cultural difference and contestation for cultural narratives can take place without domination' (Benhabib, 2002, cited in Chambers, 2004). Her approach recognizes that struggle, contestation, contingency and partiality characterises all human decisions and rulings. This is true of the establishment of CMAs (see Chapter 4 and 5). Despite this, she feels that we can criticize decisions and rulings (and structures) if the people affected are not given a chance to speak, be heard and have their claims and objections answered. This work introduces the question of power into an analysis of participatory practice in IWRM.

Third generation critical theorists⁸ are seen to be more concrete in the sense that they deal with context-specific cases⁹ by entering political controversies, and they take sides in democratic

⁷ The development of a set of books as a key output of this research directly addresses this need for fostering deliberation in IWRM at catchment and CMA level. The outputs of the research are therefore not only to *inform*, but also to *form/ shape deliberations on participatory practice* in the establishment and functioning of CMA's.

⁸ The researchers associated with this research project can be identified as being third generation critical theorists, in the sense that the research undertaken is focused on proposals for enhancing institutional reform, and it is explicitly aimed at expanding and enhancing democratic procedures and conditions in IWRM (as shown by the longer title: A critical review and assessment of participatory methodologies in water resource management in South Africa; with a

disputes. Furthermore, they do not shy away from suggestions for institutional reform. Their agenda is programmatic, and focuses primarily on expanding and enhancing democratic procedures and conditions (Chambers, 2004). In this research we explore whether this approach can contribute to the 'new picture' discussed by IDASA (2004)?

This research draws on the insights provided by social theory given above. The theoretical insights into democracy and participation provided in this section of the report provide a vantage point for interpreting the participatory practices that have been examined in the study.

1.3.2 Understanding participation

The reason for participation and involvement of stakeholders must be clearly highlighted and put in perspective. Participation is important for different reasons. The delegation of functions to more local representative bodies such as the CMA is a step to enable everyone to participate. The NWA requires that such institutions must reflect the demographics and must ensure that they have appropriate community, racial and gender representation. The use of stakeholder forums to actively engage in WRM in addition to the involvement of drafting the proposal for the establishment of the CMAs, is an additional process and in a sense the forerunner of WRM as needed when these functions of WRM are transferred and delegated to the CMA.

(Enright, 2004, review report on project K5/1434)

The citation above indicates that there is a need for a clear understanding of participation in the IWRM context in South Africa. This would seem to require an understanding of a) the purpose of participation b) an understanding of relationships between representation and participation c) the role and status of participatory structures and d) participatory processes (amongst others) (See Chapters 4 & 5).

Participation as an ideology has its roots in third world development (Rahnema, 1992). In response to the failure of development projects in the 1950s, social activists and field-workers began to advocate that the populations concerned in development should be included in project design and implementation. Failure was linked to local people's lack of involvement in development projects which lead to development not addressing the direct needs and context of local people. It was assumed that if local people were involved, projects would be more successful.

view to promoting a platform for dialogue and capacity-building, and developing appropriate resources and methods, for the implementation of CMA processes.).

⁹ This influenced the research design, which draws insight from context-specific cases (see Chapter 3).

At the Earth Summit in Rio in 1992, governments acknowledged that growing environmental concerns were caused by human activity. The Rio Summit also agreed that not only were the world's resources being used indiscriminately, but that there was also a vastly unequal distribution of resource use between rich and poor. One way to address this imbalance (both of human consumption of natural resources and the unequal distribution of these resources) is to involve all people who use the resource in the management of the resource (in the past decisions were taken by 'experts' and by centralized governments). The ideology of IWRM is drawn on the critique of early development activists and the principles emerging from environmental movements. In doing this, IWRM recognizes (or assumes) that people are part of the water resource and that a way of ensuring equal and sustainable use of the resource is to be achieved through the participation of *all* people who are most affected by the resource. A further assumption is that if people feel they are responsible for managing water resources, they may develop a sense of ownership and concern for resources that they use. If people understand how they are integrally connected to their resources they are more likely to adopt or even demand more sustainable practices.

There is another reason for a shift towards a more participatory approach in resource management. Environmental issues are very complex and integrally linked to human issues of a political, economic and social nature, and they manifest at different scales. It is increasingly recognized that it is impossible for governments to have the full capacity to manage the complexity of issues that manifest from a local to a global scale¹⁰. By drawing on the human resources within civil society and decentralizing power to local governments, it is hoped that local resource issues can be dealt with more efficiently at a local level with the participation of local users.

The National Water Act articulates the **principles of sustainability, equity and efficiency** that form the foundation of water resource management in South Africa. One way of ensuring that these principles are followed is by adopting a participatory approach to water resource management.

DWAF has, in principle, embraced this participatory approach as can be seen by its policy and guidelines. Institutional structures have been developed, or are in the process of being developed, as platforms for participation at various political and geographical levels. Within each institutional structure and in relation to each process, the avenues for participation of many different people need to be provided for. This is not an easy thing to achieve, as the act of participating is not something one can easily institutionalize or control. In fact, some practitioners would argue that to control participation is a contradiction, as participation is a spontaneous act very different from organisation (Rahman, 1993).

¹⁰ For further insight into the complexity of dealing with socio-ecological relationships, see the recent Millennium Ecosystem Assessments (Biggs et al., 2004).

The South African context complicates things further. In the past most people were marginalised with regards to water management, and participation is seen as a potential answer to this. But people can only participate in a system they understand. As a result of a lack of education or limited education many people do not have the basic skills and information needed in order to participate in water resource management.

The same applies to political education. For most people in South Africa, no matter what their status, democracy is a new system and South Africans are still developing their understanding of this system. A personal and group responsibility for water management that will lead to meaningful participation is something that needs to be encouraged and developed in almost every South African citizen, from rich white farmers to rural dwellers to the urban middle class to DWAF employees.

One cannot therefore assume that participation will take place by simply calling a meeting or organising a group of people under the umbrella of a Catchment Forum. Providing the structures, systems and platforms is not enough. Making sure that a body is representative of all water users does not guarantee meaningful participation. It is however, the first step towards creating the environment for democratic governance and participation in water resource management.

As shown in the research results in Chapters 4, & 5, understandings of participation differ across the IWRM sector. The case studies (See Book 1) illustrate that these different understandings have material effects, and have significant implications for the way in which participatory practice plays out in the context of CMA establishment and functioning. In its critical analysis, this report therefore aims to develop a broader and more in-depth understanding of participation in the context of establishing CMAs. In terms of the research brief, it would seem impossible, and indeed inappropriate to develop 'best practice' guidelines based on data that reflects a phenomenon / process as being poorly understood¹¹.

A review of literature relating to the way in which participation is defined (see RUEESU & AWARD, March 2005, WRC K5/1434, Progress Report) indicates that participation carries many different meanings. To avoid participation becoming what Peter Vale (pers comm. 2004) would call a 'weasel word' (and a process without meaning) in IWRM, researchers felt that it was necessary to examine some of the different meanings ascribed to participation. These include:

¹¹ This led researchers to produce two books to support improved understanding of participatory practice in the WRM sector, rather than produce a set of 'best practice' guidelines which would, for the most part, be based on relatively underdeveloped participatory practices. This was also felt to be a better strategy, given the slow pace of CMA establishment.

Political meanings: Rahnema (1992) argues that the interest of governments and development institutions in participation is seen as a ‘resource’ needed to keep an economy alive. He argues that nation states have evolved in such a way as to control the risks inherent in unruly participation, and that one such strategy is to ‘involve’ people in participatory processes, so that participation can be controlled within the participatory frameworks established by the state / development agency mechanisms. Within this meaning framework, the structures for participation, and the nature of the participatory process (i.e. participatory methods) are emphasized.

Social justice meanings: Stakeholder participation has become an important solution to addressing social justice issues such as lack of access to resources (as in South Africa and Zimbabwe, where control of water resources was afforded according to riparian ownership, and where the land was mostly held by white people, disenfranchising the majority of the population). Within this meaning framework, the importance of ensuring participation of marginalized groups and women is emphasized (see Van Koppen, B., 2000).

Contradictory meanings?

The meanings ascribed to participation are often in contradiction with each other, and in some cases the structural aspects of participation are emphasized (as in the political meaning outlined above) and in other cases the agential aspects of participation are emphasized (as in the social justice meaning outlined above). In some cases both of the above meanings are used in the same context (often by the same groups), which leads to ambiguity – which may be the source of conflict in participatory practice.

1.3.3 Understanding ‘stakeholder participation’

“There was a strong emphasis on identifying stakeholders... the issues identified has shaped the interaction of stakeholders ...” (Inkomati CMA interview); “Finally the Stakeholder Reference Group was established from representatives from different catchments that would represent sectoral perspectives...” (Olifants WMA interview); “Mobilising stakeholders is a way to gain legitimacy, especially among those who will be unhappy to pay for CMA operations” (Crocodile West WMA interview)¹².

As can be seen from these citations, different understandings of stakeholder participation exist in IWRM. This points to a need to understand stakeholder participation in CMA establishment and functioning. In the international literature review work undertaken in the context of this project, different definitions of stakeholders were identified. These include:

- “... people who have an interest in a particular decision, either as individuals or representatives of a group” (Environment Council, UK, in Hemmati, 2002:297)

¹² These citations are extracted from RUEESU & AWARD, December 2003, K5/1434 ‘Scoping Document’.

- “Anyone who affects or is affected by a company’s operations” (World Business Council on Sustainable Development, in Hemmati, 2002: 297)
- “ ... a person, a social entity, or even an entity like ‘environment’, vis-à-vis water” (Pretty, in Van Koppen, 2000)

DWAF (2001) defines stakeholders in terms of their interests, whether or not they are likely to affect or be affected by an initiative and its outcome. DWAF also distinguishes between those that are directly affected, and those that are indirectly affected. In the context of IWRM in South Africa, it would seem that participation is defined by the notion of **interests** and **affect** in relation to a given intervention or initiative. Participation is therefore defined in the context of the intervention or initiative, i.e. it is inscribed with institutional meaning and power at the start of the process. This raises two further questions associated with stakeholder participation 1) a question about power¹³ and 2) a question about identification of stakeholders (which is related to the question about power).

Van Koppen (2000) identifies three approaches to the identification of stakeholders for participation, and highlights associated questions of power namely:

- **People’s initiatives outside the government:** Here stakeholders identify themselves and justify their ‘right’ to participate; legitimacy of stakeholder identity is gained through justification. An example here is found in the Fish to Tsitsikamma WMA where the Nelson Mandela Metropolitan Municipality, The Great Fish River Water User Association, the Gamtoos Irrigation Board and the Sundays River Irrigation Board submitted a request to DWAF to start the process of establishing a CMA. Here the stakeholders were presenting themselves to government, and in the process justifying their legitimacy as stakeholders.
- **Initiatives from within the state or near it:** Here the power of available networks or close contacts is likely to influence stakeholder identification in ways that could lead to exclusions; legitimacy of stakeholder identity is gained by recognition and social alignment with the institution. An example here is the Olifants-Doring CMA establishment process, which involved stakeholders who were already involved in previous initiatives – these stakeholders formed the basis of the group consulted in developing the proposal. At the time of the research there was recognition that the CMA process needed to broaden the range of stakeholders it was consulting, particularly previously marginalized groups.

¹³ Bhaskar (1993: 402) identifies two types of power: Power 1 and Power 2. Power 1 is “the transformative capacity intrinsic to the concept of action” – in the case of IWRM, one would be referring to the power inscribed in the *action* of managing water resources equitably and justly; Power 2 is “the capacity to get one’s way against either the overt wishes and / or the real interests of others in virtue of structures of exploitation, domination, subjugation and control i.e. generalised master-slave type relations”. In the case of IWRM, one would be referring to power relations in which one group holds more power over another, creates exclusions and reduces the possibilities for Power 1 to emerge amongst all groups who have potential to contribute to IWRM.

- **A rights-based / social justice approach to stakeholder identification:** here the interests of the marginalized and poor are 'given' power by being privileged in decision making associated with stakeholder participation; legitimization of stakeholder identification is gained through redress. An example here is drawn from reflections on the establishment of the Mvoti-Mzimkulu CMA. It is felt that there was not enough participation, particularly with regards the local/poor communities. One option given for addressing this is to set up *community* Catchment Forums (CFs) which do not represent other stakeholders, from which selected individuals will sit on more technical committees. An example of such a forum is the Kat River Catchment Forum in the Fish-Tsitsikamma WMA. The intention for establishing this CF was to ensure that people who had previously been marginalized had a platform to participate. In the establishment process and the following water management tasks, marginalized stakeholders were privileged over other stakeholders with regards to the effort that went into building their capacity and ensuring that their needs were met. Stakeholder identification (or members in the CF) was not legitimised by water use but through representing poor villages in the catchment, which had no voice in WRM. This led to the CF becoming a platform entirely for previously disadvantaged stakeholders, rather than a broader platform for all stakeholders in the Kat River catchment.

The implications of developing more in-depth understandings of what is meant by 'participation', 'stakeholders' and 'stakeholder participation' for IWRM and for best practice / monitoring and evaluation of participation in CMAs are obvious. For example:

- Stakeholder participation can result in a perpetuation of systems of inequality rather than address them. An example was found in the Western Cape in the Breede WMA where strong, wealthy stakeholders under the title of the Catchment Forum sometimes silence other less identifiable, less wealthy, less powerful voices.
- Stakeholder identification can foster *othering* when the poor and the marginalized become the 'object' of participation, while more powerful stakeholders are not asked to participate but are consulted. An example was found in the Upper Vaal WMA, where a group of rich white farmers were 'enticed' into forming a water forum by a water board, through a 'cocktail type' of meeting. By contrast others in the WMA are being 'educated' through drama and other participatory methods, where it is said a local drama group has been successful "because they know how to talk to their own people" (Upper Vaal WMA interview in Scoping Document, 2003). This may lead to a loss of democracy, and a perpetuation of a somewhat 'invisible' discrimination.
- Stakeholders can be identified to take over the responsibility of the state in implementing policy and dealing with difficult and expensive problems. An example of this is the CMA establishment process itself. DWAF policy originally put aside seed-funding of R30 million for each CMA. This has since been reduced to R10 million over three years per CMA. Stakeholders, usually through the DWAF regional office, are having to source outside

funding from international donors or industry. This leads to problems, either of an 'under-funded' or 'under-resourced' mandate; or of stakeholder bias and some interests being furthered at the expense of others.

This research has identified that the multiple ways of identifying stakeholder participation, and the ambiguity of these concepts can cause confusion. As shown in Chapters 4 and 5 of this research report, addressing this confusion may be a key factor in establishing 'best practice' in participatory IWRM in South Africa more broadly. It has potentially significant consequences, as will be shown in the data derived from the two case studies in Chapter 5 of the report (see also Book 1).

The research has also identified the need to develop a more in-depth understanding of stakeholder interests, and how different methodologies for determining stakeholder interests have been / are being developed. The relationship between stakeholder interests and the identification of stakeholders would thus seem to be more than a political process. Findings from the study by Mbatha (2005) show that stakeholder participation is related to the nature of the relationships stakeholders have with their surrounding environmental resources. This relationship was investigated by looking at stakeholders' ownership of and access to resources or property, such as land, water resources and agricultural infrastructure. Mbatha (2005) concludes that participation is positively influenced by land ownership (commercial farmers' participation is high); the amount of income earned (participation increases when income becomes less than R1000 per month), as participation could lead to employment opportunities, and presents a possible 'way out' of poverty. The research has also identified that besides paying attention to the need for developing a deeper understanding of participation, stakeholder interests and stakeholder identification processes in the context of CMA establishment, there is also a need to pay attention to this issue within DWAF, as different views surface on participation, with associated material and social consequences for IWRM in South Africa. Here are three examples of DWAF views on participation (drawn from RUEESU & AWARD, October 2003, WRC Project K5/1434, Project Starter document)

Option 1: "DWAF has met with its legal obligations" – reflecting an institutional, political perspective on participation

Option 2: "There is a moral obligation and a social responsibility" – reflecting an ethical and social justice perspective on participation

Option 3: "We need to go beyond our legal obligations: e.g. DWAF's legal obligation is to give the public 60 days to respond to the *Government Gazette* – but people cannot read, or they do not know that the gazette exists – we need to go beyond that" – reflecting both – a political / institutional and a social justice perspective on participation.

Guidance for participatory practice:

- Mechanisms should be put in place to allow for the development of in-depth understandings¹⁴ of key concepts relevant to participation in IWRM.
- This should take cognizance of the different layers of complexity in WRM governance in South Africa, and should also take account of different meanings associated with participation.
- Different options for identifying stakeholders should be critically considered in terms of their material and social consequences in a particular context.

Informing indicators for monitoring and evaluation of participatory practice:

- Are there mechanisms in place to allow for deliberation of different views on participation?
- Is there clarity on the approach being followed in stakeholder identification?
- Is there an understanding of the material and social consequences of the different approaches to stakeholder identification?

¹⁴ The development of in-depth understandings of these issues has implications for education and training in the water management sector. It should be noted that these issues are not particular to the WRM sector alone, but affect NRM more broadly in South Africa, given the broader trend towards participation in NRM, and the institutionalisation of this in other NRM sector management (e.g. participatory forest management; community-based natural resource management etc.).

Chapter 2 : Researching Participation in IWRM: Methods and Methodology

This chapter of the report introduces the research orientation, methodology and processes followed.

As indicated in the discussion in Chapter 1, researching participation and participatory practice requires careful insight into the **social processes** taking place in a given context or contexts. It also requires insight into social interests, power relations and legal and political frameworks. The previous chapter has indicated that the concept of participation is inscribed with different meanings, and it plays out in different ways. Participation is not easy to 'quantify' or 'grasp', and thus requires a range of different methods which probe the questions associated with it from different angles. Consequently, an open-process, dialogic and reflexive research design and methodology was adopted for this study.

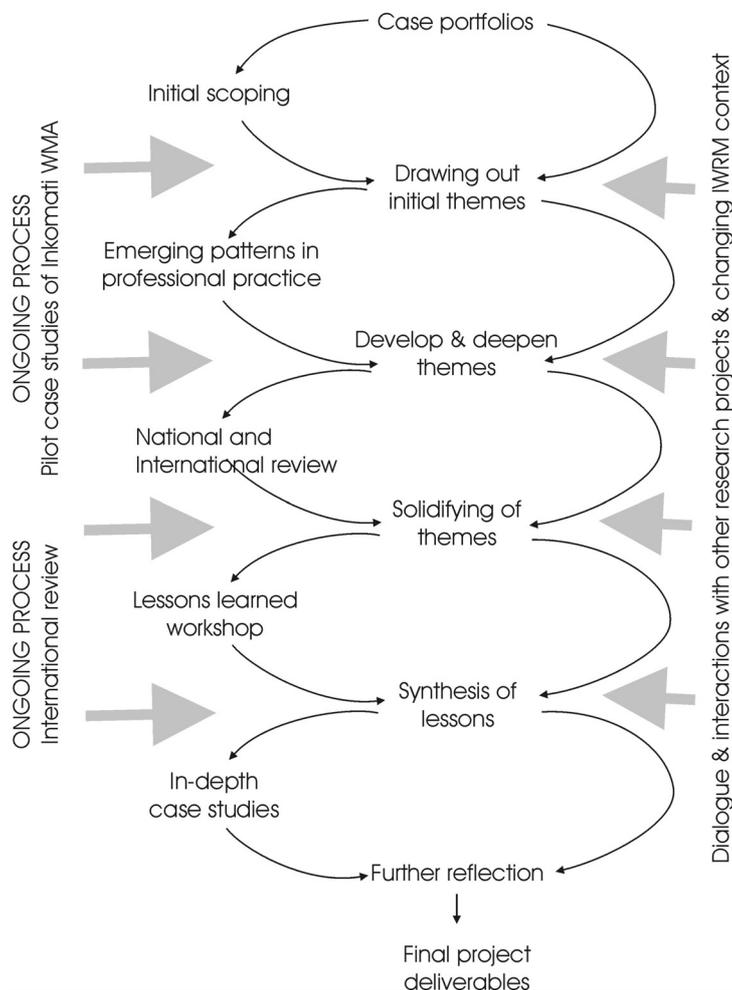
2.1 IDENTIFYING AN APPROPRIATE RESEARCH METHODOLOGY

The research was initiated following early enquiries and informal dialogue amongst researchers working on participatory approaches in the context of the Kat River and the Sand River catchments. A key finding in this earlier participatory work was identification of gaps in capacity around the implementation of participatory practice. The interactions between two groups involved in participatory practice for WRM highlighted the importance of dialogue between those involved in different initiatives, in order to facilitate more effective and context-driven participatory WRM. The importance of broadening and formalizing these dialogues in view of the need for improved implementation for existing initiatives, and for the development and implementation of CMAs at the Water Management Area level was subsequently identified as a key area for future research. The starting point for the research was a view that dialogue and sharing provides a means of collective reflection on questions/issues central to sound participatory practice. This influenced the research design.

The research design thus embraced an orientation to research which is 'performative'. It recognized that research is not only about gaining or developing new knowledge (for example developing 'best practice' guidelines) but that the *process* of research can contribute to changing

practice and address current issues¹⁵. This was particularly the case in the context of the Inkomati CMA, where one of the research partners (AWARD) was engaged in the process of CMA establishment. The research also had a critical intent, in that it aimed to provide deeper insight into the ‘hidden’ dimensions of participation, to make more explicit aspects that may paradoxically inhibit democracy, equity and participation (see Chapter 4, 5, 6)¹⁶. A series of action research engagements were planned for the research (see diagram 1 below). The research design was therefore **process orientated**. A key objective of the research was to find active ways of engaging research participants in dialogue and reflection on the current status of CMA establishment. With this in mind, researchers actively engaged with DWAF structures, and emerging CMA structures throughout the research process where possible.

Figure 2: Process orientated research design



¹⁵ This research orientation is consistent with research approaches that seek to contribute directly to development (for example critical research traditions; action research approaches; deconstruction / post-structural, critical realist approaches) (Lather, 1992: 89).

¹⁶ An example here would be clarifying / making more explicit the distinction between decentralisation and deconcentration (Chapter 4) or identifying reasons why smaller stakeholder participation becomes eroded (Chapter 5).

Key principles informing the research design were therefore:

- **Action research** – the research followed a series of action and reflection cycles
- **Deepening the research** – the research design allowed for a deepening of insight into emerging themes over the research period
- **Reflexivity**¹⁷ – this involved reflection on emerging outcomes, method and methodology, and allowed for necessary changes in research design and direction during the life of the project
- **Responsiveness** – the research was designed to allow for changes in the circumstances or context in which the research was being conducted
- **Emergence** – the theoretical frameworks, themes and research design were emergent, and developed further after each action-reflection cycle
- **Dialogic** – the research was designed to allow for dialogue with as many stakeholders as possible (within given constraints).
- **Social context** – avoiding methodological individualism

The main aspects of the research process, and related methodological and research design decisions, are briefly discussed below.

2.2 CASE PORTFOLIOS TO IDENTIFY RESEARCH THEMES

Two case portfolios of participatory practice, from the Kat and Sand River catchments were used as a starting point for the research¹⁸. Issues, tensions and lessons learned in these two catchments were synthesized and used to develop the initial research questions, and to design the initial scoping framework for the national review.

2.3 NATIONAL SCOPING AND DIALOGUE¹⁹

This involved a ‘wide’ review of participatory practice in all 19 Water Management Areas (WMAs) (as these provide the geo-physical frameworks for CMA establishment). The purpose was to identify key themes of relevance to participatory practice in CMA establishment, drawing on past

¹⁷ Reflexivity indicates an orientation that reflects on and critiques without the intention of establishing hegemony. It implies the investigation of social and educational theories (e.g. theories of participation), including one's own, as shaping influences on a context of action. Such an investigation takes place in the light of and through productive action, for “in the doing comes clarity”. The conceptual theory-practice divide disappears, as do modernist assumptions about the engineering or management of change (Janse van Rensburg, 1995). Reflexivity in research also addresses the problem of methodological individualism and the epistemic fallacy (in which ontology is conflated with epistemology).

¹⁸ Researchers involved in the study had previously worked on participatory practice in these two catchments. Their understandings at the start of the research were situated in these contexts.

¹⁹ See RUEESU & AWARD, December 2003, WRC Project K5/1434 Scoping Document for a full overview of the scoping process and outcomes. Results of the process are synthesised in Chapter 4 of this report.

and current experience of participatory practice at catchment level. These themes would then be researched in more depth during the case study phase of the research. Themes identified in the national scoping and dialogue are reported in Chapter 4. 'CMA Champions' had been identified by DWAF in each regional office. These regional DWAF officials were tasked with taking the lead in establishing CMAs²⁰. Researchers were then referred to other regional players by the CMA Champions. A series of dialogue sessions were held with the CMA Champions which included discussions around a set of key interview questions, but allowed for open-ended responses and dialogue development (thus enabling a richer data set). In addition to dialogue sessions and telephone interviews, a series of documents was analysed. These included CMA proposals, CMA establishment plans, evaluations, status reports, research documents and conference proceedings.

The following data was generated to inform the national review:

- **Biophysical and socio-economic variables across 19 WMAs, including data on:**
 - The geo-physical boundaries of WMAs in relation to political boundaries
 - The spatial arrangement of the different WMAs, with information on the water requirements in each WMA, and the runoff for primary catchments in each WMA
 - Population density per ward, and the distribution and density of urban areas within the WMA.
- **Status of CMA establishment, with particular reference to participatory processes followed, including data on:**
 - Initiation of the CMA process
 - Institutional structures underlying the establishment of the CMA
 - The nature of the consultation that has taken place
 - Stakeholder participation and related stakeholder interests
 - Capacity-building for participation in the CMA process.
- **Water Management Structures and their functioning, including data on:**
 - Catchment Forums (number of, establishment, participation in, representation of marginal communities, structuring, capacity-building, funding and relationship to CMA establishment)
 - Water User Associations (participatory processes, relationship to CMA establishment).
- **Additional insights, including data on:**

²⁰ At the time of the research DWAF was 'driving' the establishment of CMAs, as they have a responsibility for administering all aspects of the National Water Act on the Minister's behalf. DWAF's role will eventually change to one where DWAF merely provides the national and regulatory framework within which other institutions will directly manage water resources, and they will maintain a role of generally overseeing the institution's activities and performance. With time, DWAF will therefore withdraw from direct involvement in the development, financing, operation and maintenance of water resources infrastructure, and will transfer this responsibility for operating and maintaining infrastructure to other institutions such as CMAs and WUAs. The National Water Strategy (2004) maintains that DWAF needs to proceed with the establishment and empowerment of CMAs for all WUAs as quickly as possible (p. 20)

- Views on the purpose of participation
- Principles and methods used to foster participation
- Stakeholder comments on the CMA establishment process
- Issues being experienced with participatory processes (e.g. inadequate funding; transport).

The National Review also drew on data produced through national consultative processes, notably a special session on 'Public Participation and Representivity' facilitated by the researchers at the DWAF WMI Symposium held in April 2004 (reported in RUEESU & AWARD, May 2004, WRC Project K5/1434, CMA Symposium Report); the SASqs bi-annual conference where the researchers gave a plenary address on preliminary findings; as well as feedback on a presentation in the conference on 'The politics of multi-stakeholder platforms' held at Wageningen University, Netherlands in September 2004.

The scoping research also helped to establish the 'status' of participatory practice in CMA establishment in the 19 WMAs, which informed the selection of case studies for more in-depth probing of participatory practice in IWRM, as it relates to CMA establishment.

2.4 INTERNATIONAL LITERATURE REVIEW

The national review and international review took place simultaneously, with the international review providing insights for further probing in the national review. At the same time, the national review provided emerging findings that helped to focus some aspects of the international review. This assisted with the identification of themes that required further exploration through an international literature review. This focused approach to the international literature review was deliberate, given a) the difficulty of finding specific material on participation and b) the broad scope of conducting an open-ended international literature review. The international literature review adopted a 'case example' approach, and drew examples from both developing, and developed country contexts (emphasizing developing country contexts), and analysis was focused on potential insights for the South African context. The international literature review addressed the following themes (see Chapter 3):

- Establishment and nature of CMA-type structures in other countries
- Stakeholder participation in CMA-type structures
- Decentralisation and IWRM policies
- Community use of participatory processes in IWRM in developing countries
- Representivity in public participation (the latter two aspects included a focus on gender issues in IWRM).

2.5 CASE STUDY RESEARCH

In keeping with the research design, the second year of the research sought to achieve in-depth insights into some of the questions, tensions and dimensions of participatory practice identified in the first year of the research. Two in-depth case studies of participatory practice in two CMAs were developed to provide further insight into what kind of guidance would be needed to support the emergence of 'best practice' (see Book 1). The in-depth case studies were also analysed to provide insight into key themes and issues that may need to be considered for the development of indicators for monitoring and evaluation (see Chapter 5). As noted in the opening of the research report, the actual establishment of CMAs has been slow to get off the ground. The case studies could therefore realistically only track the processes of **establishing** CMAs. As none of the CMAs are functioning, the case studies were not able to provide data on participatory practice in the **functioning** of CMAs. Case study data was generated on the following dimensions of participatory practice in CMAs:

Contextual data:

- Geo-physical data
- Social context and history, including demographics

CMA establishment processes:

- Initial consultation processes
- Development and submission of the proposal
- Establishment and functioning of the Advisory Committee
- Appointment and functioning of the Governing Board

Issues emerging from CMA establishment processes

- Constraints on participation
- Institutional dynamics

Research was undertaken using a combination of focus group meetings with stakeholders, interviews, and document analysis. In the Inkomati case study, the researcher was directly involved in the CMA establishment process, and could thus draw on 'first hand' experience to inform the case study.

2.6 IN-DEPTH ANALYSIS OF STAKEHOLDER INTERESTS

As indicated in Chapter 1, stakeholder identification appears to be a key aspect of participation in IWRM. Data from the national scoping, and insights from the international literature indicate that stakeholders are often identified in a somewhat random fashion, and in ways that are politically

framed. Researchers in the project therefore felt that it would be necessary to probe *stakeholder interests* more carefully. Three small-scale studies²¹ were developed to explore different approaches to analyzing stakeholder interests, as this is an important *precondition for participation*, given the emphasis placed on stakeholder participation in CMA establishment. These studies were locally situated and small scale, and were experimental in the sense that they were all designed from different disciplinary (economics, geography and education) and methodological vantage points. Their purpose was to explore the question of stakeholder interests in depth, rather than seek insight into this question across the WMAs or in the context of a whole CMA. Each study applied a different methodology for probing stakeholder interests, namely:

Study 1 (Mbatha, 2005 – complete): This study applied a mix of qualitative and quantitative data. The key instrument was use of a household survey to investigate economic and socio-political needs at catchment level. This study sought to establish a research design, drawing on social theory (namely game theory) for integrating socio-political and economic needs with ecological specifications (as required in the implementation process of the National Water Policy). In particular game theoretical assumptions²² (after Ostrom 1990; 1992 and Sethi & Somanathan, 1996) were applied in exploring the effects that property rights regimes have on public participation. The hypothesis in this study was that an individual's level of participation (in water resource management) is a function of his/ her long-term local investments (property rights). Other variables that were explored were participation *by* education; gender *by* participation and economic costs individuals were willing to pay to protect water resources *by* their participation. The household survey was complemented with document analysis and in-depth interviews. Data analysis involved correlation coefficients, bi/multi-variate or cross tabulations and simple linear regression model analyses between and across chosen variables using the Stata programme. A final focus group interview was organised, with representative members of the Kat River Catchment and local government officials. Data was presented and input from members was solicited for more accurate interpretations. This study was undertaken in the Kat River Catchment (a water catchment in the Fish to Tsitsikamma Water Management Area). A further purpose of the study was to establish how more appropriate socio-economic policy instruments could be applied to further the participatory process in IWRM.

²¹ These studies were undertaken by Masters students in the programme. Only one of the studies has been completed. The others are currently still being produced, and are due to be completed at the end of 2005/ early 2006.

²² Game theoretical assumptions are derived from Rational Choice Theory (Hargreaves Heap et al. 1992; Becker, 1996). Rational Choice Theory assumes voluntarism (i.e. free agency, where actions are not shaped or constrained by structures – i.e. that society is created by agents, and that all decisions are economically motivated), reflecting an ideology of individualism (for an in-depth critique of these assumptions of social change, see Archer, 2000).

- Study 2** (Naidoo, 2005 – not yet complete): This study is applying qualitative research approaches to probe social justice issues associated with IWRM in the context of the Kat River Valley (a catchment in the Fish to Tsitsikamma Water Management Area). The main goal of this research is to assess how public participation initiatives are serving the interests of community members. The emphasis is on an exploration of perceptions in terms of living standards and sustainable use of water resources in marginalized communities. Through interpretive methodology, the researcher aims to explore the subjective experience of marginalized communities, in order to explore and generate ‘social knowledge’. The research seeks to explore the web of relations, institutions, organizations, shared beliefs, cultures and meanings that exist in a group of people. Methods used include: household interviews, group workshops, key informant interviews, document analysis and observations.
- **Study 3** (Silima, 2004 – not yet complete): This study is applying primarily qualitative research approaches to review participation, and to identify and describe stakeholder interests in the Mutale catchment of Limpopo Province (a catchment in the Inkomati WMA). This study seeks to explore the relationships between multi-stakeholder involvement in community-based natural resource management and participation in IWRM. The study uses case study methodology, with structured interviews, observations and document analysis and in-depth probing of acts of participation. The study is likely to provide in-depth insights into the way in which institutional interests, cultural, historical, social and political factors shape and influence participation in WRM.

Once the three studies are complete, further insight will be gained into appropriate research methodologies for probing stakeholder interests, and how stakeholder interests, as a *precondition* for participation, influence participation in IWRM. Insight will also be gained into how participatory practices respond to the interests of stakeholder groups.

Some of the emerging findings and literature analyses undertaken in the context of these studies are integrated into Chapters 3, 4 and 5 of this report, and into the two booklets. The full results of the studies will be available as Masters level dissertations, and will be lodged in the Rhodes University library.

2.7 A CRITICAL ORIENTATION

As noted in the title, this research aims to provide a ‘critical’ review of participatory practice in IWRM. This research project therefore aimed to do more than simply report on what participatory practice was happening / not happening, and what seemed to be ‘best practice’. As indicated in

Chapter 1, the research adopted a broader frame, looking critically at the role of participation in IWRM through development of a deeper understanding of why and how participation is being institutionalized in South Africa's National Water Act and water management structures (such as CMAs). To this end, the researchers undertook to critically map arising tensions surrounding participatory practice, and to develop an in-depth understanding of how participatory practice in IWRM is relating to the emergence of a democratic society (See chapter 6 for a synthesis). The research report thus explores the issue of participation at a broader structural level, seeking to 'uncover' dimensions of practice which would otherwise remain hidden. The assumption is that these insights will assist DWAF and CMAs to foster a 'deeper democracy' through participatory practices in IWRM²³.

²³ To ensure that these insights are not simply developed at a theoretical level, the research team has integrated them into two booklets, for those involved in participatory practice at CMA level.

Chapter 3: Mapping Trends - The International Literature Review

This chapter outlines the findings of the international literature review. It focuses particularly on comparative insights into participatory practice associated with the establishment and functioning of CMA-type structures. It addresses three themes in more depth, namely: 1) decentralisation 2) community use of participatory structures and 3) representivity. These themes were identified as being important to participatory practice within a framework of deliberative democracy in the South African context.

According to the International Water Management Institute (IWMI) South Africa's new water law is currently the world's most progressive pro-poor and pro-gender inclusive water legislation (Naidoo, 2005).

There is always value in seeking perspective on what is happening in one context, by looking 'outwards' to other places. However, what happens in one context is rarely transferable to another context. The international literature review²⁴ was developed to provide a broader perspective on the themes and questions that arose during the first year of the research. In the first instance international institutions comparable to South African Catchment Management Agency structures were identified. The functioning of these structures was examined, and considered for relevant 'lessons' for South Africa. Following this a number of other themes relevant to participatory practice in a context of deliberative democracy were identified and examined for 'lessons' that could potentially inform participatory practice in CMA establishment in South Africa.

3.1 WATER MANAGEMENT STRUCTURES

Structures with the following characteristics were identified:

- Structures developed to facilitate IWRM on a catchment basis
- Structures inter-sectoral and participatory processes
- Structures that situated in a context of democratic governance

To enable comparison, the data is organized into a series of tables.

²⁴ A more detailed version of this international review is contained in RUEESU & AWARD, August 2004, WRC K5/1434 Report: International Review of Stakeholder Participation.

3.1.1 Lerma-Chapala River Basin Council, Mexico (Wester et al. 2001)

Table 1: Lerma-Chapala River Basin Council, Mexico

Government structure	Three tiers of government: federal, state and municipal
Water policy & legislation	Constitution defines water as a national resource Water management falls under the federal government Water utilities regulated and water tariffs set at state level 1992 – new water legislation introduced
Decentralisation	Since 1989 – moves towards decentralisation Semi-autonomous federal water agency established – the CNA Federal state has encouraged the formation of State Water Commissions The CNA divided the country into 13 hydrologic regions Irrigation systems managed by Water User Associations, but the federal agency retains management of dams, headworks, main canals and bulk water delivery.
CMA-type structures	River Basin Councils (such as the Lerma-Chapala River Basin Council) Lerma-Chapala RBC covers five states that fall within the river basin (geo-physical boundaries, not political boundaries)
Other significant structures	The management of canal irrigation systems was transferred to Water User Associations – non-profit associations to which the federal agency grants the use of water and irrigation infrastructure.
Responsibilities of CMA-type structures	Decisions made by the River Basin Council are carried out by the technical secretariat of the CNA regional office.
Stakeholder identification	Each of the 5 states in the Lerma-Chapala River Basin has established user communities for six sectors: agriculture, fisheries, services, industry, livestock and urban.
Stakeholder representation	Each user committee elects a representative to the basin-wide user assembly. Six people, representing the six sectors are elected from this assembly to serve on the River Basin Council. Lerma-Chapala River Basin Council consists of six user representatives and five governors, representing each state, with the Director General of the Federal Water Agency (CNA) as chair. The structures above represent multi-sectoral interests The involvement of marginalised people is not a priority (neither for decision making, nor for institutional representation) Little scope for representation of civil society groups, NGOs and academic institutions.
Participatory practice	To mobilize stakeholders to participate in the user committees, the CNA organises workshops
Comparison with South African CMA set-up & lessons for South Africa	CNA (federal agency) plays similar role to DWAF River Basin Councils (RBCs) are similar to CMAs Water User Associations play similar roles RBCs draw representatives from state-level user committees within the basin, while CMAs draw representatives from forums organised at sub-catchment or primary catchment level, or from sectors with representation across the entire WMA. CMAs have a wider base of participation through local Catchment Forums, which have an open membership.

3.1.2 Murray-Darling Basin Commission, Australia (Hatton-MacDonald & Young, 2002)

The Murray-Darling River System covers one million square kilometers and five states – New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory.

Table 2: Murray-Darling Basin Commission, Australia

Government structure	Federal, state and municipal
Water policy & legislation	Water policy, legislation and management functions fall under state jurisdiction
Decentralisation	State-level governance of water resources
CMA-type structures	Murray-Darling Basin Commission – formed by the federal government to ensure co-ordinated management of the river basin as a whole and to enable agreements between the federal governments and amongst the states River basin management according to geo-physical boundary across five states Murray-Darling Basin Commission is governed by the Murray-Darling Ministerial Council (a forum of ministers of Land, Water and Environment from the five different states).
Other significant structures	Catchment boards that manage water resources throughout the Murray-Darling River Basin.
Responsibilities of CMA-type structures	The Commission does not have an executive role, but it has working groups and committees focusing on areas such as sustainability, finances, projects and policy.
Stakeholder identification	
Stakeholder representation	The Commission is a forum of executives from the water, land and environmental management agencies of each state.
Participatory practice	Varying degrees of community consultation
Comparison with the South African CMA set-up & lessons for South Africa	As in South Africa, WMAs incorporate more than one province The Murray-Darling Basin Commission illustrates how policies, legislation and management decisions can be co-ordinated across states (in South Africa's case across provinces) CMAs may consider setting up similar structures to allow for co-ordination between provinces

3.1.3 Brantas River Basin, Indonesia (Usman, 2001)

The Brantas River Basin, situated in the East Java Province, is 12 000 square kilometers in area, and has a population of around 12 million people. It is one of the most productive agricultural regions in Indonesia.

Table 3: Brantas River Basin, Indonesia

Government structure	Central
Water policy & legislation	Central government is the owner and regulator of water, and is responsible for water policy, and control.

Decentralisation	Central government control through government corporation at river basin level.
CMA type structures	Each river basin is managed by a River Basin Management Agency (RBMA) RBMA manages water resources and infrastructure In 1990 the government established a state-owned corporation, known as PJT 1, as an agency for the operation and maintenance of water resources and structures in the Brantas River Basin.
Other significant structures	RBMA is required to promote public and private participation in water management through a Water Resources Committee (WRC) for each province. WRC is chaired by the vice governor of the province, other members are high-level officials from relevant provincial departments or sectors. WRC is supported by technical work groups in specific fields, such as water allocation and water conservation. WRC assists governor to prepare a water resources management plan and co-ordinate regulatory and technical aspects associated with implementation.
Responsibilities of CMA type structures	The PJT 1 is to provide a 'permanent, neutral, professional, accountable institution to perform equally the principle of a healthy corporation, and general utilization of water resources, based on public, private and community participation' (no mention is made of protection). PJT 1 is responsible for: <ul style="list-style-type: none"> • Maintenance of participatory structures • Upper catchment management • Water quality and water quantity management
Stakeholder identification	Representation from different sectors, but not necessarily from local actors
Stakeholder representation	Civil society representatives on WRCs include electricity supplier, municipalities, industries and farmers.
Participatory practice	Stakeholder involvement geared towards maintenance of structures, upper watershed management and water quality management. PJT 1 runs a quality programme, a clean river programme and a public education campaign.
Comparison with South African CMA set-up & useful lessons for South Africa	No issues associated with incongruent river basin boundaries and provincial boundaries Indonesian WRCs simply assist with decision making for the RBMA. South African CMAs have greater autonomy in terms of decision-making. Government corporation – useful for ensuring professionalism, efficiency and accountability, but it is not clear how accountability is ensured – to what extent would corporate interests be pursued at the cost of public interest?

3.1.4 Mazowe Catchment Council, Zimbabwe (Chikozho, 2002; Dube & Swatuk, 2001; Latham, 2002)

Table 4: Mazowe Catchment Council, Zimbabwe

Government structure	National (increasingly been seen as a dictatorship)
Water policy & legislation	In 1993 the government of Zimbabwe initiated the Water Resource Management Strategy to redress inequalities and achieve social justice. Water Act – legislated in 1998. Objectives of the Act were to maximise user involvement, enhance water use efficiency, reduce government funding and introduce commercial functioning of the water sector, and undertake water management at the most appropriate local level.
Decentralisation	Shifting of water management responsibility to catchment level.
CMA-type	Seven catchment councils (CCs)

structures	
Other significant structures	Each CC divided into sub-catchment councils (SCCs) Water User boards ZINWA (Water management parastatal responsible for water management at the national level – also responsible for catchment management)
Responsibilities of CMA-type structures	Councils safeguard user's equitable access to, and sustainable management of, water resources. Catchment councils work closely with the Zimbabwe National Water Authority, which acts as a technical advisory board and operates day-to-day water management affairs.
Stakeholder identification	Each sub-catchment council elects two delegates to the catchment council. Intersectoral working group formed to initiate the Mazowe CC (1 st CC in Zimbabwe) Five sub-committees established in Mazowe CC to deal with technical aspects of council establishment: logistics subcommittee; technical subcommittee to liaise with technical experts; catchment planning committee to develop catchment plan; a publicity subcommittee; returning officer teams to form SCCs and Water User Boards.
Stakeholder representation	Sub-catchment councils are made up of representatives from rural district councils, the Commercial Farmer's Union, Zimbabwe Farmers Union, Indigenous Farmers Union, traditional leaders, small and large-scale irrigators, large-scale miners, and urban areas. Community-level elections for 32 Water User Boards in Mazowe CC held. Each Water User Board nominated two members to represent its stakeholders at SCC level. SCC nominated two members to represent them at CC level.
Participatory practice	ZINWA has become highly centralised and is secretive about its operations. CCs are unsure about ZINWA's intentions, which undermines planning processes. ZINWA employs catchment managers, who are often more loyal to ZINWA than CCs or SCCs.
Comparison with South African CMA set-up & useful lessons for South Africa	CCs bisect provinces and districts and SCCs bisect chiefdoms. Although CCs provide opportunity for inter-jurisdictional co-operation, they do not have mechanisms for facilitating such co-ordination. There is a need to move beyond seeking participation, to ensuring active co-ordination across structures. Poor co-ordination between different water management structures. Water at a local level is also controlled by customary laws and rights (not only by the state at national level). CMAs and their associated committees recognise local knowledge and the worldviews of local people. Water supply issues seem to overshadow water resource management in terms of community priorities and also functioning priorities of local government officials. Similar issues seem to be arising in the South African CMA set-up (see Chapter 4 & 5)

3.1.5 Rufiji Basin, Tanzania (*Mutayoba, 2002; Maganga, 2002; Kapila, 2003; Sokile et al. 2002*)

Table 5: Rufiji Basin, Tanzania

Government structure	
Water policy & legislation	Pluralistic legal system – water regulated by elements of statutory law, customary law, Islamic law and various traditions. Water policy reformed – new Water Resources Policy introduced in 2002. Policy based on the principles of Integrated River Basin Management. Policy emphasises: holistic approach to integrating multi-sector and multi-objective planning and management minimizing effects of externalities; ensures sustainability and protection of the resource and its environment. Water policy recognizes six levels of WRM: national level, basin level, river catchment level, sub-catchment level, district level, livelihoods / water user association level.

Decentralisation	Legislation aims to decentralise decisions to the lowest practicable level, with stakeholders participating in the planning, design and implementation of management actions. The formulation of water policy has remained with the Ministry of Water
CMA-type structures	Five River Basin Offices and Associated Water Boards. Minister appoints members of the water boards.
Other significant structures	Plethora of departments, parastatals and institutions with narrowly defined responsibilities related to WRM. No co-ordinating body with legislative backing, leaving WRM fragmented, rather than integrated, despite new policy. River Basin Water Offices are encouraging the formalization of informal water users into statutory Water User Associations, but little attention is being given to the local cultures and practices of informal institutions. Attempts to impose rigid and generic institutions are leading to users reverting to their original traditional institutions (e.g. despite WUAs being established, users still prefer using traditional arbitration measures to settle conflicts).
Responsibilities of CMA-type structures	River Basin or sub-basin should be the planning unit. Planning should involve all stakeholders and should be inter-sectoral in character. Communications, awareness building and information exchange are essential to all levels of WRM. Establish Water Users Association or Water User Groups as legal institutions linking the River Basin Office with stakeholders In collaboration with other institutions, facilitate environmental and water resources management issues in the basin.
Stakeholder identification	Involvement of user organisations and private sector is fundamental. Aims for multi-sectoral representation
Stakeholder representation	No national ownership of policy. Despite rhetoric of multi-sectoral representation, of the 11 members appointed to the Rufiji Water Board by the Minister, eight were civil servants.
Participatory practice	Institutions for water resource management, including participating groups at all levels, should be strengthened and capacitated. Awareness creation and education are used to raise communities' social and political commitment and will towards WRM Despite this rhetoric, it seems that water policy has been driven by donor agencies, and the process lacks national ownership.
Comparison with South African CMA set-up	If basin-wide institutions are to be effective and relevant, they will have to accommodate, respect and even promote local informal institutions.

To examine some of the arising issues further, more in-depth analysis of these and other international cases was undertaken, with further insights for participatory practice in CMAs offered below:

3.2 DECENTRALISATION AND PARTICIPATORY PRACTICE IN WRM

3.2.1 IWRM and decentralisation

As can be seen from the South African Water Act (RSA, 1998) and the different country examples briefly reviewed above, recent WRM discourse promotes the concept of *Integrated Water Resource Management*. This discourse stresses the need for a more holistic understanding of issues related to water management and use. As shown in the examples above, this has resulted

in the formation of IWRM policies that attempt to consider the broadest possible range of interests involved in the utilisation of water resources. IWRM policies aim to make water management more efficient and to **promote equality through inclusion**. Significant to water policy development in developing countries, is the fact that this approach to WRM is also supported by the large international funding agencies, such as the World Bank, as shown by this quotation from a World Bank Report (2000) meant to solve Argentina's water resource management problems:

Policies that promote the saving and efficient use of water; policies aimed at the environmentally sustainable use of water resources; policies that provide legal security rights to use water and in conflict resolution between administrative jurisdictions and users; and policies to deal with social equity problems, that guarantee the needy population access to drinking water and sanitation services [are needed] (World Bank, 2000:xi).

IWRM ideally entails the inclusion of all stakeholders in the management of water resources by allowing for all their interests to be represented, and by mediating representation in such a manner that the interests of society at large are furthered (see section 3.4 below on *representivity*). This discourse assumes that IWRM functions best when decisions are made at the lowest workable level, i.e. the catchment level. Accordingly, the governments of developing countries have, in recent years, increasingly stressed the need for community involvement in water and other natural resources management development programmes. As seen in the case examples above, these initiatives are commonly linked with **decentralisation policies** (Plummer 2000).

Ribot (2002) in his comprehensive review on 'African Decentralisation' notes that the language of rights and enfranchisement were present in earlier decentralisation. He notes however, that **democratization** and **rights** issues are emerging more frequently in decentralisation discourse (see Chapter 1, section 1.2.1. Wollenberg et al. (2001), Anderson et al. (1998), Alden (2000, 2001), Meinzen Dick Pradhan (2000) and Utting (1999) also point out that natural resource management is moving toward more democratic and rights-based premises. Ribot (2002: 1) notes further that "... the formal transfer of power to lower levels of government may sometimes be a **centralising act** if the powers being devolved were informally exercised earlier by non-state actors – such as is often the case with natural resources" (for example water in South Africa). In South Africa there is a clear move to decentralise water service delivery, as this is an articulated function of local government. However, it would seem that the formal transfer of powers to lower levels of government in the form of decentralised CMA structures, may in fact, be a centralizing act in the case of water resources management (as it provides a mechanism for state control over water resources albeit through a semi-decentralised structure). To achieve proper decentralisation, local institutions must be accountable to their constituencies, otherwise they will simply continue to serve national or provincial government interests (Ribot, 2002). Ribot (2002) goes on to argue that where local institutions are not downwardly accountable in this way, decentralisation is merely **de-**

concentration²⁵ – which constitutes a delegation of responsibilities from central to local institutions. In his analysis (*ibid*), for decentralisation to work, it is essential that the legal and constitutional frameworks that define local government's powers of jurisdiction clearly allow for **downward accountability**. The next section of this review examines these perspectives on decentralisation, in the context of a number of international case studies of decentralised IWRM policy, with a view to deriving useful insight for participatory practice in South Africa's CMA system.

3.2.2. Cases of decentralisation in IWRM relevant to CMA-type systems

Mexico (Wester et al. 2001): As noted above, Mexico's water policy is driven by a highly centralised federal system, ensuring that its water policy objectives and implementation strategies are coherent from national to regional levels. Like in South Africa, national government assumes the dominant role. With the establishment of River Basin Councils, a shift in water policy has occurred from supply-orientated to demand-orientated development. The shift to demand-orientated development means that farmers have had to become actively involved in decision-making platforms for administering their share of water resources. It seems that this was possible in Mexico because a majority of farmers generate wealth from commercial farming. *Clearly demand-orientated policies that create economic incentives for farmers*²⁶ *appear to have enhanced voluntary participation in Mexico.* Even though the demand-driven policy shift has ensured increased farmer participation in water management, the national government has remained strongly involved through the water governing structure, CNA, with top-level ministers taking part in decision-making processes.

Municipalities also play significant roles in water governing bodies, and they have government's financial and administrative backing. Involving municipalities in this way ensures that the central government has access to information concerning on-the-ground needs. The Mexican government

²⁵ Ribot (2002) argues that **decentralisation** should be distinguished from **deconcentration**. Decentralisation aims at enfranchising local constituents and allocating autonomy to local government and institutions, de-concentration is merely the delegation of centrally defined functions to local administrative branches (or new structures), where accountability always flows upwards and where local operational authority is circumscribed. He notes further that in practice the distinction between decentralisation and deconcentration is often blurred. He notes that the decentralisation experiment in Africa has generally only taken weak steps towards deconcentration. This, Ribot argues, has much to do with the shifting power relations that accompany decentralisation which invariably compromise or challenge the interests of many (normally powerful) groups such as donors, civil servants, customary authorities and various other local elites. The haziness that frequently accompanies the discourse of decentralisation – which is in effect a major stumbling block in empowering local authorities, may also be considered as a deliberate attempt by interested (powerful) parties to avoid any genuine attempts towards democratic decentralisation (*ibid*).

²⁶ According to Wester et al. (2001), Mexican farmers at the river basin are a fairly homogeneous community of stakeholders with similar water use needs. They are mostly commercial farmers and therefore share the same sort of aspirations and possess similar levels of water resource information. This, according to Wester et al. (2001) reduces implementation problems, as government expends less effort in mobilising representative stakeholder participation for equitable outcomes. In this sense, Mexico faces fewer challenges in optimising public participation in the water sector than a country with more diverse stakeholder profiles at river basin level (such as in some WMAs in South Africa).

thus seems to rely strongly on public institutions (the municipalities) in water resources management. The Mexican CNA is a semi-autonomous federal agency. The River Basin Councils fall under the CNA and they govern smaller areas, with fewer responsibilities. They do not direct water policy, and are essentially co-operative forums with certain responsibilities for WRM. The CNA is neither a private nor a business institution and therefore does not fully represent the notion of power decentralisation away from government. Central government control with devolution of some management responsibilities to the RBCs indicates that Mexico is following a model of **de-concentration**, with centralised control of water resource management still in place.

Australia (Hatton MacDonald and Young, 2000; Shah et al. 2001): As indicated above, the Murray-Darling Ministerial Council plays a co-ordination role, while the Murray-Darling Basin Commission functions as the operating organization, and power resides at State level in terms of policy formulation. At the catchment level, several CMAs are responsible for the day-to-day management of water resources, but they do not feed into policy decision-making processes. At these levels, *water management is governed by a variety of policy instruments*, which facilitates water management decision-making at these different levels. For example, a system of permits is used for water diversion, which encompasses all water discharge, except for the water needed for domestic use, livestock production and irrigation of up to 2ha, all of which are recognized as a prior right, and are therefore exempted from the legal and permit system. An effective cap is set on water diversions to ensure environmental supplies. This is accompanied by a system of volumetric licensing to users that raises the scope for large-scale water trade across states and sectors. The effective cap on diversions can only be done after reserves are determined. Shah et al. (2001) notes that water management in the developed world centres on four initiatives that drive natural resource governance:

- establishing mechanisms for catchment-level negotiation and co-ordination (fortified with adequate resources and authority)
- legal and regulatory reform (as outlined above)
- redesigning economic policy instruments (transfer prices, taxes, subsidies)
- redesigning economic institutions (e.g. utilities, service providers, property rights, water markets, irrigation management transfer to organizations).

Hu's research in China (1999:323, in Shah et al. 2001:9) argues that the more sophisticated decentralised approaches to water management (as illustrated in the Murray-Darling Basin case), may be difficult to replicate in developing countries for the following reasons:

- the difficulty of co-ordinating authorities at different levels
- unclear ownership of resources
- small farming scales
- poor education and low levels of literacy amongst the majority of the resource users.

California, USA (Svendsen, 2001): The State of California Central Valley Basin is highly urbanised with a community of water users that is relatively well informed and homogenous, with high levels of stakeholder participation. Legal procedures are in place for negotiating and settling disputes in the allocation of natural resources to different interest groups, including the conservation of the environment. Stakeholders have learned that litigation does not always lead to optimal outcomes, and cheaper alternative solutions are invariably sought. Water policy, resource allocation and regulation are planned and executed at the catchment / basin level. Water deliveries to water users are executed at the use level. A single strong agency at basin level carries the major responsibilities for water resource management. A strong argument is put forward for co-ordinated control through one agency. Recommendations for central control were made by stakeholders who found prevailing laws and administrative procedures unwieldy, where a number of water authorities were performing limited, overlapping and sometimes contradictory functions. The State Water Resource Control Board became the main policy maker, with regional bodies established at watershed levels to administer, investigate and enforce a national water programme. Some of the features of the California Basin Management System that have been described as contributing to the success of WRM (of relevance to a research initiative on participation) are:

- public agencies, including the courts, are involved in water management at both national and regional levels
- decisions, agreements and contracts between parties are made privately and are enforceable by law; mechanisms for resolving disputes, in the form of water courts, play an important role in resolving private disputes from conflicting interests
- water rights are well defined, with the exception of groundwater
- information on water resources (such as watershed yields) is stored on databases that are publicly available
- decision-making is transparent.

Thus, while management is **centralised**, various mechanisms are in place to ensure co-ordinated and enhanced participation in WRM (e.g. transparency, well-defined legal procedures, provision of information etc.).

Argentina (World Bank, 2000): Argentina follows a decentralised federal system of WRM. The Constitution of Argentina gives control of water resources to 23 provincial jurisdictions. This constitutional arrangement prevents the national government from adopting a consistent water resource policy at a national level, and from stipulating provincial or local level responsibilities. According to the World Bank this situation has led to Argentina's water policy being 'out of step' with international trends, in the sense that the state has yet to propose and execute policy,

programmes and projects aimed at sustainable development; propose and promote strategies aimed at integrated management of watersheds; and evaluate and promote the setting of regulations aimed at preserving and protecting the country's water resources. There currently seems to be overlap of inter-departmental functions at both national and provincial levels, which leads to confusion between technical and political functions in WRM. At provincial level further complexity is added due to the diversity of agencies responsible for water resources, and due to the appearance of private operators and public service regulatory agencies. At the intergovernmental level, conflicts arise because some river basins cover several provinces, and because bodies set up to resolve conflicts are compromised and weakened by a lack of resources and financial autonomy. A lack of systematized legislation results in a lack of incentives to save water, and a lack of inter-sectoral reallocation through transfer or purchase of rights. Thus, in this context it seems that provincial control of water resources is managerially ineffective, and there are no legal and economic rights secured at this level. From this case it would seem that decentralisation *without* the necessary economic and legal instruments could result in managerial inefficiency which in turn affects stakeholder participation.

Zimbabwe (Ndamba et al. 2004): Zimbabwe's 1995-2000 new water policy framework aims to address inequality of water use (water use was traditionally dominated by commercial agriculture). The policy aims to eliminate the existence of private water ownership, and introduce a commodity perspective by introducing *demand-orientated development approaches*. This is done through the issuing of renewable permits. In principle the flexible permit system will ensure that government is able to redistribute access to equity requirements. Currently there is strong government involvement in WRM through the Department of Water Development (DWD), but representivity in WRM is to be broadened with the establishment of Catchment Councils. Like the Mexican example, demand-driven development approaches create the space for broader participation in WRM, but in the case of Zimbabwe, strong centralised government policy and ideology may introduce an authoritarian approach to the demand-driven process (as the government may decide on how to issue permits through the flexible permit system). This is likely to change the nature of public participation (as indicated in section 3.1 above).

Tanzania (Mutayoba, 2002): All rights to water are vested in the national government, and legislation provides for the Central Water Board and Basin Water Boards to facilitate administration and legislation (see section 3.1 above). Problems are being experienced with the implementation of the legislation. A key problem is the lack of explicit laws and procedures to regulate the power and functions of various actors. The water rights system is not well defined; no regulation exists on the use of groundwater; no provision exists for the establishment of Water User Associations and participation; no provision exists for a framework of water resources planning; no provision exists for water resource management or protection of water resources from non-point pollution. To prevent water resources management from becoming a constraint to national development, an

approach that is participatory, multi-sectoral and multi-disciplinary is needed. According to Mutayoba (2002) such an approach should recognize the linkages between land use and water use and recognize the important role that water ecosystems play in the national economy. The new water policy provides the following guidelines: water allocation for socio-economic activities is a basic right; water user permit rights are treated separately from land rights, sanitation and access to clean water; a demand-driven management system will be used; planning and development of water resources will be done at basin and sub-basin level; information, education and communication are important to enable all stakeholders to participate; co-operation in the management of trans-boundary water resources is needed; water resource management groups will be strengthened and capacitated at all levels. With regards decentralisation, local management structures will be given a greater degree of autonomy, but these will be subject to appropriate regulatory frameworks which will be established at a national level. This represents another case of **deconcentration**, rather than full decentralisation of water resources management. This case also emphasizes the importance of policy instruments to enable appropriate management of water resources at a catchment level.

3.2.3 Decentralisation to local government

Municipalities in developing countries generally tend to be under-resourced and inefficient. Decentralisation initiatives (e.g. water services provision) have frequently left these bodies with an increased range of responsibilities without increasing their available resource pool. A great deal of capacity-building is required to make municipalities into the efficient, representative and accountable agencies that the development community often presumes or hopes them to be (Plummer, 2000). Studies of improved local government suggest that dissolving centralised state apparatuses is likely to weaken local government (Van Hofwegen, 2002; Ribot, 2002). These studies suggest that local government succeeds better when it is backed by a strong central state. However, operations should be mutually reinforcing. Local empowerment can be reconciled with central oversight. Likewise, participation in local government structures may improve the management of water resources and benefit both the community and the government institutions (local government and national government) that help to manage these resources. Van Hofwegen (2002) echoes general consensus in IWRM circles that policymaking, legislation, strategic planning, institutional development, oversight functions and information dissemination should remain within the ambit of central government. In addition, a clearly defined administrative, systems and enabling legislation and policy, which delineate the roles of various tiers of government (and other role players) and assigns meaningful powers (with associated resources) to lower-level branches of government is also essential (Plummer 2000).

3.3 COMMUNITY USE OF PARTICIPATORY STRUCTURES IN DEVELOPING COUNTRIES

With moves to decentralise WRM in attempts to ensure IWRM, various structures are being established to foster community participation in IWRM. For example in South Africa, a system of Catchment Forums exists, which present communities with a structure through which they can participate in IWRM. In other contexts, Water User Associations appear to be the chosen route for enabling community participation. A question which arises, however, is how do communities *make use of* participatory structures once they exist? As indicated in the case of Tanzania a failure to work within the local cultures and existing practices has led to problems with water management policy implementation, as communities 'return' to existing traditional water management practices, and fail to make use of new structures for participation. To examine this question further, different cases were examined for further insights:

a) Valuing community knowledge - India: In April 2002, India adopted a new water policy whereby water became government property. Each state was required to formulate its own water policy. Concern was expressed that there was inadequate public participation in the planning, development and management of water resources. Currently communities are meant to participate in government water schemes. These are, however, not financially sustainable (Argarwal, 2000) and the repair and maintenance for these schemes is abysmally inadequate (ibid). The serious problems associated with the structure and management of the current drinking supply water schemes does not hold much promise for the future, even if there is participation by the community. India has a rich history of water harvesting technologies. Argarwal (2000) argues strongly that it would be more valuable to engage communities in participatory projects which strengthen their abilities to maximise the benefits of these local water harvesting technologies, instead of participating in structures that would appear to be ineffective in addressing community needs.

The Arvari River Parliament (ARP) in Rajasthan, India provides further evidence of the importance of considering community-based solutions to water management issues. In the 1985-86 drought, Rajasthan suffered bad drought, with the groundwater table receding below the critical level. Local knowledge of building *johads* (earthen check dams that improve percolation and groundwater recharge) was applied to resolve the problem, and community members participated in the building of 6 000 *johads* and repairing 2 500 old structures in 1 058 villages in the region. The building of these structures led to an increase in water availability and revival of the Arvari River. One of the outcomes was an increase in the fish population. The government awarded a contract for fishing to a private company. The community protested and formed the Arvari River Parliament in 1999 to regulate all aspects of the use and management of the resource. The Arvari River Parliament

consisted of two representatives from each of the 72 villages in the region. A local NGO has facilitated the entire process, and is now trying to get the 'rules' or what is effectively the customary law of the Arvari River Parliament recognised by the legislature.

b) Taking account of access inequalities and community activism – Bolivia:

The 'commodification' of water is becoming a global trend through the privatization of water delivery services. Communities around the world have protested against actions that constrain access to water (such as privatization). A widely publicized example of such community activism took place in 1999 in Bolivia's third largest city, Cochabamba. In the late 1990s the World Bank made debt relief and other development assistance to Bolivia conditional on the country's agreement to privatise the public water system of Cochabamba city. The Bolivian government awarded a 40-year contract to provide water services to the city to a California-based multi-national company that had invested in Bolivia's water sector. Soon the price of water tripled and thousands of residents were unable to afford water. To protest against the privatization and unfair pricing, the community formed institutions and organised protests, which included a sustained series of marches, negotiations and demands for the revision of national water policies and a repeal of the contract (www.rightwater.org.uk). Ensuing riots forced the government to concede to public demands. The contract was withdrawn and the government revoked its privatization legislation. The Cochabamba case is exemplary, as it demonstrates the power of public participation and co-ordinated action, and the fact that when community interests are at stake, possibilities exist for mass mobilization and action that can challenge institutional policies and practice. Similar examples of community mobilization against harsh and unfair water policies are documented in many countries, such as Ghana, and include the recent water privatization protests in Gauteng, South Africa. Participatory structures in these cases are emergent and highly politicised, and may not follow the institutionally framed participatory structures.

c) Incentives that support community use of participatory structures – Jordan: There are many examples in the literature which show how local women's groups have improved domestic water supplies, through incentive schemes that foster participation. One such example is that of Rakin Village in Jordan. Here rural women, supported by the Global Environmental Facility (GEF) small grants programme which supports communities and NGOs with relatively small amounts of funding (maximum of US\$ 50 000) to implement community-based projects. Rakin village used to get piped water once every two weeks for six hours only. This supply was insufficient to meet the needs of the community (for human consumption, livestock and irrigation). The water purchased was very expensive, and the households did not have water storage facilities. The Rakin women's society gained a GEF grant to install water cisterns and implement water harvesting techniques in households. The resulting success of the project prompted more households to apply for loans based on a 66% repayment system. A second project was then initiated, with loans based on a 100% repayment system being granted to more than 150 households. A participatory structure,

consisting of a steering committee was established to implement the incentive scheme. (www.genderandwateralliance.org). In this example, participatory structures were established to co-ordinate and implement the incentive scheme.

3.4 REPRESENTIVITY

Participation in management processes has been a goal of integrated water resource management for several years. In Europe, such goals have been institutionalised in the form of the European Water Framework Directive of the European Union (EU). This states that future water management in the member states of the EU must be undertaken with relevant stakeholders participating in the management process.

In IWRM, stakeholders may be grouped into the following categories, which outlines how representivity can be established²⁷:

- Water users – consumptive and non-consumptive users
- Water polluters – agriculture, industry, domestic
- Water managers – organisational and operational level
- Water policy and law makers – constitutional level
- Society / Public – general interests represented by government and specific interests represented by NGOs and other civil society institutions.

As indicated in the cases outlined in section 3.1 and 3.2 above, the relative degree of representation that stakeholder interests receive in CMA establishment, depends on the broader socio-economic and political environment. Dube and Swatuk (2001) provide some insight into how socio-economic and political circumstances can influence representivity and participation. They cite examples in Zimbabwe where tea estates and mining companies are guaranteed access to water because they are generators of foreign capital, whereas communal farmers continue to have more erratic access, even though they may regularly attend meetings.

From the cases examined in section 3.1 and 3.2 above, it seems that concerns of human survival and ecological sustainability are given priority in defining degrees of representation in IWRM, and that central government is normally charged with the ultimate authority in determining how these interests are best served in order to further the interest of society as a whole. The factional interests of individuals and groups are given second priority, and are determined in accordance with prevalent ecological, economic and social values.

²⁷ There are other ways of grouping stakeholders. See for example the way stakeholders were grouped in the Inkomati and Mvoti case studies, outlined in Book 1.

As indicated in the cases outlined in section 3.3 above, representation amongst water user groups, can be determined in more organic and emergent ways, and can be determined by local level concerns and motivations. Participatory structures can emerge to address a concern, to utilise community knowledge, or when incentives are provided to foster participation.

Representation is the main source of legitimacy in public participation, but many scholars have focused on participation without addressing the representation of interests adequately. It is often unclear how, and to what extent, user-groups are supposed to participate. This often leads to situations where representivity is used to gain legitimacy for government processes rather than to allow stakeholders who have the necessary skills and abilities to participate meaningfully. In such cases representivity is tokenistic.

In most countries there is an imbalance of power among various stakeholders, with the state often retaining most of the power (Sithole, 2001). Stakeholder participation in water management involves a redistribution of power among multiple stakeholders who share decision-making power. In this new scheme, former elites must give up some of their power and recognise the voice of previously marginalised stakeholders. If there is an imbalance in the power relations, it can be seen as a form of 'misrepresentivity'. Another form of misrepresentivity is when chosen or self-appointed representatives do not represent the needs of their stakeholder group adequately, or when they claim to represent a group for which they have not been given the mandate.

The South African National Water Act (No 36 of 1998) recognises the need for integrated management of all aspects of water resources, and the delegation of management functions to a regional or catchment level in order to increase participation. Appropriate community, racial and gender representation is required in the CMA structures to guide the implementation of the catchment management strategy within each area. Water Users Associations and Catchment Forums are seen as the foundation stones of the CMA and provide the conduit through which public participation takes place with "appropriate community, racial and gender representation".

However, a key issue affecting representivity in developing countries is gender bias, as shown in the case of Pakistan (outlined below).

The effect of gender bias on water resource management – Pakistan: Socially entrenched gender bias in countries such as Pakistan make projects aimed at bringing about the empowerment of women in the context of IWRM very difficult to implement. Culturally, men and women do not mix, and women do not play a significant role in decision-making. Men are regarded as superior to women and are the decision-makers in the household. In Pakistan the majority of women "are trapped in a web of dependency and subordination because of the low social, economic and political status given to them by society" (Habib, 1997). Because of this, international

development NGOs have to form separate field teams for women and men in order to implement projects. Many women do not have the time to participate in development projects because of their heavy workloads. Many female children are not encouraged to go to school and because of their lack of education, have very little confidence in their abilities.

According to the United Nations Statement on Gender in Pakistan (UN, 1998), it is widely recognised that in Pakistan many women in particular do not enjoy many of the rights laid down in the Universal Declaration of Human Rights, despite the best efforts of the government, NGOs, Community Based Organisations and women's organisations. Although the country has put a Gender Reform Programme into place to address the inequality of women in water management issues, there is no mention of addressing gender discrimination in the Draft National Water Policy's section on stakeholder participation. There are many UN-driven projects aimed at empowering women in water management issues in Pakistan, but whether or not these will prove successful in the long term remains to be seen. Unless government departments adopt an aggressive approach to including women in water management issues, little improvement will be achieved. Men still determine the course or principles of action adopted to address gender issues in Pakistan (Habib, 1997).

3.5 CONCLUDING SYNTHESIS: SOME LESSONS FOR SOUTH AFRICA'S CMA PROCESS

3.5.1 CMA establishment

From the above review of CMA type-structures in other countries, the following useful lessons for SA's CMA process can be synthesized:

- South African CMAs may need to establish specific structures / institutional mechanisms to ensure co-operation across provincial (political) boundaries – thus moving beyond representative participation to active co-operation.
- Special attention may need to be given to ensuring that water resource management receives the same attention as water service delivery issues (in the eyes of the public and local government officials).
- The South African CMA system would need to find ways of accommodating local culture and practice (for example customary law and local knowledge in terms of water resource management). CMAs will need to accommodate, respect and even promote local informal WM institutions. Strategies need to be developed to allow statutory and local customary institutions to work together. This will require mutual learning. The integration of communal

- ways of managing water and western systems is particularly important in South Africa, where both traditions are powerfully present.
- Systematic approaches to stakeholder identification and representation may assist with the establishment of CMAs. However, care should be taken not to marginalise the already marginalised groups in this process.

3.5.2 Decentralisation

- It would seem that in most cases discussed above (particularly those related to developing countries) a model of centralised control of water resources is applied, with various measures to ensure greater participation in WRM through deconcentration processes, rather than full decentralisation.
- Cases of full decentralisation appear to be successful in some developed country contexts (e.g. Australia), where adequate resources are provided and legal instruments and processes are effectively implemented. However, efficiently managed resources and legal instruments are needed in both centralised and decentralised approaches.
- Decentralisation or deconcentration processes need to be accompanied by relevant economic and policy instruments that are supportive of WRM at the river basin level. The cases above indicate that this appears to facilitate stakeholder participation.
- Demand-driven policy frameworks appear to require increased stakeholder participation. Where stakeholder groups are more homogenous this does not appear to create difficulties (as in the case of Mexico); but where political and ideological issues come into play (as in the case of Zimbabwe and Tanzania) stakeholder participation processes may become more difficult.
- IWRM appears to function best when the various levels of government are allotted distinct but mutually reinforcing roles.

The key finding from this analysis, is that the South African CMA system should clearly articulate how the functions of different levels of government and how various policy instruments can be applied in ways that will *strengthen* stakeholder participation (See Chapter 4 and 5 of this report for further discussion on this point).

3.5.3 Community use of participatory structures

Key lessons for SA's CMA establishment process include:

- In the South African context, it would seem important for CMAs to develop strategies for working within local cultures and existing practices, where relevant. This includes taking account of, and valuing local knowledge.
- A key issue to consider in CMA establishment is inequality of access, to a) water and b) to participation in IWRM. This has implications for ensuring an inclusive stakeholder representation process, and providing capacity-building.
- Incentives may also assist with fostering community participation in IWRM.

3.5.4 Representivity

Key lessons for SA's CMA establishment process include:

- Mechanisms need to be established to ensure that a balance of interests is ensured. Human survival and ecological sustainability, as well as economic development interests need to be equally accounted for.
- Power-related issues need to be taken account of in participatory structures and processes, particularly gender bias and other exclusionary practices.

Guidance for participatory practice:

- Establish institutional mechanisms to facilitate co-operation across political and geographical boundaries.
- Clarify and articulate the different functions of different levels of government in WRM (so that they are distinct, but mutually reinforcing) and pay special attention to the relationship between water services delivery functions and water resource management functions at different levels of government.
- Clarify (and develop) the policy and economic instruments needed to *strengthen* stakeholder participation. Ensure that policy instruments are adequately resourced.
- Identify systematic approaches for stakeholder identification, with special reference to inclusion of previously marginalised groups, and balanced representation of stakeholder interests (including the interest of ecological sustainability).

- Develop strategies that accommodate local cultures and practice in IWRM and that incorporate both traditional and local government leadership, as well as local WM approaches that value local knowledge.
- Take account of and proactively address inequalities in access. This may require capacity-building, education and information sharing. It may also require careful monitoring of power relations in participatory processes.

Informing indicators for monitoring and evaluation of participatory practice:

- What institutional mechanisms exist to facilitate co-operation across political and geographical boundaries?
- Are the different functions of different levels of government clearly articulated and resourced? Are different functions distinct, but mutually reinforcing? Is the relationship between water services delivery functions and water resource management functions at different levels of government clearly articulated?
- Are the necessary policy and economic instruments in place to foster and support participation? Do policy and economic instruments *strengthen* stakeholder participation? Are the policy instruments adequately resourced?
- Does the CMA have a systematic approach for stakeholder identification, which pays special attention to inclusion of previously marginalised groups? Does the stakeholder identification process adequately address the question of a balance of interests (including ecological sustainability)?
- Is the CMA developing and implementing strategies to accommodate local cultures and practice in IWRM? Are traditional and local government leadership adequately involved? Do WM approaches in the CMA value local knowledge?
- Is the CMA taking account of, and proactively addressing access inequalities. For example, has water access for marginalised groups been adequately addressed? Has a capacity-building, education and information sharing process been established and is it meaningfully contributing to access to the participation process? How are power relationships influencing access and inclusion?

Chapter 4: ‘Lessons Learned’ and Guidance for ‘Best Practice’ - The National Review

4.1 NATIONAL POLICY AND INSTITUTIONAL CONTEXT

4.1.1 *Policy guidelines and institutional requirements*

As indicated in Chapter 1, South Africa’s policy framework for IWRM has changed substantively over the past ten years, with the introduction of a participatory approach to IWRM through new institutional structures such as CMAs. Guided by the National Water Act (NWA), the Department of Water Affairs and Forestry (DWAf) has set out an implementation framework for how CMAs should be established. The basic elements involve initiation through stakeholder consultation and participation, followed by an establishment investigation also involving consultation, which leads to a proposal for a CMA. Once the proposal is approved, a notice is gazetted and a Governing Board is appointed by the Minister of Water Affairs and Forestry, and the CMA is established.

Stakeholder participation in the establishment and functioning of a CMA is enabled and required through a number of institutional frameworks and platforms set up by the NWA and DWAf. Such participation could be called ‘institutionalised participation’, which is embedded and framed by a national commitment to discursive or deliberative forms of democracy (as outlined in Chapter 1). Ribot (2002:13) explains the need for institutionalised participation:

If participation is to be more than a temporary component of interventions or projects, if it is to be generalised across space and time, then it must be institutionalised. One form for this institutionalisation is local democracy, a central contribution of democratic decentralisation... In short, representative and downwardly accountable forms of local government – that form the basis for democratic decentralisation – are the institutionalised, and thereby sustainable, forms of local participation.

In a diverse community of stakeholders, some sort of systematic representation is required to ensure equitable participation. Institutionalising participation, particularly when democracy is narrowly conceived as the work of the state, or where democracy is conceptualised in counterfactual terms by ‘competing’ stakeholders (see Chapter 1), can work against enabling participation practices that allow for discursive and deliberative forms of democracy, and can therefore undermine the principles of sustainability, equity and efficiency on which the NWA is based. This potential problem, as well as the various definitions and interpretations of ‘participation’

that currently exist in the IWRM sector, is discussed in section 4.1 and 4.2, as they provide insight into how participation is being viewed in relation to democratic process.

The CMA as an institution introduces elements of decentralisation or a more localised form of democratic governance for water resources, although in the South African context, CMA establishment can be viewed more as a form of **deconcentration**, rather than decentralisation (similar to other CMA-type processes outlined in Chapter 3). In establishing the CMA, there are a number of opportunities for stakeholder involvement. Some of these are outlined in the table below. Much of the information presented here is taken from the DWAF guideline series for CMA establishment (DWAF 2002).

Box 1: Opportunities for stakeholder participation in CMA establishment.

Catchment Forums: A catchment forum (CF) is a non-statutory body with open membership. CFs can be established by a group of stakeholders who come together to address a particular issue. Once that issue has been addressed, the forum may come to a natural end. Alternatively CFs may be initiated by DWAF as a means of communicating with stakeholders. A WMA could include a number of forums, representing different interests or different geographical areas such as primary- or sub-catchments. Catchment forums provide an enabling mechanism for the participation of diverse stakeholders in CMA establishment and functioning. DWAF guidelines anticipate that CFs are a means through which bottom-up involvement of local stakeholders can take place.

Catchment Steering Committee: This is a formal and representative stakeholder body which facilitates the CMA establishment investigation and the proposal development process. This body should evolve from initial participatory establishment processes, and should dissolve once the CMA is established. The CMA establishment process may involve more than one steering committee, with each committee being associated with specific primary catchments or particular components of the establishment investigation.

Reference Group: A group of key local stakeholders, established to facilitate an effective and fair consultation process. The reference group may or may not be derived from catchment forums.

Process Steering Committee: An informal group which can guide the establishment process. Members of this committee can be drawn from key stakeholders, including DWAF and specialists.

Advisory Committee – Governing Board: This is a compulsory committee which advises the minister on the composition of the Governing Board. Candidates for the committee are nominated by stakeholders, or through stakeholder platforms.

Advisory Committee – Process: An optional committee to facilitate the development of capacity to allow for the initial establishment process. Candidates for the committee are nominated by stakeholders, or through stakeholder platforms.

Advisory Committee – Management: A committee established to advise DWAF on the management of a WMA, especially when resources or capacity to carry out management tasks is limited. Candidates for this committee are nominated by stakeholders, or through stakeholder platforms.

Water User Association: A WUA is a statutory body of individual water users who wish to undertake water-related activities for their mutual benefit. Membership of a WUA is usually limited to Water Users as defined by the NWA (mostly people who use water other than for domestic purposes). WUAs can play an important role in the establishment of CMAs. However, since a WUA does not represent all stakeholders who have a stake in the water resource, it is not necessarily a representative body. The WUA could simply be considered as one of many stakeholders or sectors in the participatory process of CMA establishment.

4.1.2 Routes to participatory CMA establishment

DWAF policy and guidelines provide a generic framework for stakeholder participation in the establishment of a CMA. These guidelines are brief and are not the only means through which participation can take place. The guidelines see DWAF as the initiator and driver of the CMA establishment process.

The guidelines set out four phases of establishment, as illustrated in Figure 1. An illustration of the associated participation process is given in Figure 2.

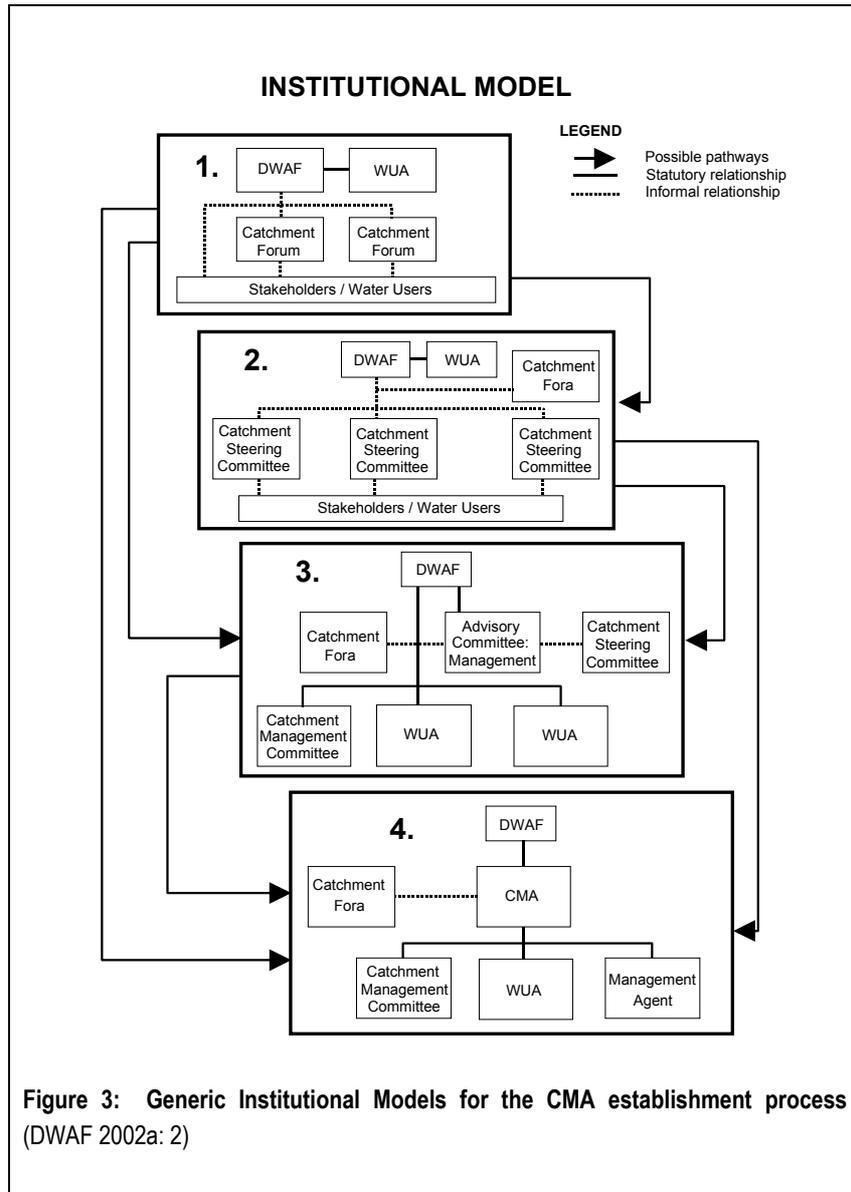
1) Initiating participation: The guidelines suggest establishing catchment forums to represent stakeholder interests and create awareness. Inclusive representation, consultation and consensus-building are emphasised. This phase is also an opportunity to build relationships between DWAF and stakeholders.

2) Formalising participation: Once participation processes and platforms are well established, participation can be formalised through the creation of one or more catchment steering committees representing the catchment forums. These committees focus on developing the CMA proposal. In this phase the relationship between DWAF and stakeholders is further strengthened.

3) Interim management arrangements: If a thorough consultation process has been completed, but there is a delay in the establishment of the CMA, there are a number of possibilities for interim management. These include the formation of an Advisory Committee Management; or the formation of a number of Catchment Management Committees from Catchment Steering Committees (these committees would be coordinated by DWAF); or a combination of a Governing Board and an Advisory Committee Management.

4) The CMA: This is the final establishment phase where the Governing Board is appointed, based on the recommendations of the Advisory Committee Governing Board.

If the establishment process does not rely on catchment forums but rather on other stakeholder bases, an Advisory Committee Process can be established to oversee a consultation and establishment process.



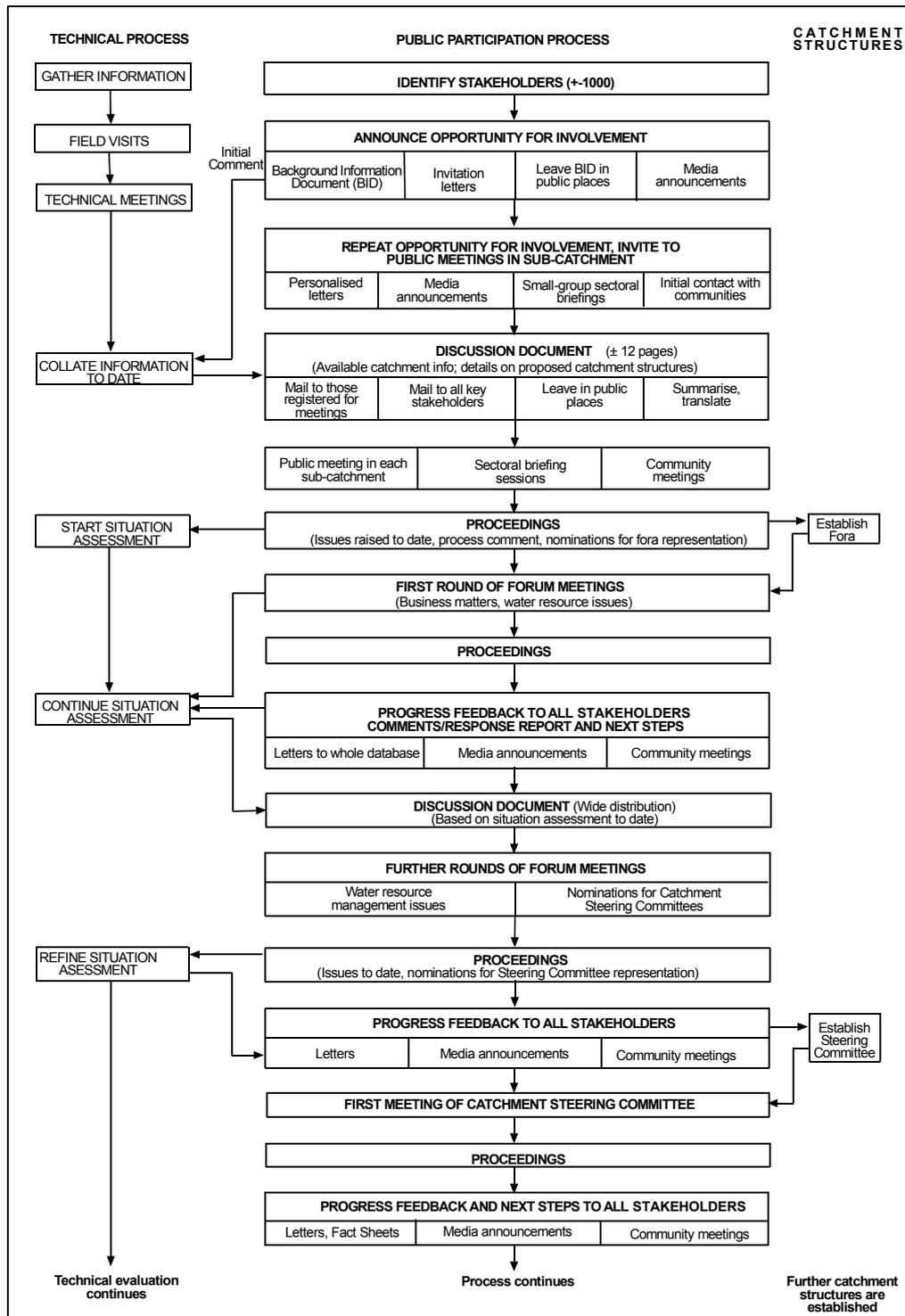


Figure 4: Generic CMA public participation process up to establishment of Steering Committee (DWAf 2002b: 11)

4.2 'LESSONS LEARNED' AND LEARNING IN CONTEXT

As outlined in Chapter 1, one of the envisaged outputs of the research was the documentation of 'lessons learned from stakeholder consultation at catchment level since 1998'. The research undertaken in the first year indicated that it is difficult to extract a lesson out of context²⁸, as practice is embedded in its spatial, geopolitical, socioeconomic and temporal context. To suggest that one CMA can necessarily use a 'lesson' drawn from another CMA does not adequately take account of diversity of contexts, and may therefore lead to simplistic and erroneous research results, which are little more than an epistemic fallacy.

Researchers deliberated these difficulties associated with the intended research output, and decided to rather highlight the learning that has taken place, as articulated by practitioners in context (thus undertaking a documenting of learning from experience, rather than presenting a series of out-of-context 'lessons'). This 'learning' was most frequently articulated in/as tentative approaches to participation, arising issues and tensions. A framework was then developed to articulate:

- Different approaches to participatory practice, which included documenting different forms of participation
- Different factors influencing participatory practice in different contexts
- Different issues, tensions and contradictions arising in participatory practice.

Researchers found this framework useful for providing critical insight into participatory practice. Researchers also found that this allowed a description of different contours of participatory practice, which reflect different ideological perspectives embedded in different contexts of practice. These are outlined below, and provide insight into issues that need to be critically considered in different contexts, if 'best practice' is to be achieved in the context of CMA establishment. The research report therefore adopts a situated approach to considering the question of 'best practice' (see section 4.3 below).

4.2.1 Participation in CMA establishment processes

As indicated in Chapter 1, CMA establishment in South Africa is still in its infancy. However, research data generated in the context of the national scoping study, indicated that there were a

²⁸ This would commit the researchers to methodological individualism (as described in Chapter 1), which also commits researchers to an epistemic fallacy (where ontology is collapsed into epistemology) – where something that takes place in a particular context is reduced to knowledge claims about the action / phenomenon (i.e. presented as a disembedded 'fact / lesson' out of context).

range of processes that were underway to establish CMAs. The data revealed that very different approaches are being adopted to participatory practice across the 19 CMAs.

- For the Olifants/Doring and Breede WMAs, reference groups with open membership were established to draft the CMA proposal. The Breede reference group included 35 people and the Olifants 75 people. The large sizes of these groups were aimed at ensuring full representivity.
- In the Olifants/Doring WMA, Catchment Forums were first formed, then the reference group drawn from the CFs. The CMA establishment process began with forming an interim task team in 1998, which appointed an action group representing major stakeholders to take the process forward. The existing representative stakeholder group was expanded through five regional public meetings. From these meetings a stakeholder reference group was established. Four reference group meetings were held to draft the CMA proposal, together with one public meeting.
- In the Breede WMA, the reference group was formed by amalgamating the Overberg Stakeholder Committee (formed from catchment steering committees dealing with IWRM issues), and the Breede River Basin Stakeholder Committee (formed as part of the Breede River Basin Study). In this case no CFs were established explicitly for the CMA process.
- In the Gouritz WMA, public meetings for the registration of water users were held, where people were encouraged to join CFs as part of the CMA process. In this case the reference group was established at a meeting of 200 representatives from the different CFs (further detail of the Western Cape CMA establishment processes - introduced above – is found in Table 4 below).

Box 2: Interaction between Forums and the CMA reference group in the development of the CMA proposal: a case study from the Western Cape

In the Western Cape, DWAF followed a step-by-step participatory process for the development of the CMA proposal. First, the state of the water resource was assessed. DWAF presented to the reference group their perspective of the water resource – particularly from a ‘water quality’ and ‘reserve’ point of view. The reference members were then asked to go back to their forums and other bodies, discuss the DWAF understanding of the water resource (DWAF had given the reference group a set of notes), and then develop their own version of the state of the water resource. At the following reference group meeting, the members presented what they had discussed with their forums. A regional DWAF manager recounts the deliberation process in an interview:

Somebody else, one of the emerging farmers stood up in another area and said, “Ek sal vir jou vertel” [I will tell you]. “There in the mountain if you go about 20km down, there is another river coming in. This water is very bad and that water is very good. Okay so there are lots of trees in the river that is really causing a problem”. In that 10- minute speech we tried to capture the issues. What is important for them? Water scarcity. The boreholes are drying up. The river is growing full of trees. Saline water in some areas. And without him realising it, he pinpointed the six or seven of the most important issues in that area and then he caught everyone’s attention so they gave a formal version of their resources and the issues.

As the above excerpt shows, the reference group came up with a list of issues pertaining to the water resources in the CMA. They then went back to their forums and presented the WMA-wide perspective on the water resource and a list of issues as synthesised by the reference group. Each forum then developed its own list of issues. Through this participatory process, a list of issues for the whole WMA was developed. It was not established whether this list was comprehensive or whether the deliberations included the environmental reserve (i.e. who 'speaks' for the environment in such deliberations?)

How were these issues addressed? The reference group developed an outline of the institutional functions required to deal with the issues. These functions were presented to the forums for deliberation, which elaborated on and prioritised them. Once the institutional functions were accepted, agreement was reached on the institutional arrangements (who should perform the functions) – these could be local authorities, WUAs, or NGOs.

The deliberations on the institutional arrangements took place over a number of meetings of both the reference group and the forums. There were a number of presentations by the various institutions. Once decisions had been made about which institutions would perform which functions, the group then worked out what role the CMA would play – the structure that the CMA would provide within which the implementing institutions could fit and interact.

How were financial arrangements developed?

You have service, you have your rubbish removed two or three times a week, you are going to pay a lot of tax. You must decide what [is] the minimum [that] you want, what the priorities are. If that is the structure then of course it will cost money, so expenditure, budgets and revenues will be considered. In project language we call it financial viability (Interview with WC regional manager, 24 December 2003)

In a similar way institutional and technical organisational viability was deliberated:

If all these people can do it, do we need a CMA? Is the CMA acceptable?" This is the institutional viability. Are the local authorities going to accept us, are the WUAs going to accept us? Are we going to use the hydrologist, the environmentalist [environmental specialist / ecologist]? These are the technical organisational arrangements (Interview with WC regional manager, 24 December 2003).

Once all the above deliberations had taken place, the final consideration was social viability:

The people have got to understand their water resources, they have got to understand the issues. Is the structure acceptable? Big bureaucracy, can we afford it? And only when they have accepted the whole thing that is when we say: it is socially viable. So that was the whole process (Interview with WC regional manager, 24 December 2003)

- In the Crocodile West/ Marico, nine catchment forums were established to cover the whole WMA. From these a co-ordination and liaison committee was formed, drawing three members from each forum. Tasks were carried out by 'theme-teams' within these committees, each with focus areas such as strategy and planning, communication, and capacity-building. Throughout the establishment process, there was communication and capacity-building. Capacity-building focused on:
 - Discussions around IWRM, NWA and the CMA.
 - Debate and agreement on the structure and activities of the CFs.
 - Participatory development of business units.
 - Sharing of IWRM among stakeholders.
 - Participation in IWRM activities.

- The Upper Vaal WMA established a reference group from three committees, representing three groupings from 13 forums (the funnel approach²⁹). The reference group set the terms of reference and appointed consultants to facilitate the development of the CMA proposal.
- In the Inkomati, the process had begun before it was known that CMAs would represent WMAs rather than primary catchments. Each of the three catchments in the WMA had already formed a forum and a steering committee to take the CMA process forward. The three steering committees amalgamated to form a reference group, which developed the proposal.
- The proposals for the Mvoti to Mzimkulu, the Thukela, and the Usutu to Mzimkulu followed a similar process. A first round of regional meetings (known as 'the DWAF roadshow') were held at centres in the WMA. Stakeholders were identified from various databases, and meetings were advertised in local and regional media. Where catchment forums existed, representatives from each CF were invited, with attendance ranging from 15 to 70 people. After the first round of meetings, a second round was held, attended by stakeholders from across the whole WMA. At this meeting, a proposal development working group (PDWG) was formed. This group met a number of times to develop the proposal. Once a draft proposal had been developed, regional workshops were held to get comment and approval on the draft. Figure 3 illustrates the Mvoti to Mzimkulu proposal development process (Wilson and Associates International, 2002: 9).

²⁹ The funnel as is envisaged by DWAF with regards to the functioning of CMAs. Relying on stakeholders volunteering to participate is an alternative to the funnel approach. One would call a public meeting and assume that stakeholders that have an interest and concern for participating in WRM will come to the meeting. At the meeting people volunteer or are selected to be part of a reference group as representatives of different stakeholder groups. An example of this is the Thukela CMA establishment process where regional workshops were held that generated a volunteer group of people who formed the proposal development working group (RUEESU & AWARD, WRC project K5/1434, Scoping document, December 2003)

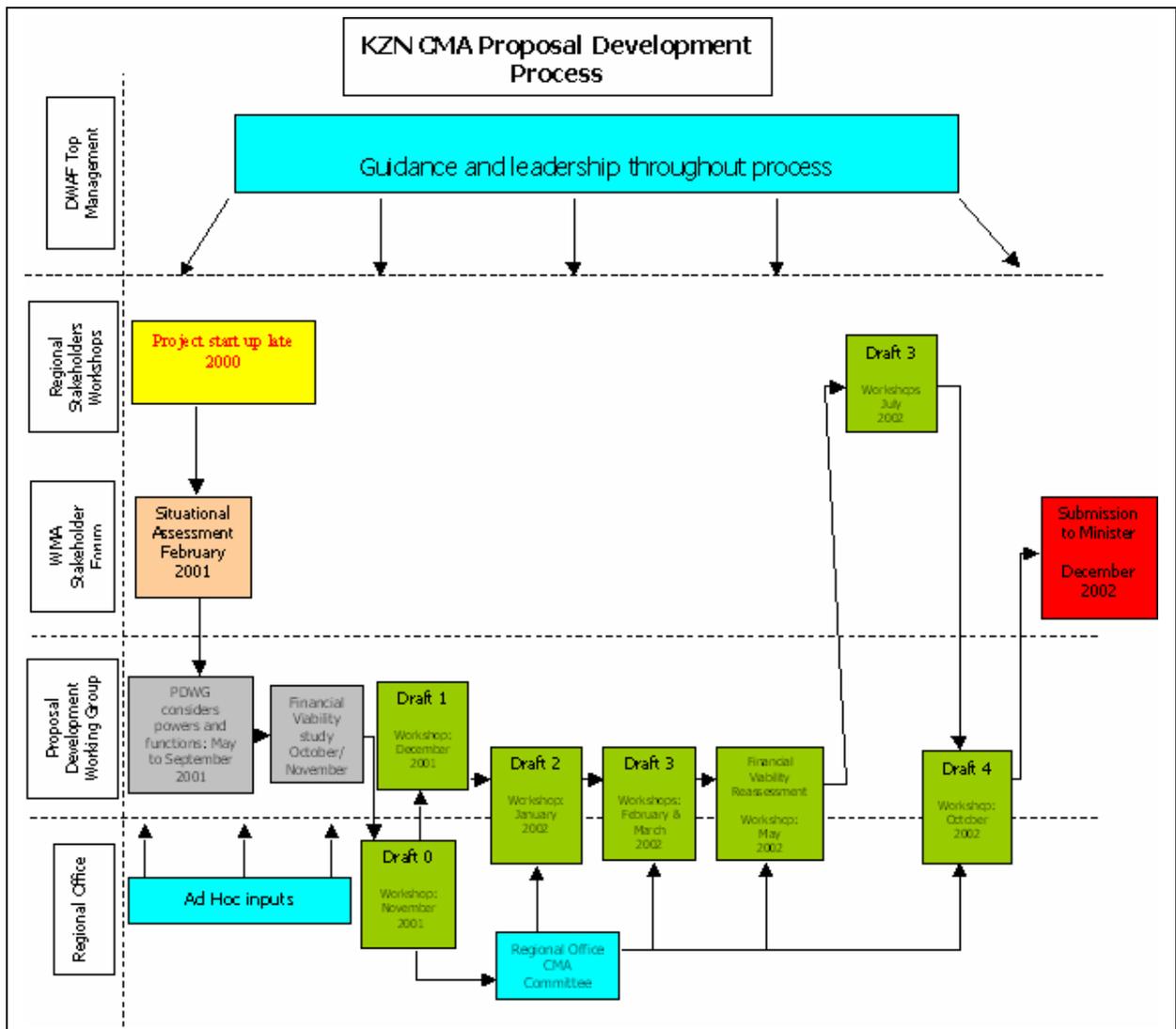


Figure 5: KZN CMA Development Process

- For the Lower Orange it was proposed that the process be carried forward by a steering committee of stakeholders. This committee will determine the structure of participation in the CMA process. DWA/Top Management will not work through forums (because of the vast geographical area of WMA), but initially through existing structures such as Water User Associations, and the Lower Orange River Remediation Forum (even though this represents limited geographic representation).

4.2.2 Broad versus narrow participation

From the case descriptions above, there appear to be two different approaches to participation in the establishment of CMAs. The first, characterised by a much stronger emphasis on forum-based approaches – characteristic of the processes in the Western Cape – can be described as enabling **broad-based participation**. Approaches that made less use of forums, and which were more reliant on stakeholder committees (e.g. the approaches used in KwaZulu-Natal which relied more on the establishment of reasonably representative proposal development working groups), could be described as being based on a **narrower** form of participation (i.e. fewer people are consulted, and less feedback and deliberation is provided for and elicited). The implications of these two approaches are explored in more depth in Chapter 5 in the context of the two case studies (one reflective of broad-based participation, and the other of a narrower form of participation).

Forum-linked approaches allowed for continual interaction or reporting back to the stakeholder base through the reference group. The committee-based approaches did not necessarily allow for this. Also, in the KwaZulu-Natal there was not necessarily continuity of membership between the initial meeting and the final approval meeting.

The broad participation approach involving forums allows for broader spatially situated participation (involving people from a wide geographical base), but may not necessarily allow for full sector-specific participation (unless sectoral interests are adequately represented in the forums); while the narrow participation approach (such as the approach used in KwaZulu-Natal) provides for sector-specific participation (although this does not mean that broader participation approaches involving Catchment Forums do not represent a cross section of sectors). Sector-specific participation is important in that some sectors (for example electricity or provincial government) do not conform to localised Catchment Forum boundaries.

Ideally, geographically-specific groups could be catered for through forums, while sector-specific groups could be catered for at the reference group level, or through sub-committees of such groups. Most WMAs have tended to approach the issue of geographic and sector representivity in the opposite way, by ensuring sector-specific representivity within geographically-specific groups. In the Olifants-Doring geographically established CFs are physically situated and are representative of sectors. In the Breede WMA a similar strategy was followed with geographically situated catchment steering committees being representative of different sectors. This approach works, but only to a certain degree. It falls short when considering stakeholders who are not limited to a geographic area, or even to a WMA – such as ESKOM, other industries and provincial government. In this case, inclusion of these stakeholders has been through invitation to the institutions and organizations, or by inclusion as part of reference groups, or by the reference group or DWAF directly consulting from these groups. In the Western Cape (which includes the Breede and Olifants-Doring WMA), DWAF regional saw it as their job to draw in sector-specific stakeholders who were not represented on forums. Regional managers will arrange meetings with

different sectors or attend existing meetings and give presentations on the CMA and IWRM. "Forums are not our only forums, we use what we call 'sectoral meetings' where we consult business, congresses and industry. We go to symposiums and do lectures at universities." (interview with WC regional manager, 24 December 2003)

Data analysed in the context of the examples above, also revealed that Catchment Forums, while allowing for broader participation, are not necessarily the only or ideal way through which CMA processes can be initiated. Nor are Catchment Forums necessarily fully representative of grassroots organisations or communities. Marginalised communities may be represented by a local councillor or a CBO that only represents a small sector of the relevant community. An example of such a forum is the Mtata CF in the Eastern Cape. The chair of this forum is the consultant who established the forum and a local councillor. Representatives to the forum consist of consultants, academics from local universities and councillors. Marginalised communities are represented by one representative, who is a councillor. Forums do not necessarily address the interests of marginalised communities. In the Gouritz WMA some CFs were initiated by wealthy residents. These forums have a lot more power in getting DWAF attention than forums from more rural, impoverished areas. Thus, even broad-based approaches to participation may still misrepresent 'on the ground' perspectives.

The data also revealed that there are many non-statutory, non-DWAF groups and organizations, whose activities are directly related to WRM. In the Mvoti-Mzimkulu WMA there is a great deal of participation in community activities amongst previously disadvantaged individuals (PDIs) in community gardens, poultry projects and water committees. According to a survey done by the Integrated Water Resources Project (DANCED/DWAF, 2002) 90% of those interviewed attend community meetings, and 80% participate actively in these meetings. Well over half the interviewees believe that they benefit from attending these meetings, and a significant number of women participate. The Mvoti-Mzimkulu proposal asks: "Should this form of commitment to development through community groups not be tapped into and supported in participatory water resource management through higher level structures?" (DANCED/DWAF, 2002, pg 25). In the Lower Vaal, district sanitation forums are already well established. Instead of starting new forums it was decided to broaden these forums to include water management issues (RUEESU & AWARD, December 2003, WRC project K5/1434, Scoping Document). Another group whose activities relate to WRM is traditional leaders. They are already mobilised under traditional local councils and tribal authorities. All these groups are associated with local or catchment-level needs, so their involvement in WRM-related issues has the potential to be direct and meaningful. They may not fit neatly into CMA institutional structures or processes, but they may play an important role in the CMA establishment process and functioning. A broader approach to participation, through a stronger focus on interaction with forums, can therefore accommodate these interests and expertise (as illustrated in the Western Cape examples).

In terms of the broader framework of IWRM that implements deliberative forms of democracy (see Chapter 1) it would seem that broad-based approaches to participation are more likely to be enabling of deliberative democracy. This point is revisited in Chapter 6, where a more in-depth review of two case studies (one following a broad-based approach to participation and one following a narrow approach to participation) is considered in more depth. Arising issues are identified as potential points for monitoring in future CMA establishment processes.

4.2.3 Different factors influencing participation

Section 4.2.1 illustrated some of the ways in which the different Water Management Areas have gone about promoting participation in development of a CMA proposal. Section 4.2.2 indicated that the setting up of institutional platforms for participation, involving either a broad-based approach to participation or a narrower approach to participation, may be followed. However, establishing these institutional platforms does not necessarily provide insight into the actual participation that takes place, nor does the establishment of multi-stakeholder platforms (such as committees or forums) necessarily guarantee that participation will actually take place. Furthermore, 'participation' encompasses a vast spectrum of ways in which people can be involved.

Analysis of the data generated for the national review, revealed that there are many dimensions and many different forms of participation currently manifesting in WRM, and in the CMA establishment process. The data also reveals that an institutionalised process of participation may allow for one dimension, but not another – for example, the establishment of Proposal Development Working Groups in KwaZulu-Natal allowed for sectoral interest participation, but not for broad-based geographically situated participation. In seeking answers to the research brief requiring guidance for 'best practice' in CMA establishment and functioning, the question arises: Which forms of participation best promotes the sustainable, efficient and equitable management of water resources in a particular catchment³⁰? What form of participation is appropriate where and when? The various dimensions of participation, and the variety of ways that participation manifests in different contexts, and the reasons why people participate in an action such as IWRM, are discussed below to provide a vantage point for further analysis (see Chapter 5).

A significant (but not unexpected) finding emerging from the analysis of the national scoping data is an understanding of participation as a *complex social process that is contextually influenced*. Participation takes place between people, and is influenced by a range of contextual factors and

³⁰ Note here the ongoing commitment in this research to the contextually situated nature of participation as a social process.

the causal relationships between these factors, such as history, knowledge, empowerment, resources, political enfranchisement and attitudes, interests, language, educational experience, individual agency and established ways of doing (amongst other factors)³¹. For example:

Participatory practice (the establishment of a broad-based approach to participation) in the Olifants-Doorn CMA was supported by additional funding (*resources*) received from DANIDA. The *political attitude* in this CMA allowed for open-ended participation (i.e. organisations could request to join the reference group at any point in the process). Because of the additional funding from DANIDA, consultation tended to work hand in hand with capacity-building (*education and competence*) enhancing people's capacity to participate more equitably and meaningfully. As part of this process documents were translated (*language*), which allowed broader access to the information being deliberated, thus enhancing participation. A support team further supported the forum members (*empowerment*), to assist forum members to respond adequately to the unfolding process. As previously disadvantaged individuals (*political enfranchisement*) developed the capacity to participate meaningfully, members of the reference group increased over time. Adequate *time* was allocated to allow for the capacity development process (Feb 2001 – October 2003). This process was further supported by an analysis of *communication* needs, and a number of proactive communication strategies were introduced. Secretarial services (*resources*) were also provided to each of the catchment forums to strengthen communication and participation. Gender representivity (*political enfranchisement*) was identified as a problem, and actions were taken to address this, for example women were employed as the secretaries for the Catchment Forums. In this context participatory practices started long before the CMA process (*history*). A team-based approach was adopted in the Western Cape to support the establishment of CMAs, thus providing additional support (*resources and empowerment*).

This case study illustrates how these interacting contextually situated factors (education, competence, political enfranchisement, resources, history, communication, time, language etc.) influence participation. Another case study paints a different picture:

The Lower Orange does not appear to have a long history of participation in IWRM (*history*), as DWAF has initiated an awareness campaign as well as a stakeholder identification process. This was started in April 2003, thus not much *time* has been

³¹ As mentioned earlier in this research report, participation is located at the interplay between structure and agency. Pre-existing structural factors influence participation opportunities, which in turn influence agency and 'uptake' of the opportunities for participation. These, in turn, shape new participation opportunities and processes. These are likely to be different in every context, as the combination of pre-ceding structural factors are likely to differ in each context, as are the identities and reflexive capabilities of the individual and corporate agents working in the context of these structures.

allocated to the process to date. It is proposed that a steering committee of stakeholders will drive the process as it will be too costly (*resources*) to establish forums across the province, due to the vast distances between places (*geo-physical constraints*). One Catchment Forum exists, which was established to address the problem of blue-green algae in the Lower Orange (*history*). Capacity-building in this forum is 'issue specific' and is focused on dealing with algae and algae toxins. In this context the WUA is seen as being the most important 'starting point' for broadening participation as it already has a history of participating in WRM issues (*history*).

This case study illustrates that a different set of factors is influencing participation in the CMA establishment process in the Lower Orange. They include history, resources, geo-physical constraints and timing. Thus, even though the same factors may influence participation (e.g. history or resources) in the two contexts described above, the facets of these factors are different: the histories influencing participation in the two CMAs are different, and the resourcing issues are different.

As indicated above (see also Chapter 6), attention to this complex array of contextual dimensions (involving both social and technical / resource-based issues) may seem time-consuming and a 'waste of time' to more technically-orientated managers, but it cannot be ignored. This has been recognised in South African environmental management legislation, which requires both technical and social competence from all environmental managers in the Department of Environmental Affairs and Tourism (DEAT, 2004)³². Understanding or establishing 'best practice' in IWRM would therefore seem to require ***careful contextual analyses***, involving an understanding of the interplay of a range of different contextual factors that influence and shape participation possibilities, and the quality of, and opportunities for participation. In essence, this finding indicates that each CMA will need to establish their own participatory 'best practice' in the light of the range of enabling and constraining factors. It would therefore not seem possible to develop one set of 'best practice' guidelines that would be relevant for all CMAs in South Africa.

4.2.4 Different forms of participation

Resulting from different causal factors associated with different combinations of these (and other) influencing factors, participation plays out in different ways in different contexts, and it comes to mean many things depending on the context, the task at hand, the decision to be made, the implementation that needs to happen and the factors that make up the context of participation.

³² This study (DEAT, 2004) provides a competence analysis of a wide range of environmental management legislation in South Africa, including the National Water Act. It considers the range of competences required of environmental managers if South Africa is to successfully implement the environmental management legislation.

This study identified a number of different forms of participation within the context of water resource management, which are also linked to different **purposes** for participation. These purposes may be a) political (e.g. participation for decentralisation, participation for expressing a need) or b) practical (e.g. establishing partnerships for implementation, or for capacity-building). There is often an overlap between the political and the practical purposes of participation. These different forms of participation, and their purposes may be considered in guiding 'best practice' in CMA establishment, in the contexts of possibility discussed below:

Participation as consultation: People who are affected by a certain decision, or policy document, or piece of legislation, need to be consulted before the decision can be finalised. Consultation usually takes place by asking people to comment on a document which they can obtain from a public office, or by holding a public meeting where a presentation is given and asking people to comment afterwards. It is usually used for broad public participation, as anyone can participate by commenting. An example of when participation as consultation would be used with regards to WRM is in consulting the public on policy, proposals or strategies, by holding meetings and publishing documents in the *Government Gazette*.

Issues to note: Not all people can respond to written documents in a constructive way. Only certain people attend meetings. People that do attend meetings do not necessarily participate, especially if they feel their comments will not be taken seriously.

An example of a consultation process would be when a CMA proposal is gazetted and is made available for public comment. For example, the Mvoti-Mzimkulu CMA proposal was gazetted and sent to libraries, district municipalities and traditional authorities. There were fewer than 10 comments. The proposal left at the offices of the Umgungundlovu Municipality received only three comments (Book 1). In contrast, the consultation process followed for the National Water Resource strategy was far more directed, with documents being sent to identified people and workshops being held where comments were collected. All comments were considered and responded to before the strategy was finalised (DWAF, 2004).

Participation as decision-making: People representing different affected groups come together to make decisions about how water is managed. The aim is to reach consensus on a decision so that everyone benefits (including the resource itself). Participation as decision-making is achieved through some recognised body, which has the power to make decisions, such as a Water Users Association. Participation as decision-making would be appropriate when negotiating water allocations with all stakeholders.

Issues to note: The group responsible for making a decision may not be representative. The representative of a particular group may not fulfill his or her role adequately. Certain

representatives on the body may have more power than others. Other bodies may have more power than the body recognised by DWAF.

An example of this form of participation would be the decisions made by a reference group with regard to the development of the CMA proposal. The reference group usually consists of representatives of different stakeholders – in the case of the Upper Vaal the reference group represents three catchment executive committees, which in turn represents 13 CFs. The reference group will consult with the groups it represents. The representatives of the different groups will be responsible for making decisions on their behalf after consultation (RUEESU & AWARD, December 2003, WRC project K5/1434, Scoping Document). Another example of when this form of participation would be used is the task of allocating water, which is part of the WM cycle. A representative of all users will need to be part of this process. In the Kat River Catchment, the WUA intends to develop a plan for water allocation. As it is not representative of all users the WUA will need to consider inviting other representatives, such as people from tourism and forestry, to meetings so that they can participate in making decisions around water allocation.

Participation as partnerships for implementation: This can happen when all affected groups have established a partnership for the implementation of water management. Partnership by implication recognises agreed-upon frameworks for participation. Participation as implementation usually happens through a designated body, such as a CMA, that has the power to coordinate action and develop partnerships. Mitchell (2004) favours the notion of partnerships above multi-stakeholder platforms in IWRM, as partnerships are more focused on necessary participation to facilitate implementation, and less on political processes and representivity.

Issues to note: Powerful groups may dominate the process of implementation because of their skills advantage. Issues of representation may have to be addressed. The coordinating body may not have enough power or resources to meaningfully allow as many people as possible to participate in implementing water resource management.

In all WMAs there are partnerships that develop alongside the institutionalized multi-stakeholder platforms for WRM. An typically local example of such a partnership would be of a local community organisation partnering with an NGO or other institution. An example of this would be the recent partnership between Rhodes University and the Water Users Association in developing a Catchment Management Plan for the Kat River sub-catchment (O'Keefe, J & Birkholz, S, 2004). NGOs can also form partnerships with government structures in order to implement WRM. The NGO, AWARD operating in the Inkomati WMA, has formed partnerships both with National DWAF, regional DWAF and with local communities to address WRM issues (RUEESU & AWARD, December 2003, WRC Project K5/1434, Scoping Document). Partnerships concerned with funding CMA establishment have also developed. A recent example of this is the DANCED/DWAF IWRM

project, which funded participation processes in three WMAs in South Africa (DANCED/DWAF, 2002). Partnerships can also develop around conflict situations such as the proposed development of a dam in the Upper Berg catchment. Downstream users, Saldanha Steel and irrigation farmers, were particularly unhappy about the proposed dam and formed a partnership to express their dissatisfaction. Regional DWAF suggested that this partnership should be formalised and that users should coordinate their complaints through an Environmental Management Committee. This committee was then set up. Regional DWAF has also looked to using this conflict as the point of departure to develop partnerships with the company building the dam. This company has been approached to help fund the CMA process (RUEESU & AWARD, December 2003, WRC Project K5/14344, Scoping Document).

Participation as capacity-building: Participation is itself a powerful form of capacity-building and capacity-building is necessary for meaningful participation. People will not participate unless they have an understanding of what they are participating in and why they are doing so. In itself participating is a learning experience (hence DWAF's 'learning by doing' strategy). When participation is a legislated imperative, it is even more important that capacity-building becomes an integral part of the process.

Issues to note: Capacity-building is needed at all levels of society and government in order to ensure meaningful participation. Capacity-building needs to be contextually relevant, and given sufficient time.

An example of textually relevant capacity-building for participation in WRM is the Save the Sand public awareness programme run by AWARD. Capacity-building is developed using the spirals model (Du Toit, D & Squazzin, T, 2000), which emphasises process rather than content. Special focus is placed on the development of trust, conceptual capital, appropriate competence, skills and professionalism, as well as particular areas of knowledge. Continual learning is the underlying principle. The learning process responds to the day-to-day routines of participants rather than the more traditional training interventions which assume that learning will automatically be carried into participants' daily practice (RUEESU & AWARD, October 2003, WRC project K5/1434, Starter document).

The capacity-building programmes initiated by the DANIDA/DWAF IWRM project are a good example of contextualised learning. This programme appears to have been most successful in the Olifants-Doorn WMA. The CMA establishment process was used as a focus for capacity-building. A strong emphasis was placed on CFs and previously disadvantaged individuals, where consultation (as participation) tended to work hand in hand with capacity-building. The programmes that were initiated were:

- Forum Champions programme: This was aimed at previously disadvantaged members of CFs. The intention was to develop champions within the context of IWRM.
- Participatory Development Project Cycle management for IWRM: The participants were not necessarily from CFs. This programme aimed to develop project development skills so that individuals would be able to initiate projects in the WMA that would support CMA activities. The outcome of this programme was a series of project proposals that will hopefully be included in DWAF business plans.
- CF micro-projects programmes: CFs were given a small amount of money to run small projects. It is envisaged that these micro-projects will be lead by the individuals who attended the champions programme.
- Other capacity-building initiatives: These included mentoring and support of CMA development by DWAF and consultants through CF meetings, and training programmes on administration of CFs.

(RUEESU & AWARD, December 2003, WRC Project K5/1434, Scoping Document)

Participation as expressing a need: Often groups of people participate when they have a need or an issue that they want addressed. Here the platform for participation becomes the issue at hand. Participation ends when the need has been addressed.

Issues to note: This kind of participation can be disruptive or narrowly focused. The group may struggle to be heard if it does not follow the institutional channels of participation. Groups like this usually come to a natural end once the issue has been resolved. The original issue can be subverted by a promise for funding by government or another institution.

Stakeholders were mobilised through the implementation of the Save the Sand's integrated catchment management project (AWARD) in response to serious water concerns associated with the protracted drought of 1992. Tensions between various users started to emerge. This impelled stakeholders and AWARD to engage with the CMA establishment process through the Inkomati Reference Group. (Book 1)

Participation as covering bases: Encouraging participation ensures that there are no comebacks about an undemocratic process. This reduces the chances of contestation at a later date. For example, if DWAF needs to make a contentious decision about water allocation, calling for public opinion or assistance in making the decision means that it is not DWAF alone that is held accountable.

Issues to note: This type of participation can become a form of 'token participation'. For example an attendance register from a meeting can be used as a way of 'proving' that a decision was made in consultation with the broader public.

An example is in the Crocodile West/Marico WMA, where it is reported in the proposal for establishing the CMA that one of the reasons for involving stakeholders is to “gain legitimacy, especially among those who will be unhappy with having to pay for CMA operations” (DWAF, 2003).

In the Fish–Tsitsikama WMA, where DWAF has been trying to initiate a WUA it has been a struggle to get stakeholders involved. DWAF has literally had to ‘buy’ them in, by busing people to meetings and providing big lunches. People have even been paid to participate. This resulted in meetings costing up to R30 000. Regional officials feel that the Eastern Cape needs to take a different approach because of this lack of ‘volunteer culture’. Yet, without participation from stakeholders, institutional establishment will not be legitimate, according to the NWA. How will DWAF also ensure that water users pay and sustain their WUAs once established? A suggestion was made that a better institutional structure would be autonomous sub-units and committees in areas where payment is towards local management, so that stakeholders can see the legitimacy of being involved, and the legitimacy of contributing to locally relevant WRM (RUEESU & AWARD, December 2003, WRC Project K5/1434, Scoping Document).

Participation as ownership: Participation in general creates a greater sense of ownership among participants. This in turn fosters the taking of greater responsibility for the process and the resource.

Issues to note: Ownership is not enough. People need to be given the economic resources to be able to participate meaningfully in implementing action.

An example of this is the forums in the Upper Vaal which take ownership of awareness creation, community outreach and addressing WRM problems. They had the support of DWAF in their establishment and formed the building blocks for the CMA process, but they nevertheless retain an independent identity and functioning. Because of this, these CFs are not concerned about their role and sustainability once the CMA establishment process is over. One reason for this is that the Forums are multi-sectoral, including industry. Marginalised communities are represented by local government councillors. Each member organisation pays towards the running of the forum. Executive or business members contribute substantially more than other members. The ability to take ownership is definitely a result of financial independence.

Participation as a mechanism of decentralisation: In an attempt to promote democratic values of accountability and equitable representation of local needs and interests in the management of resources, central government may delegate responsibilities to a local level. Participation by

affected people at a local level ensures that these institutions are held accountable and represent local needs.

Issues to note: Decentralisation can often be confused with deconcentration (see Chapter 3), and can also become a problem when local level government is required to establish participatory approaches without the necessary funding (the problem of the 'underfunded mandate').

The establishment of all CMAs is an example of participation as decentralisation. Governing boards are representative of stakeholders in the WMA and are accountable to them. This can be seen by the careful thought that the advisory committee for the Inkomati put into advising what sectors should have a representative on the board, as can be seen in the box below.

Box 3: Recommendations to the Minister on the composition of the CMA Board

The following extract from the Advisory Committee report describes the 14 seats on the Inkomati CMA Board:

After a rigorous process of evaluating current water users, potential water users, the role and interests of local and provincial government, and environmental interests within the Inkomati WMA, the Advisory Committee recommends the following sector and other interest representation on the Inkomati Governing Board.

Three nominations are required for each identified sector / interest, from which the Minister will appoint one Governing Board member.

Commercial agriculture

This seat primarily represents commercially irrigated sugar cane and fruit farmers in the Inkomati WMA, but includes all commercial farming, irrigated crops and livestock.

Existing agriculture by historically disadvantaged individuals

This seat represents existing small-scale irrigation by historically disadvantaged individuals, including existing stock watering and other agricultural activities.

Potential agricultural water use by historically disadvantaged individuals

This seat represents the interests of people with access to some land for agricultural production (particularly those engaged in dryland farming or beneficiaries of land reform), but who currently have no entitlement or access to water. These groups may require reallocation of water and/or local infrastructure development to enable the use of water for small-scale irrigation farming. This seat will represent the needs of this relatively marginalised group in the broader process of water resources planning, utilisation and development.

Streamflow reduction (forestry)

This seat represents streamflow reduction activities defined under the NWA, which currently includes only forestry. It is intended that this sector reflect the interests of both large commercial and small emerging forest growers that have an effect on water resources, and that it should be extended to include other sectors that may be defined as streamflow reduction activities in the future.

Industry, mining and power generation

This seat broadly represents the industrial, manufacturing, commercial, mining and power generation sectors that use water and have a significant contribution to the economy of the WMA. They include

the bulk industrial users such as paper & pulp and sugar milling, as well as the manufacturing sector obtaining water from municipal supplies. While mining in the Komati River catchment does not abstract much water, the water quality impacts of the mines are significant. Although the power stations are located outside of the WMA (implying a direct inter-basin transfer) this interest should be reflected by this seat.

Tourism and recreation

This seat represents the interests of tourism and recreation associated with the water resource, including fishing and aquaculture. This would range from the trout industry in the escarpment area, through both formal and informal recreation on rivers and dams, to tourism activities dependent upon the water resource. The important element of this seat's representation is an understanding of this important economic sector and its needs and impacts on the resource.

Conservation

This seat represents the formally established national and provincial parks, as well as conservancies and community conservation initiatives. The seat reflects the importance of this WMA for nature conservation and biodiversity, and their dependence upon adequate water resources.

Productive use of water by the poor

This seat represents the potential productive use of water in local enterprise by poor and marginalised rural households (focusing on women) to improve their livelihoods, including but not limited to Schedule 1 use. There are two related but distinct elements of this type of water use – the use of water to support local enterprise development and the use of water to support rural household livelihoods. This seat reflects the need to represent this type of water use and its associated support requirements, and the opportunities and constraints on productive water use to address poverty.

Civil Society - resource protection and sustainable development

This seat represents civil society environmental interests in the protection of water resources, both for ecological sustainability and for the sustainable use of water and water resources by local communities. It reflects the use of local resources and products for productive, subsistence and social activities.

Local Government - integrated planning

This seat represents the local government mandate for integrated planning and development, particularly the Integrated Development Plan process and associated plans. This is primarily a district municipality competency.

Local Government - Water Services Authority

This seat represents the local government mandate for water services planning and service delivery for which local municipalities are authorised in Mpumalanga (except for the cross-border Bohlabela DM).

Traditional leaders

This seat represents traditional leaders as an institution of local governance, recognising their role in the management of communal land in the former homeland areas.

Mpumalanga Provincial Government

This represents relevant Mpumalanga government interests in the majority of the WMA, including agricultural, environmental management and development planning responsibilities.

Limpopo Provincial Government

This seat represents Limpopo Government interests in the northern part of the WMA, including agricultural, environmental management and planning responsibilities.

In addition to these 14 members, it is proposed that at least the following three observers be present at every Governing Board meeting for the first year or two.

Independent IWRM specialist

The appointment of an independent non-executive member of the Governing Board was initially considered to advise and guide the board on key technical integrated water resources management issues. An independent specialist advisor is appointed by DWAF as an observer to support the Governing Board (and particularly the chair), at least in the first year of the board's operation. This specialist should have a broad perspective on water resources management issues and approaches, with knowledge in water resources development, allocation planning, sustainable development and conflict resolution.

DWAF regional office representative

DWAF has a direct interest in the functioning of the CMA and Governing Board, and should be present to observe the decision making process and provide support where necessary. This should be a regional office representative as there is significant coordination required between the CMA and DWAF Regional Officer until the CMA is fully functional.

CEO

The Chief Executive Officer of the CMA should also be an observer once s/he is appointed, unless the Governing Board deems it necessary to recommend to the Minister that the CEO be appointed as an executive member of the Governing Board.

While the above provides an overview of the different forms of participation that have been identified in the national review of participatory practice in IWRM (in the context of CMA establishment), it is also important to note that these different forms of participation often take place at different times, in the context of one process (e.g. CMA establishment and functioning).

For example, in the Inkomati CMA establishment process, different forms of participation can be identified at different stages in the process (see table 2 below, and also Chapter 5).

Table 6: Public participation in IWRM processes: Some examples from the Inkomati case study

Nature of Public Participation	Example	Detail and/or source of obligation
Participation as consultation and decentralisation	National Policy Development (e.g. the NWRS).	Public is consulted on the contents of a pre-drafted strategy. NWA Chapter 2, Part 1.
	Stakeholders and institutions on proposal for establishment of a CMA.	Drafted by a representatively constituted reference group.
	The constitution of the CMA Governing Board.	Advisory committee drafts recommendations on constitution of CMA Board. Public comments on proposal.
Participation as representation	Establishment of WMLs such as CMAs, CMFs and CMCs.	NWA Chapter 1 Part 2 provides for the involvement of civil society in these institutions.

	Nomination of persons/institutions to serve on the CMA Board.	Minister to call for nominations to constitute the CMA Board. Nominations for each role-specific portfolio on the CMA has been suggested
Participation as consultation and ownership: Input and comments	Written comments on gazetted proposed NWRS and CMS.	Comments to be submitted within fixed period.
Participation as decision making: Drafting of strategic plans	Integrated Development Plan (IDP) and Water Services Development Plan (WSDP) requires public participation.	Catchment Development Forums (CDFs) and ward committees participate in strategic planning through administrative structures (mostly water services related).
Participation as capacity development: Capacity development and learning	Special information-sharing days for groups involved in the CMA proposal held in three sub-catchments.	Requests for support with understanding the new legislation was provided by DWAF prior to drafting of the CMA proposal.
	Save the Sand Project(SSP) involved in general awareness raising through forum theatre and public awareness raising programmes.	A 3-year framework has been developed and implemented with six priority focus groups.
	Wits University involved in public awareness and support for stakeholders in Sabie Catchment.	Various water user groups provided with conceptual grounding in WRM.
Participation as representation: Local area representation	Constitution of village water committees.	Village water committees represent village in negotiating for domestic allocation and Basic Human Needs Reserve (BHNR).
Participation as partnerships in implementation Independent involvement	The Sabie Sand Park and the Kruger National Park have set up their own monitoring procedures for the ecological reserve and water quality.	The water management cycle makes allowances for the involvement of stakeholders in WRM functions, such as monitoring.

These different forms of participation, and their associated purposes, are considered in more detail in Chapter 5, in the context of establishing a monitoring framework for participation, as different forms of participation may be more or less appropriate in different phases of the CMA establishment and functioning process.

4.2.5 Issues, tensions and contradictions in participatory practice

Section 4.2.2 above reported on different approaches to participation in CMA establishment, section 4.2.3 reported on different contextual factors influencing participation in CMA establishment, section 4.2.4 reported on different forms of participation that were identified in a national review of participatory practice in CMA establishment. These are all significant in

developing a better understanding of what may constitute 'best practice' in CMA establishment and functioning in South Africa.

Another key finding of this research is the identification of a range of tensions that characterise participatory practice in the context of IWRM and CMA establishment in South Africa. These tensions are outlined below, to provide further understanding of what may constitute and influence 'best practice' in CMA establishment and functioning in South Africa.

This section of the report considers what happens when the complex, fluid social process of participation is combined with a structured system of management. Data generated for the national review, indicates that practitioners and institutions are facing a number of issues and contradictions around this issue. This section refers to these contradictions as 'tensions', to avoid a counterfactual discourse. The issues and tensions raised in this section, point further to **the need for an in-depth understanding of participatory practice**, if 'best practice' is to emerge in the context of CMA establishment.

Issues and tensions around participation arise for a variety of reasons. From the analysis of the national review data, it would appear that tensions arise when there are different perceptions of what is happening or should happen; around conflicting interests; around how participation should address the principles of the National Water Act; and around the task of having to 'manage' participation as a legislative imperative.

Many of these issues and tensions are interrelated and consequently difficult to separate out as discrete issues in their own right. Each tends to influence other issues, compounding or easing existing problems, depending on the bearing that other issues have on the situation. Four key issues / tensions were identified through the national scoping process, and each is discussed in more depth below. Each discussion has valuable 'lessons' embedded, which could provide further guidance for participatory WRM practice in South Africa. The four key issues / tensions are:

- Incentives for participation: Management imperatives versus local interests / concerns
- Inclusivity and exclusivity
- Capacity-building
- Levels, narratives and layers of participation: Management and imperatives versus local interests/concerns.

4.2.5.1 Incentives for participation: Management imperatives versus local interests / concerns

Tensions surrounding incentives / drivers of participation, could also be defined as top-down participation versus bottom-up or needs-based participation. These approaches are directly linked

to the counterfactual notions of democracy outlined in Chapter 1 (namely republican / liberal democracy and participatory democracy). In the analysis of participatory practice, it seems that these represent two common but different ways in which participation plays out in water resource management in South Africa.

On the one hand the state, through DWAF, is aiming to ensure participation because of a constitutional, legislative, policy-driven and democratic imperative. The law states that water needs to be managed in a way that 'enables everyone to participate' (RSA, 1998), and in order to ensure this, DWAF is taking an active role in developing systems and platforms for participation. This could be called top-down participation because it is motivated at a national level and then implemented 'downwards'. DWAF needs to define why and how people should participate according to the policies, guidelines and legislation that have been developed, which is separate from a direct response to the needs of people within a particular context.

There are many good reasons for the drive for participation from the 'top', including:

- Moral – DWAF has 'a moral obligation and a social responsibility' (RUEESU & AWARD. October 2003. WRC Project K5/1434 Starter document)
- Constitutional – It is the government's responsibility to provide the public with the opportunity to be involved in government's decisions (RSA, 1996)
- Legislative – The National Water Act (RSA, 1998) recognises the need for the integrated management of all aspects of water resources, and where appropriate, the delegation of management functions to a regional or catchment level so as 'to enable everyone to participate' This creates a need for management systems that allow for participation.
- Democratic (includes the need for redress) – There is a drive towards promoting social equity.
- Sustainability – This creates a need to develop partnerships and a sense of ownership by local stakeholders.
- Credibility – For a process and structure to be effective, it has to be recognised by the population and institution with which it will interact. By allowing people to participate in the development of the structure, people may take ownership, and recognise its legitimacy.
- Harnessing knowledge – Many people and institutions have important local knowledge that may be useful to the water resource management structure. Participation ensures that the management recognises this relevant information.

In South Africa, there are examples of where a 'top down' approach to participation is generating a dynamic process of interaction and participation. For example in the Western Cape, the development of CFs for the establishment of CMAs has been done in a way that is responsive and that sees each interaction as a potential for capacity-building and deepening partnerships. A

regional officer summarized this approach as follows: "I favour a top down approach to a bottom-up approach. What I mean is you need someone to facilitate the process to make sure it is really a bottom up approach and by that I mean getting all the people involved," (Interview with WC regional official, 24 December 2003). The regional office has been proactive in trying to access more funding for capacity-building programmes. Conflicts (for example in the Berg WMA) are being seen as opportunities for furthering participation rather than obstacles to the process. There is also a sophisticated understanding of participation held by regional officials in the DWAF office, one official called for an 'educational' approach to participation, meaning that participation cannot happen without capacity-building (RUEEUS & AWARD, December 2003, WRC project K5/1434, Scoping Document). The Western Cape does have more resources than most other provinces so it is easier to initiate a more flexible, responsive approach to participation. Nonetheless there are key lessons about the practice of participation that can be learnt from this 'top-down' approach to WRM. When the regional office has internal capacity, a top-down approach may ensure that marginalised stakeholders are involved.

On the other hand there is 'bottom up' participation, which can be described as participation that happens spontaneously in response to a direct need of a group of people within a particular context (Rahman, 1993). This kind of participation is organised around a specific need or issue rather than an institutional need or legal requirement. An example of this can be found in the Lower Orange, where a Catchment Forum was established to address the issues of blue-green algae. Commitment to participation is directly linked to the issues that directly affect the participants' lives.

The negative effects of bottom up participation are that it is often narrowly focused on particular issues, and such participation can be difficult to control and can take a direction that is not in line with government policy. It might be in direct opposition to a controlling body like the state, which is identified as the perpetrator of a particular action (as seen in recent community protests against poor service delivery at municipal level). When a need or issue has been addressed through a 'bottom up' process, people may stop participating and the group may disband, although this is not always the case. Interest groups can become further organised into activist groups or NGOs

A well known international example of bottom up participation is that of the Bhoomi Sena movement in India. Indian peasants of the lower class fought for their right to land and resources against the oppression of the higher class of landowners. Bhoomi Sena has now developed into a movement that assists other oppressed groups to analyse their oppression and find practical solutions for poverty. Throughout the long history of this organisation, the aim and focus of all action has been to alleviate and resist oppressive actions themselves. "Bhoomi Sena realised that as the people needed a central organisation to help promote people's power, the people also needed their autonomy... True people's power is spontaneous, unrestricted by dictates of even an

organisation created by the people. And there may at times be a need for the people to challenge their own organisation” (Rahman, 2004, 18).

The establishment of the Kat River CF has been inspired by this approach, however the initiative was largely driven by Rhodes University researchers. Villagers in the Kat did not easily adopt the idealistic vision of researchers’ agendas. Even though the Kat CF is far more autonomous with regards to identifying WRM issues and potential action, it lacks the ability to access funds because of a weak relationship with government at a local (through the municipality) and regional level (DWAF regional do not directly support the Kat CF). Presently the CF realising that an alliance and partnership with government is vital if it is to begin addressing WRM issues identified through the partnership with Rhodes University research initiatives (see Chapter 1).

Sometimes the legislative obligations and the need to sustain a management system are in conflict with the principles of sustainability, equality, efficiency and participation. Because of management’s strong need for participation to work lawfully and to fit into a structured system, management sometimes tries to control participation or to fit it into what it perceives as the best way of putting the law into action. There is the need, in other words, to make participatory processes conform to the institutional arrangements of DWAF. The potential consequences of this ‘control’ could be that the needs of civil society, local needs, and particularly the needs of those who have been previously marginalised, get sidelined in the interests of developing a successfully managed system of participation (as shown in the Mvoti-Mzimkulu case study, in Book 1).

There is a danger that people will be ignored if the platforms and reasons for participating are not compatible with the institutionalised platforms initiated and informed by DWAF. This could serve the purpose of alienating people and the institution (DWAF) can become an isolated and ineffective entity. As is mentioned above, this a situation that the Kat River CF is presently facing. As a CF that was not established by DWAF regional it does not receive the support of DWAF and faces the danger of being excluded from WRM processes as they unfold in this WMA (Fish –Tsitsikamma WMA). A meeting held in June 2005 between a DWAF official, the chair of the Kat CF and Rhodes University researchers confirmed this situation. The DWAF official stated that “the only way you will get funding through government departments is if you have a representative on your committee, then they will include your ideas in their business plans. If you don’t have a representative you will not get funding.” The CF chair noted that the forum had been approaching DWAF to send a representative but that no one came. The DWAF official said that he would speak to his colleagues about this situation.

If an initiative is driven by a centralised institution such as DWAF and not based on a local need, then people may also not feel that they own the initiative, and they might not see the point of participating at all. An example is the Mzimvubu to Keiskamma WMA, where DWAF has had

difficulty in enticing local people to participate in WRM initiatives. Here people are paid to attend meetings. The attitude of many people is that there is water in the rivers, there is enough water, and therefore there is no need to participate. However, the same people participate in institutions such as burial societies, which respond to their immediate and tangible needs. This raises a question about **motivation** to participate.

In the South African context, it would be important to avoid simplistic approaches to participation that are framed by 'bottom-up' or 'top-down' approaches to participation. To ensure deliberative democracy and associated institution building, there is a need to reconcile drives from the bottom and drives from the top to foster participation in water management. The challenge is to understand these drives and articulate ways in which they can acknowledge a common interest – which is an adequate allocation of clean water for personal health, productivity and spiritual well-being. This also includes deliberation on water allocations for the environment, which requires those participating to engage in concerns beyond their immediate needs and interests.

Box 4: Case Study: Bottom-Up Versus Top-Down Catchment Forum Establishment

Catchment forums vary in their relationship to and degree of independence from DWAF. Forums that were not DWAF-initiated tend to be formed through a bottom up process, sometimes based around issues that are not directly related to WRM. These forums are not necessarily representative of a cross-section of stakeholders and may more accurately be seen as interest groups. If their interests are not directly at stake these groups tend may fall away.

The Kat River Catchment Forum is an example of building a catchment forum through a long-term process of organic 'bottom-up' development and capacity-building. It must be noted, however that the Kat CF did not simply appear, it was initiated by, Rhodes University, through a participatory process of identifying local needs. However, the decision to start a CF as a way to address these needs was taken by local villagers.

The forum is almost entirely representative of rural poor communities and there are very few problems related to meeting attendance, motivation, or participation fatigue. Problems relate more to accessing funding, finding transport to meetings, and building partnerships with powerful bodies such as DWAF. Nevertheless the forum managed to secure R750 000 for a Landcare project to tackle soil erosion, managed in partnership with Rhodes University. Because Landcare is a project of the Department of Agriculture, DWAF has tended to remain distant from the CF, despite the fact that the CF addresses serious catchment issues. Now that this project has come to an end the Kat CF face the same problems of finding funding as they did before they got funding from Landcare.

Examples of top-down approaches to institution-building are the CFs initiated by DWAF regional offices. Whether these take off or not depends on how these initiatives take place. For example, the Mtata River Catchment Forum was established in order to develop a Catchment Management Strategy (CMS). The CF was facilitated by a consultancy, which took great care that the CF membership represented many different stakeholders. It was however difficult for marginalised groups to get to meetings, while other representatives tended to represent their own narrow interests. The CF remains dependent on the consultants to move things forward and tends to have a consultative rather an initiating role. However the Mtata CF is useful in providing DWAF with a structure through which to implement policy, as well as a body that can legitimise DWAF activities on behalf of a large variety of stakeholders.

In the Western Cape, much effort was put into establishing Catchment Forums. Support was provided in the form of a secretariat service and micro-funding was provided to support CFs to develop local initiatives that responded to their needs. Attention was given to building capacity for participation, and the CFs have contributed actively to the process of CMA establishment. This presents an excellent model of how institutional support for Catchment Forum establishment can strengthen participation at a local level. Even though strong institutional support has provided for

the establishment of a number of successful Catchment Forums in the Western Cape, they are not necessarily free from conflict. For example, some forum members feel that their views are not taken seriously by DWAF and their participation is merely providing DWAF initiatives with the necessary rubber-stamping mechanism. Power struggles between strong CFs and DWAF have taken place in the Western Cape, demonstrating how an issues-based forum can dominate the institutional agenda. Fortunately Western Cape DWAF welcomes this kind of participation, with a DWAF staff member commenting, 'Of course there will be conflict if there are different stakeholders with different needs'. In this case, DWAF is seeing the conflict as a positive opportunity for participation and deliberation. Another example of this is in the Berg River, where the potential conflict over the building of a new dam has been used as an opportunity by DWAF to get people mobilised to participate in WRM.

4.2.5.2 Inclusivity and exclusivity

How inclusive should participation be? How realistic is it to include absolutely everyone in a CMA? If everyone is included, will this not lead to participation that is too broad, and which therefore becomes token? Is it acceptable to exclude people, for example, when technical decisions need to be made which lay people will struggle to understand? Should DWAF target specific sectors to ensure participation? How does one decide which sectors to target and who should represent these sectors? How much participation is enough participation, and who decides this?

These were some of the questions being asked by DWAF around issues of participation in the national scoping process. These questions are all linked to a perceived need to manage participation, and to manage it in such a way that can be monitored and evaluated. The questions are all valid, but trying to quantify participation may distract us from the possible hidden reasons for this tension.

'Participation' as a social process is seen as useful because it addresses the principles in the National Water Act, those of equity (people being able to decide on how water is allocated and used), sustainability (ownership of the resource leading to more sustainable practices) and efficiency (decentralisation in managing the resource, leading to more efficient solutions and decisions). Focusing on the question of 'how much', may narrow participatory practice, as the focus shifts to the number of people that participate, rather than the social process of participating. For example, on sending out the Scoping Document for comment, one WMA champion responded that participation had been happening in his area a lot more than researchers of this project reported as a lot of people had been attending meetings, and to prove this a copy of the attendance register was sent. This is not to say that participation was not happening, it only shows that participation is often monitored through how many people attended rather than whether they were able to meaningfully participate in the process. Instead of asking how many people should participate, one could ask how the process of participation is making the management of water more equal, more sustainable and more efficient. One could ask: to what extent, and how, should participation take place to ensure that stakeholders see the CMA as a legitimate and credible institution?

All of the above concerns feed into issues of representivity, and gender equality, which opens further questions around inclusivity and exclusivity in IWRM and CMA establishment (as illustrated in the two case studies below).

Box 5: Case study: Issues of representivity

The National Water Act states that water resource management institutions must ensure that they have appropriate community, racial and gender representation.

A number of CMA processes initiated by DWAF make use of the 'funnel' approach. Representatives are elected from a large number of stakeholders and stakeholder groups. These representatives are in turn elected to a smaller committee that has an executive and decision-making function on behalf of the original stakeholder base. The issue is whether this can be regarded as participation. It results in a situation where only a small number of people from the original groups actively participates in the formation of the CMA.

How does one decide when sufficient stakeholders have been actively sought to ensure authentic representivity? And who decides this? A concern expressed to the researchers was the danger of token representation when as many stakeholders as possible are invited to participate so that 'all bases are covered'. Some groups might not necessarily have a stake in the process or may be recruited in a passive capacity in order to boost numbers.

How does one guard against false representivity or self-appointed representatives who may have other interests at stake? How representative is a representative when participation is not voluntary? For example, in the Eastern Cape and in Kwazulu-Natal some representatives will not attend meetings unless they are paid to do so. Eastern Cape DWAF complains that there is an absence of a volunteer culture.

Who participates, and how, is determined by factors or intentions that may work against the ethic of participation. Some people interviewed in the Western Cape say that certain CFs and other organisations have a lot of power because of their economic or social status, and that they know how to demand more. This inhibits the participation of less powerful groups and may entrench inequalities. One Western Cape DWAF official called this 'mine' as opposed to "our" participation.

In the Inkomati catchment there have been a number of concerns related to the identity, roles and functions of various water service institutions (WSIs). This affects the participatory process causing tensions and uncertainty. For example, the relationships between the various WSIs was a cause for concern at a stakeholder meeting held in Nelspruit in June 2004. In the Inkomati there was an over-expectation that the CMA would provide a platform for direct involvement and representation of all water users and all sectors – with the roles and functions of CMCs and CMFs being largely ignored. Here the issue was reconciling representivity with the roles and functions of WMLs.

Box 6: Case study: Inclusivity and exclusivity

How are stakeholders selected and how does this affect the way they participate? DWAF seems to take two approaches to inclusion: (1) include those who can participate now and try to address other groups at a later date, or (2) include as many representatives as possible to add legitimacy to the institutional structure and consider the process to be representative regardless of whether everyone can meaningfully participate.

An example of the latter was a workshop run in the Kat River Valley consisting of DWAF officials, academics and the Kat Catchment Forum's village representatives. The purpose of the workshop was to introduce the process of reserve determination. What resulted was a discussion between academics and DWAF officials with the Kat CF listening in, unable to participate because they did not have the conceptual tools to engage in the discussion. This points to the need to look more closely at the criteria required for inclusion in the various processes.

Inclusivity also means developing partnerships with people and institutions that already have expertise. DWAF may need to take some time to identify such people and make sure that platforms are conducive to these stakeholders participating. An example was in KwaZulu-Natal, where some academics expressed an interest in being involved in the CMA establishment process. However they found that their participation was not encouraged and eventually they dropped out of the process.

At the DWAF CMA workshop, participants felt that stakeholders should be included for their strengths rather than simply for the sake of representivity. For example, it is not necessary to have everyone attend meetings that are about solving specific technical problems.

A case in point would be the interaction between local government and CMAs. The metropolitan areas of Johannesburg, Cape Town and Ethekeweni have a significant impact on the water resource, so it is imperative that these institutions interact with CMAs. However there may be many different departments within a metropolitan area that should logically be involved in the CMA – water supply and sanitation, environmental management, Integrated Development Planning, housing, and waste management. The interactions between CMAs and metros would focus on highly technical issues, including the coordination of byelaws and integrated development plans with catchment management plans, coordinating functions, and preventing duplication. Achieving coordination among the different departments within a metro is already complex, and on top of this there is a need for the relevant departments within the metro to relate effectively to a CMA. Trying to get representatives from the metro departments to participate in round after round of participatory meetings, where perhaps only locally relevant needs are discussed, would not be feasible. Similarly, a person wanting to secure a tap on their street would not be interested in trying to create highly technical cooperative governance arrangements. All-encompassing, fully representative participation, although very important in many contexts, is not always appropriate. Sometimes participation is simply a matter of setting up a platform on which appropriate parties deal with a particular issue.

4.2.5.3 Capacity-building

Research data in the national scoping process revealed that DWAF and other practitioners ask people to participate in structures which have already been decided upon without enough initial stakeholder participation, for example the Mtata CF (Fish-Tsitsikamma WMA) was established just so that stakeholders could comment on the Catchment Management Strategy developed by DWAF. These stakeholders are called upon to understand complex concepts, have a grasp of policy, the law and their rights. They are also expected to understand how DWAF institutional arrangements work and what platforms are available for them. The understandings of information, skills and institutional arrangements required of stakeholders means that DWAF has to build the capacity for people to participate.

In the national scoping process, data revealed that some of the problems associated with participation were linked to difficulties experienced by stakeholders in dealing with a new system that is foreign to them, that is characterised by a new managerial language and a new set of procedures. Many of them lack the formal education to understand certain concepts and structures. This has not only affected technical knowledge, but also how people understand concepts like democracy and participation. In the Inkomati WMA, it was clear that information was not enough to ensure stakeholder participation. Most people were familiar with some form of democracy (as

voting), but they were not familiar with a participatory approach to democratic processes. Common questions were “How do we participate?” “In what do we participate?” and “What is expected of us?”

The institutional arrangements associated with water management in South Africa are based to a large extent on a management ideology that developed in well-resourced areas of the world (the developed world), and as shown in the International Review (Chapter 2) this ideology is often difficult to implement effectively in developing countries. Findings in the national scoping study and in the case study research indicated that it is often those who are not used to the etiquette, language and processes of this kind of management (the culture of workshops, meetings, reporting) that find it more difficult to participate.

A study done by the Dutch development funding organisation, Cordaid, shows that the culture of management and the culture of grassroots understanding of management is very different. A case study of a women’s group as part of a larger community based organisation (CBO) shows how the women got frustrated because they wanted to be involved, but when included in meetings they were relatively quiet and seemed unable to participate. The report argues that there is a gap between communities and the culture of management, which is not acknowledged when asking communities to participate in complicated management structures (Bakker, 2005). In the Mvoti-Mzimkulu WMA, people who participated in the proposal development working group were expected to have a good grasp of English and a fax machine. This, at present, would exclude a vast majority of the WMA population (Book 1). A DWAF official from the Inkomati WMA soon realised that some people needed additional input in order to be able to participate. She responded by setting up extra meetings for people who needed additional support, or were new to the group (Book 1). In the Kat Catchment, researchers realised the importance of local villagers gaining particular skills so that they could participate in meetings more effectively. These skills included management training, computer familiarity, how and whom to contact, or communicate with, how to access information, and learning to read GIS maps. A lot of time is also spent explaining the institutional arrangements of DWAF and the role of different organisations (RUEESU & AWARD, October 2003, WRC Project K5/1434, Starter Document). It would seem therefore that either the management ideology and associated systems would need to become more appropriate, or people’s capacity to participate in these systems needs to be developed.

Another key question raised in the dialogues associated with the national scoping process, is a question associated with knowledge transfer. The DWAF CMA Symposium report asks: How will knowledge be passed on to people at a local level, so that they can participate meaningfully in water resource management?

The research data also indicates that capacity-building of a different kind needs to be developed within DWAF itself. DWAF staff have to develop their capacity to act and function with very different management criteria. This may mean drawing on expertise in the private sector and civil society. In the Mvoti-Mzimkulu WMA staff changes within DWAF created delays and other problems. At the same time, academics and water service providers expressed a concern that their expertise were not being used to benefit the CMA establishment process (Book 1). For example, engineers now need to have an in-depth understanding of social processes, in the Limpopo WMA and Luvubu and Letaba WMA, DWAF officials responsible for the CMA process emphasised their own, and their staff's need for capacity-building (RUEESU & AWARD, December 2003, WRC project K5/1434, Scoping document)

The function of capacity-building would seem to increase inclusion of those who do not yet have capacity – not only merely in attending meetings, but in building the skills for making decisions. For example in the Inkomati and Olifants WMA, consultants were brought in to run workshops with marginalised communities to make sure they understood the purpose of larger meetings, and in the Inkomati WMA, pre and post meetings were held to enhance community capacity to participate in meaningful decision making (RUEESU & AWARD, December 2003, WRC project K5/1434, Scoping Document). This was done to enhance communities' capacity to participate in meaningful decision-making. In both cases, investment in capacity-building appears to have made a significant difference in terms of enabling broader forms of participation. Of concern here, however, is that these capacity-building processes are often **externally funded** and do not seem to be the 'norm' within all DWAF processes associated with CMA establishment.

In many cases, DWAF does not seem to be effectively accessing the capacity that does exist. Some stakeholder groups, such as Umgeni Water, felt they were being left out of the process even though they have an enormous amount of expertise. Similarly, academics and other educational service providers have much to offer in the way of mentoring relationships, training and information transfer, yet they are not included in the participation process in a way that enables them to contribute effectively.

This points to the need for DWAF to identify the tasks that need to be done and set up appropriate partnerships with service providers who are able to support meaningful capacity development processes. A number of stakeholders interviewed in KwaZulu-Natal and the Western Cape felt that DWAF's role is one of facilitating implementation as well as being the implementation body itself, and that this role needs to be clarified, and DWAF should proactively seek ways of providing support that will facilitate implementation.

There was consensus in the national scoping process that there is a great need for capacity-building, particularly with rural people. From those cases where capacity-building has been

acknowledged as an important process to foster meaningful participation (e.g. Western Cape and Inkomati), it is evident that this is likely to take a long time and will be very costly, but that it has many benefits. Some people felt so strongly about this that they argued that capacity-building should be the first step in any WRM activities and should happen before institutional establishment and implementation. A Western Cape DWAF official called for an “educational model to participation.” This is a key issue in the context of South Africa’s history of disenfranchisement and lack of participation. Redressing inequalities that affect people’s abilities to participate meaningfully in WRM and other institution building processes would seem to be an important feature of enabling deliberative democracy and equitable water resource management processes in South Africa.

In some WMAs the establishment of structures has been used to drive the capacity-building process rather than it taking place the other way around. This presents a case example of capacity-building as participation in CMA establishment. In the Olifants WMA, for example the focus was on capacity-building and the CMA establishment process was used as a vehicle for building capacity. This appears to be paying off in the sense that local groups are active and involved in WRM issues, and that a healthy interactive relationship has been established between stakeholders and DWAF in this context.

It is often assumed that only the poor and uneducated lack skills. However, both ‘educated’ and ‘uneducated’ groups need capacity. The rich and educated may be ‘misinformed’ or ‘lacking the correct information’. We heard contradictory comments, such as “big users are up to speed, it’s the small-scale farmer that need capacity-building” and at the same time “white people don’t get involved and are ignorant of the process”. In areas where there is a dense population and/or the water resource is scarce or contested (like the Lower Orange) it was indicated that people actively participate. On the other hand, in areas where the water resource is not scarce or not contested (like in the Eastern Cape) there is little incentive for people to participate. In these cases, where water is not a priority issue, participation may be token, and people may simply drop out of the process. This finding indicates that there is a relationship between motivation and capacity-building that may need to be considered in establishing ‘best practice’ in participatory IWRM, and CMA establishment.

In the more urban-based WMAs, like Mvoti, there was not much need for capacity-building since there was a large stakeholder base of experienced members with sufficient expertise. Members were very willing to mentor those who had no technical understanding. However the issue that was raised here was that DWAF tended to ignore the expertise at hand and even marginalise the participation by these stakeholders often hiring expertise in the form of consultants from outside the WMA.

It is not only the need for capacity-building amongst different groups that emerged as an important research finding, but also the *nature of capacity-building*. In many circumstances, capacity-building was interpreted as knowledge transfer through attending meetings and being informed about current thinking and information. Little hands-on training seems to have taken place, e.g. how to run meetings, how to draw in expertise when it is needed, or how to use expertise to maximum value. An important finding was that capacity does not necessarily need to develop through a formal educational or training programme. In many cases capacity was built when disparate groups tried to reach consensus (i.e. through deliberation). People learn as they go through the experience of participation. This is consistent with recent learning theory that articulates 'situated learning processes of deliberation in communities of practice' as being an effective way of enabling learning amongst adults (Lave & Wenger, 1990). The mere process of trying to see someone else's point of view helps to broaden individual group perspectives and accommodate different opinions. If capacity-building is seen as a process of deliberation, then it would seem important that the capacity that needs to be built amongst DWAF staff is in learning to act as effective facilitators and mediators of deliberative processes.

Research data also indicates that people appear to be more motivated to build their own capacity if they perceive that they will be directly affected by the changes and developments in WRM. If capacity-building is linked to a project which will allow the person better access to water, it tends to have more momentum. This view of capacity-building reflects how DWAF Western Cape understands its role in assisting CFs and WUAs to respond to WRM issues.

The discussion in this section has indicated that a key dimension of enabling meaningful public participation is ensuring that the various water users in the WMA are adequately prepared to participate in meaningful WRM processes. This involves capacity-building. The research findings described above indicate that there are many facets to consider in enabling effective capacity-building for participatory WRM.

4.2.5.4 Different levels, narratives and layers of participation

Research findings indicate that different levels of participation require different methods or styles, and also different experience, expertise and types of capacity-building. In the establishment of CMAs participation may need to happen at different scales: at national, regional and local levels. There are also different levels of complexity – for example for technical issues, or for issues requiring inter-regional, provincial or catchment level negotiations and expertise. It may not be appropriate to seek community level input at these levels, nor may it be appropriate to have all stakeholders sitting on a CF dealing with particular rural needs. A broad-based, all-inclusive participation is not always necessary.

There are many different interpretations of what it means to participate. These are referred to as 'narratives of participation'. Some interpretations view participation as being limited to consulting stakeholders (for example, one DWAF official said that DWAF had fulfilled its legal obligation by setting up institutions and consulting stakeholders through giving the public 60 days to respond to the *Government Gazette* (RUEESU & AWARD, October 2003, WRC project K5/1434, Starter document). Others feel that this is not enough, and that participation should include decision-making and the implementation of policy (For example, a stakeholder in the Mvoti-Mzimkulu WMA commented that the participatory process was a 'failure', "meetings were just talk shops, no one was given tasks or asked to make a contribution other than just discussion. DWAF did not involve people attending meetings in the writing, or contributing in any meaningful way to the reports. They were written by consultants and presented to participants as a fait accompli and not really discussed or changed through interaction with participants input." (Stakeholder interview from Mvoti-Mzimkulu WMA, 18 March 2004). Research data also indicates that there are many different reasons why people participate (for example stakeholders are paid, it means access to power, possibility of getting a job, to fulfill indirect needs i.e. food is being offered, when they feel their concerns are being listened to, and when there is a committed team), as well as why institutions like DWAF adopt a participatory approach (outlined in Chapter 1).

Analysing these differences, indicated that if a better understanding of different ideologies, epistemologies (ways of knowing) and reasons informing these differing narratives can be developed, it may further inform processes of 'best practice' in the context of WRM³³.

Two kinds of confusion have been identified here:

- Conceptual confusion
- Confusion about levels and layers of participation and hence institutional arrangements

To explore these a little further, two mini-case studies have been developed on each of these, discussed below:

³³ Researchers recognised that this was an enormous undertaking, and that an in-depth analysis of this nature would not be possible within the scope of this research. It is, however, a focus of PhD research that is linked to this research project.

Box 7: Case Study: Conceptual Confusion

It may not seem important that the meaning of the word 'participation' is clarified. But the research has showed that taking a concept for granted can lead to difficulty in implementing policy. 'Participation' seems to be a confused notion in which approaches, agendas, interpretations, centres of power, and cases of disempowerment have become entangled. Researchers found common questions being continually raised, such as "We still do not know what is meant by participation," or "There seem to be so many different understandings of what participation is."

All concepts come out of particular contexts that are understood through a particular belief system in a particular place in time. Out of this specific context a concept is given a name, for example 'participation' or 'democracy'. Often confusion arises because people from different contexts are using the same concept in different ways, for different purposes and with different understandings. This confusion seems to make people feel that the concept is bigger than they are. They can't understand it anymore because it has become full of different meanings; it becomes unstable and almost unusable. One could say it has become disconnected from context and therefore difficult to implement. Another consequence of conceptual confusion is that the concept becomes available to anyone in order to justify a position. The original purpose of the concept can become subverted. An example of this is the way in which participation becomes so proceduralised that it is once again a top-down endeavour rather than a process that gives voice to marginalised people.

One way out of this confusion is to go back to how the concept came about (or was named) and trace how the understanding of the concept has grown and changed. This process may lead to the concept being abandoned for a more useful naming or to a clearer understanding of what the concept means.

There are several perceptions, and often misconceptions, of 'participation'. Some people believe it goes beyond simply informing participants, some say it means more than just consulting with people to find out what they think and what their opinions are. Some feel that 'participation' is used by DWAF to justify difficult decisions (and that this is not 'real' participation). There is an assumption that DWAF seems to have used 'participation' as a synonym for communicating its policies and intentions to stakeholder communities. In return, stakeholders have been frustrated in their token inclusion to rubber-stamp DWAF policies and intentions, even though many are pleased to have been included and value what they have learned in the process.

In the multiple stakeholder platform run in the Sand River Catchment, a number of important issues emerged about stakeholders' perceptions of what a participatory approach entails. At a meeting with a number of stakeholder groups, three associated meanings of participation were identified. 'Participation' was 'an opportunity to':

- *voice concerns*: a number of focus groups direct their efforts at voicing concerns. These usually are in connection with water supply and sanitation rather than water resource management.
- *make accusations*: on a number of occasions, focus groups had made demands regarding water provision. The demands were usually framed in the discourse of old legislation – there has been little focus on a rights approach.
- *understand and get clarification*: on almost every occasion where interaction involved multiple stakeholders, there was a call for clarification of water management matters, both from the facilitators and from the groups present. This important aspect should be recognised by facilitators of public participation processes, as it provides an important opportunity for stakeholder groups to learn from each other.

Box 8: Case Study: Confusion around Levels and Layers of Participation within Institutional Arrangements

In relation to the CMA establishment process issues have arisen about the roles and responsibilities of the CMA within broader government structures. For example: How will CMAs relate to local government? There appear to be overlapping areas of interest and tasks between the local government and CMAs that may lead to a conflict of interests, which could inhibit participation in water management.

What are the implications for stakeholder participation and representivity when the boundaries of a WMA are different to provincial boundaries? One Water Management Area can cross two or even three provincial boundaries. How will a CMA coordinate the participation of management, political structures and stakeholders across WMAs and provincial boundaries? Water does not conform to these water management or provincial boundaries. All these 'violations' of WMA boundaries will be a challenge for each CMA.

If catchment forums and other forums are the building blocks for reference groups or committees representing a range of local interests, how do national or regional stakeholders, whose location or interests transcend local boundaries, participate? Many of these stakeholders, such as Eskom, Sasol, City of Johannesburg, inter-basin transfer schemes, provincial and local government, have boundaries that are at odds with catchment and sometimes WMA boundaries.

In the DWAF CMA symposium, participants felt that the planning for institutionalised participation warrants considerable attention. The confusion of political/administrative channels with natural resource management channels was identified as a problem by a number of participants. People are accustomed to raising water issues through political channels like CDFs, ward councillors, or local councils. The CMA with associated CMCs and CMFs provides an additional mechanism for participation.

Claims that public participation is being ignored are unfounded. People in the Inkomati note that organisations and institutions have responded to the call for public participation in many diverse ways. This has in some cases resulted in an uncoordinated and sometimes confusing array of participatory processes. It is important to note that the legislative imperative for participatory water resources management becomes reframed in terms of actual programmes and projects. In the Inkomati area, for example, this would include the WSDP and IDPs of local government, the Working for Water and Working for Wetlands projects of DWAF, the integrated catchment management project - Save the Sand, and the Landcare project of the Department of Agriculture. This amounts to a considerable amount of public participation in any given WMA.

4.3 SYNTHESIS OF THE NATIONAL REVIEW: GENERATING FURTHER QUESTIONS

The national review revealed considerable activity towards CMA establishment, and other initiatives associated with participatory IWRM, happening all over South Africa, in some areas more than others. This is encouraging. As can be expected, the process of working with the policy and National Water Act and trying to implement it has resulted in certain tensions and a number of issues have arisen that would seem to require careful attention if 'best practice' is to be established. The challenge is not to ignore these issues and tensions but to critically engage with them.

There are many practical and managerial issues around WRM that have to be addressed, and these issues are directly affected by understandings of democracy, and the way in which social change and social processes take place. The findings reported above, argue that there is a need to carefully look for appropriate responses to the arising issues, and the dilemmas being faced. This is particularly the case in relation to participation, in order to address the practical hiccups of implementation, but also the conceptual dilemmas that are arising, as these dilemmas are likely to affect practical and managerial issues in the long term.

The national review has revealed that the main characteristics of the arising issues and dilemmas are related strongly to the foundational principles of the NWA – **equity, sustainability and efficiency**. Participation as a concept and an activity must address issues of availability of water to all, protection of the resource and efficient management. The national scoping indicates that questions arising from the community of practitioners involved in IWRM and CMA establishment specifically, relate very strongly to addressing the principles of equity and efficiency. They are asking: How do we make sure the marginalised can participate, and what does this mean? Do people know enough to participate? At what level should they participate? How do we ensure that spontaneous acts of participation are given a voice and not sidelined in favour of procedural ways of participating? How do we ensure flexible but functional platforms of participation?

These questions all refer to addressing past inequities as well as developing an efficient system for future water resource management. These are ‘now’ questions, which is not surprising, as people do not have access to water now, and water is allocated unequally now. And yet we must not lose sight of the future, which is articulated on the principle of sustainability. How will participatory practices ensure fairness to people in the future *and* to the environment? (Palmer et al, 2002). Addressing the issues and tensions raised in the national review, may open up a broader understanding of participation beyond the now. Can the CMA institution coordinate participation that responds to the ‘now’ uncertainties and also foreground issues relevant to future sustainability?

The tensions raised in the national review, are explored in more depth in the context of two case studies (reported in Chapter 5). With the deepening of insight into these arising issues and tensions, further guidance is provided for participatory practice in IWRM in South Africa, and some potential questions for monitoring performance in participatory IWRM (in CMA establishment) are outlined. The intention is to provide guidance for CMAs to coordinate participatory WRM as well as monitor and evaluate its implementation.

Guidance for participatory practice:

Based on an analysis of the data generated for the national review, as well as insights gained from the international review, this chapter of the report proposes that **an in-depth and critical understanding of participation, in the context of an understanding of South Africa's emerging democracy** (and its policy framework), lies at the centre of establishing 'best participatory practice' in the context of CMA establishment. As shown in the discussion above, this has multiple facets that need to be considered, namely:

- Broad-based versus narrow approaches to participation
- Contextual factors that shape participation
- The emergence of different forms of participation
- Issues, tensions and contradictions associated with participatory practice.

Informing indicators for monitoring and evaluation of participatory practice:

To further inform the development of monitoring and evaluation indicators for participation in CMA establishment, it may be useful to ask the following evaluative questions:

- Do broad-based or narrow approaches to participation best support a deliberative form of democracy needed for institution building that will address the principles of the NWA: equity, effectiveness and sustainability?
- How do contextual factors shape participation in ways that foster / impede the development of a deliberative form of democracy, needed for institution building that addresses the principles of the NWA: equity, effectiveness and sustainability?
- In what way does the emergence of different forms of participation foster / impede the development of a deliberative form of democracy, needed for institution building that addresses the principles of the NWA: equity, effectiveness and sustainability?
- In what way can arising issues, tensions and contradictions associated with participatory practice be a) better understood and b) addressed to ensure development of a deliberative form of democracy, needed for institution building that addresses the principles of the NWA: equity, effectiveness and sustainability?

Chapter 5: Monitoring Participation³⁴: The Case Studies

5.1 INTRODUCTION

As indicated in Chapter 1, the expected outputs of this research are guidelines for best practice, and a set of indicators for monitoring and evaluation of participatory practice in CMA establishment. Chapter 1 indicated that participatory practice in CMA establishment in South Africa is located in a particular social context: that of institution building in a democratising society (where the models of democracy may not be clearly articulated or well understood amongst South African citizens), in response to new national legislation that is based on principles of equity, efficiency and sustainability. This context is further shaped by a history of inequality and lack of broad participation in IWRM. Chapter 1 also indicated that IWRM in South Africa crosses political boundaries, is framed within geo-physical boundaries, and is complicated by different governance frameworks for water service delivery and water resources management (where water services delivery is a key priority for people on the ground who have traditionally not had access to water). Water resources management is therefore likely to be a 'secondary' priority, and the possibility exists that the two needs could be confused amongst those who are to participate in IWRM in South Africa.

Insights from the international review discussed in Chapter 3, indicate that participatory practice in IWRM and CMA establishment in developing countries is shaped by:

- Power relations and governance structures (including the role of donors), resources and capacity available to implement CMA-type approaches and international trends towards IWRM that involve participatory methodologies
- Tensions that exist between the need for centralised control of natural resource management and international trends towards decentralisation, which appear to result in a form of deconcentration, rather than fully embedded and adequately resourced decentralisation. It is also noted here that the distinction between decentralisation and deconcentration may not be obvious at the outset, and practitioners may therefore misunderstand participatory practice as being embedded in decentralisation processes, which may create inappropriate operational expectations and approaches,

³⁴ This section draws on Guidebook 2, produced by Derick du Toit and Sharon Pollard (AWARD), working with Jane Burt and the two case studies developed by Derick du Toit (AWARD) and David Neves (University of Kwazulu-Natal).

- A need to consider the particular characteristics and processes of local community participation. This includes a valuing of local knowledge, how communities express their needs for participation, the potential of community activism, and access mechanisms available to communities.
- Issues of representivity are central to participatory practice, and the terrain of establishing valid representation is characterised by power relations, capacity development issues, and issues of inclusion and exclusion. In developing countries, there is a particular need to consider exclusions related to gender inequalities and relationships.

These insights indicate that the following aspects may need to be monitored in participatory IWRM:

- The way in which resources, power relationships, governance structures and donors may influence the possibilities for participatory practices
- The tension between centralised control of water resources (through the NWA) and decentralisation of management of the resources through participatory practice (i.e. deconcentration processes)
- The particular characteristics of local community participation (i.e. community knowledge, access mechanisms and the potential for community activism)
- Representivity, with special reference to potential exclusions.

As outlined in Chapter 4, participatory practice in IWRM, with particular reference to CMA establishment in South Africa, is characterised by the following features:

- Different types of participation are possible (e.g. broad-based or narrow), and these appear to be related to time and resources available as well as orientation and capacity of stakeholders and managers of the process,
- Different contextual factors combine to shape and influence the way a participatory process is established and managed (these are different in different WMA contexts),
- Different forms of participation arise, with these different forms of participation being more or less relevant for different stages and needs in the larger participatory process. These forms of participation are also linked to motivation (why people feel the need to participate), access mechanisms created to foster participation and the 'need' for participation
- Different issues, tensions and contradictions arise in the participatory process which include and result from a) incentives and motivation for participation, which are also influenced by orientation to participation and democracy, b) the politics of inclusion and exclusion, c) capacity-building approaches and needs, and d) different levels, narratives and layers of participation, which in turn are influenced by ideology and understandings of participation.

This indicates that the following aspects may need to be monitored:

- The type of participation (broad-based or narrow) and associated consequences
- How different contextual factors shape and influence participatory practice
- Different forms of participation and how and when they arise and are most appropriate
- Different issues, tensions and contradictions that may shape participatory practice including a) incentives and motivations for participation, b) the politics of inclusion and exclusion, c) capacity-building approaches and needs, and d) different levels, narratives and ideologies of participation.

Section 5.2 and 5.3 below provide further insight into emerging issues associated with participatory practice in CMA establishment in South Africa, and associated needs for monitoring. However, the insights into participatory practice may only become useful if embedded in a structural framework for monitoring participatory practice. Researchers were aware of the need to 'situate' the above emerging insights into participatory practice in a more 'practically located' framework, so that participatory process initiators and managers would be able to monitor participatory practice in the context of the structural procedures of CMA establishment. A framework for monitoring participation, based on the Water Management Cycle is therefore proposed. It is suggested that the other identified aspects for monitoring participation are considered in this context. This will be discussed in section 5.4 of the research report.

5.2 CASE STUDY ANALYSIS: MONITORING PARTICIPATORY PRACTICE IN CMA ESTABLISHMENT

The issues discussed here draw primarily on the data generated in the two case studies: the Inkomati and Mvoti–Mzimkulu CMA's. The issues are 'extracted' from the context of the two case studies, in order to provide a broader view of the possible issues and dynamics associated with enabling participation in CMA establishment. It should be noted that issues such as the ones reported below are likely to play out very differently in different CMA contexts, as shown in the two case studies. Nevertheless, the discussion below is useful in providing insights to guide the development of monitoring indicators and further research into participatory practice in the context of CMA establishment and functioning in South Africa. It should be noted too that these insights are derived primarily from detailed analysis of the **establishment phase of CMAs**. Further issues associated with participation are likely to arise in the **functioning phase**. It is likely, however, that issues arising in the establishment phase (e.g. issues of representation and ownership) are likely to influence participation in the functioning phase.

5.2.1 Boundary frameworks

A key issue that emerged in both the Inkomati and Mvoti-Mzimkulu case studies affecting participation in IWRM is the complexities of managing water resources within geo-physical boundaries, when government structures are set up according to political boundaries.

There is a need to monitor the way in which the geo-physical and political boundaries influencing IWRM intersect with, and influence stakeholder participation.

Another issue that emerged is linked to a broadening of participation in all sectors of society, creating multiple demands for participation which may 'confuse' or place too many demands on-the-ground. For example, people participating in water resources management, may also be required to participate in local government structures for water services management, and other DWAF participatory processes set up for participatory forest management. In the Inkomati WMA stakeholder participation in WRM and the establishment of the CMA had to compete for attention with the more understood direct need of water services delivery. In the Mvoti-Mzimkulu WMA municipal officials and councilors ascribed their poor levels of involvement to 'participation fatigue'. They complained about the number of areas they had to engage with, including local economic development, forestry, water services and land use. The proposal for the Mvoti-Mzimkulu backs up this issue by listing one of the potential risks for the CMA to be the failure of co-operative governance which is affirmed in principle but not practically implemented. The demands on stakeholders for participation need to be monitored.

There is a need to monitor how different levels of government, and different government departments are co-ordinating participatory activities.

5.2.2 Setting up the structures for participation

The two case studies followed different approaches to set up the structures for participation. In the Inkomati DWAF regional staff proactively set up geo-physical and stakeholder representative structures. The Komati CF already existed prior to 1998 and was established to deal with water quality issues. With the task of establishing a CMA, a DWAF official began by holding meetings with identified stakeholders as a way of sharing information and identifying water related issues. The identification of issues was the focus from the start and has largely shaped the interaction of stakeholders in all WM processes including the establishment of the CMA. These meetings evolved into CMF meetings which mostly focused on awareness and addressing issues.

Catchment steering committees formed out of these CFs to represent all three catchments in the Inkomati WMA. It was realized that before stakeholders could meaningfully participate they needed more information, which was provided. Many people were encouraged to be involved, rather than too few even though this meant higher costs. All representatives of the catchment steering committees formed the reference group for CMA establishment. It was a large group of nearly 150 people. Membership was not closed, and people joined as they heard about the process. This led to some stakeholders getting frustrated so pre-post meetings were held to capacitate new and less educated stakeholders. There was also a concern about the lack of participation of poor rural communities. It was acknowledged that previously marginalized communities are not always organized around water management issues and a decision was made to tap into community structures that already existed, namely the Civic Associations and Community Development Forums. The Inkomati CMA adopted an approach of ensuring geo-physical and stakeholder representative structures.

In the Mvoti – Mzimkulu WMA, the structure for stakeholder participation in CMA establishment was set up by consultants. There are a number of well established institutions dealing with water resource management. Public meetings were held in 3 centres in the WMA where stakeholders were informed of the new water law and the imminent CMA establishment process. People were informed of this workshop through a list of stakeholders compiled using the DWAF database, liaising with water service authorities and taking registers at public meetings. Advertisements were also placed in the local media. At the same time DWAF officials set up catchment forums in the WMA. The intention was for the CFs to feed into the CMA process but this did not happen as the CFs rapidly became dormant. By mid-2003 only five of the 16 forums established were still active. In 2001 a public meeting was held in Pietermaritzburg where a proposal development working group was established. Stakeholders were elected to the group. The working group structure was chosen as a middle course between setting up a plenary group of stakeholders and setting up a small group of specialists. It consisted of 24 people most of them associated with large institutions who were highly capacitated. It was agreed at this meeting that representatives on the PDWG should be knowledgeable about their respective sectors and they ought to be able to read English. It was this working group that participated in the development of the proposal in collaboration with consultants. It adopted a non exclusive approach – meaning anyone could participate if they so desired. Besides the attempt to set up CFs, the participation of rural communities was low. This problem was never transcended as the process proceeded.

In setting up the structures for participation, it appears that there is a need to monitor the following:

- Whether geo-physical representivity and stakeholder representivity is accounted for in the structures.
- the capacity of stakeholders to participate meaningfully in the process of establishing and participating in the structures
- the representation and inclusion of rural, marginalized communities in structures.

5.2.3 Identification of key interests and stakeholders

In both the Mvoti-Mzimkulu and the Inkomati cases, it was apparent that the identification of key interests and stakeholders is critical to the success of the CMA establishment process. In the Inkomati for example stakeholder identification was proactive with the aim of being as inclusive as possible. The DWAF official in charge had a long term vision of participation. The time, and costs of working with large representative groups meant that greater numbers of people would be involved in water resource management. In the Mvoti-Mzimkulu, inadequate procedures for identification of key interests and stakeholders led to a small group of people working with consultants to develop the proposal. This has led to a large number of stakeholders feeling 'left out' of the process, including academics and waters service providers, marginalized communities, municipalities and traditional leaders. Certain stakeholders are antagonistic towards the CMA process fearing that DWAF was entrenching itself through the CMA process.

5.2.3.1 Methods used to identify interests and stakeholders

In the Inkomati the following methods were used: A series of exploratory meetings to identify key role-players and place water resource management issues on the table as well as discussions in the changes in legislation and policy and the implications of these changes. Stakeholders were identified via invitation (where known stakeholders were asked to list others that should be involved) and at meetings present role-players were asked to identify others who should be involved. People already involved in WM issues were also approached as well as taking into consideration the results of a preliminary study done for the WMA by DIFID. Meetings began as a way of sharing information and identifying water related issues. The identification of issues was the focus from the start and has largely shaped the interaction of stakeholders in all WM processes including the establishment of the CMA. These meetings evolved into CMF meetings which mostly focused on awareness and addressing issues. Catchment steering committees formed out of these CFs. The Catchment Steering committees worked autonomously focusing on issues of relevance to the particular catchments and users in those catchments. DWAF played a responsive role of holding meetings to address certain issues. DWAF and consultants played a proactive role in identifying stakeholders, particularly marginalized communities by having meetings with communities.

In the Mvoti-Mzimkulu the following methods were used: Two groups of consultants were employed. One to do a situational analysis of the CMA, another to run the public participation process. The brief of the public participation consultant was to establish a proposal development working group. A preliminary registration of interested and affected people was compiled using the DWAF database, liaising with water service providers with the WMA, taking registers at public meetings, and placing media advertisements. Public meetings were held in three places with the WMA – Pietermaritzburg, Port Shepstone and Underberg. A final public meeting was held in Pietermaritzburg where a situational assessment was reviewed and a proposal development working group was elected. DWAF and the PDWG opted for a 'non-exclusive' approach to public participation in the proposal development process. This means that anyone can take part if they so desire. The problem with this approach is that it does not require a proactive identification of stakeholders or any special effort to ensure that the process is inclusive.

There is a need to monitor the different methods used to identify stakeholders, and their success in context. In particular the potential consequences of different methods should be carefully monitored.

5.2.3.2 Development of research tools to understand stakeholder interests

As indicated in the Inkomati and Mvoti-Mzimkulu case studies (see Book 1) the 'correct' identification of stakeholder interests is a key to the successful establishment of CMAs. In the context of this research, this issue was identified early on, and researchers found that few strategies existed to support CMAs to develop in-depth insight into key interests of stakeholders³⁵. These studies illuminate the problem that key interests are often superficially understood and interpreted in participatory processes.

In ensuring adequate stakeholder participation, it would seem important to monitor the methods used to establish stakeholder interests, and also to monitor the consequences associated with the

³⁵ Three MSc level studies were established within this research programme, to research different ways of identifying stakeholder interests, using different methodologies. The research results of these three studies are not all available. Mbatha, (2004) study used game theory methodologies to probe economic variables influencing participation and stakeholder interest, with particular reference to property rights. His study indicates stakeholder participation is related to the nature of the relationships stakeholders have with their surrounding environmental resources and that participation is positively influenced by land ownership, the amount of income earned; and employment opportunities as a way out of poverty. Naidoo's (2004/5) study (incomplete) is using questionnaires to probe social justice issues associated with IWRM. The main goal of this research is to assess how public participation initiatives are serving the interests of community members, while Silima (2004) is undertaking a stakeholder review and developing in-depth case studies to better understand stakeholder interests in IWRM (see Chapter 3). Once these studies are complete, a paper focussing on this question will be produced to outline these findings.

different methods used.

Aspects to consider might be:

- Different methods for identifying stakeholder interests may be different in different contexts
- Superficial approaches for identifying stakeholder interests may not be adequate
- Identification of stakeholder interests may require a long term, negotiated participatory process which requires capacity-building, the building of relationships and understanding of what is required

5.2.4. Different approaches to engage stakeholders

The two case studies revealed that there are a range of different approaches that can be used to engage stakeholders. These include:

- Pro-active approaches to engage stakeholders (as in the case of the Inkomati)

The consequences of this approach is that far more stakeholders are involved in the process which means that there is more chance of stakeholders accepting and working with the CMA once it is established. It also means that a strong stakeholder base has already been set up for the CMA to work with. Stakeholders will feel a sense of ownership towards the CMA. This approach acknowledges that participation and the inclusion of stakeholders is ongoing. Managing large meetings with many people is difficult. It takes time and money although the long term benefits are that there will be more capacitated people involved in water resource management.

- Laize-faire approaches (as in the case of the Mvoti-Mzimkulu)

The consequences of this approach is that it does not require a proactive identification of stakeholders or any special effort to ensure that the process is inclusive. This approach is based in the idea of volunteerism but as a catchment forum mentor commented, “voluntarism has its limits when you have to eat.” It is easier to manage a small group of participants and further participants can be brought on board when the CMA is established.

- Consultant driven approaches (as in the case of the Mvoti-Mzimkulu)

The consequences of this approach are that capacity is not developed in the WMA area itself. There tends to be a lack of continuity when consultants are employed to involve stakeholders. Once the contract ends, they are no longer involved. Capacitated stakeholders that are already in the WMA may feel ‘left out’. For example a representative from Umgeni Water lamented that Umgeni Water had ‘so much capacity’ but that very little of it was used in the process. It is expensive. Consultants may have relevant expertise and if involved as partners can add value to the process.

- Institution driven approaches (as in the case of the Mvoti-Mzimkulu)

Certain stakeholders may feel alienated and suspicious of the CMA process, which may lead to the following outcomes as listed in the CMA proposal: the establishment process may lack credibility; skepticism towards new government institutions; perception of the CMA as empire-building; payment of levies may be a source of contention; failure of co-operative governance; CMA being too distant from stakeholders. However, developing participatory institutions such as CFs and WUAs, once the CMA is established, may lead to less confusion around the roles and responsibilities of these institutions as they are established according to the needs of the CMA. This also may lead to these institutions having little or no autonomy – responding to the needs of the CMA (the institution) rather than to the needs of their local contexts.

- Community driven approaches (as in the case of the Inkomati)

Engagement in WRM and setting up the CMA is done to directly address needs on the ground rather than developing a decontextualised institution. Capacity-building becomes integral to the process. This means that methods for continually capacitating new stakeholders need to be part of the process of engaging stakeholders. Dealing with stakeholders who have different levels of capacity is also something that needs to be considered otherwise stakeholders become frustrated or suffer from ‘participation fatigue’ as new stakeholders are continually being included. One way of dealing with this is by having pre and post meetings with new and less capacitated stakeholders. A community-driven approach is based on issues of equity and redress and the evolving processes of WRM may be more pro-poor than other approaches.

Given the different consequences of these approaches, it would seem important to monitor what kind of approaches are being used to engage stakeholders, and the effects or consequences of these decisions. Again, these may be different in different contexts.

5.2.5 Representation, Ownership and Interest in Participation

As identified in the international literature review (Chapter 3) and the national review (Chapter 4), issues of representation, ownership and interest in participation are crucial to the successful functioning of participatory WRM in South Africa, and thus to the effective functioning of CMAs. In the two case studies, one can see how these different dimensions of participation influenced the process of CMA establishment.

Issues of representation, ownership and interest in participation have different dimensions, as outlined in the more detailed discussion below:

5.2.5.1 Factors shaping participation

In the Mvoti-Mzimkulu case, the following factors were influential in shaping participation: there was already an number of established institutions dealing with water resource management within the KwaZulu Natal province; institutional constraints within DWAF; capacitated stakeholders and capacitated institutions; the role of consultants, geo-physical constraints; big urbanized centres and municipalities and institutional dynamics between service authorities and traditional authorities.

In the Inkomati case, the following factors were influential in shaping participation: A longer history of participation in IWRM; a large, dense, rural and marginalized population; proactive DWAF involvement; international obligations; geo-physical factors including the fact that the Inkomati is a closed catchment; consultant and NGO involvement from within the catchment; lack of organised stakeholder groups particularly amongst the marginalized communities; lack of capacity amongst stakeholders and diverse stakeholder groups.

It would seem important to monitor the different factors that influence participation. These may include:

- Historical factors
- Stakeholder capacity and mobilisation
- Geo-physical factors
- Institutional dynamics and relationships
- Role of facilitators (DWAF, consultants, NGOs)
- Population dynamics

However, as indicated in section 4.2.1, a range of different factors may influence participation in different contexts. Careful contextual analysis of these factors may be necessary before such monitoring can take place.

5.2.5.2 Understandings of participation and motivation to participate

A key issue that emerged in both the Inkomati and the Mvoti-Mzimkulu case, is the relationship between understandings of participation and the motivation to participate.

In the Inkomati and Mvoti-Mzimkulu case, DWAF staff at national level were enthusiastic about the new legislative frameworks, while staff at the regional level were initially unsure and felt the need for additional support. This seemed to be directly related to DWAF national's greater understanding of the process.

It would therefore seem important to monitor understandings of participation, and how these influence motivation to participate or to manage and contribute to participatory processes.

5.2.5.3 Participation fatigue

In the Inkomati case, the issue of participation fatigue arose. This arose because the same questions surfaced each time new participants joined the group. This led to a lack of continuity and disparities in understanding within the group. To address this pre-meetings and post-meeting support seminars were held for those who needed additional information; meetings focused on special themes, special support was offered for specific groups.

Participation fatigue needs to be monitored, particularly as this is likely to affect the outcomes of the intended participatory process, and may lead to unequal representation, and may thus negate earlier efforts to establish participatory approaches to IWRM.

5.2.5.4 The consequences of exclusion

As indicated in the Mvoti-Mzimkulu case, exclusion may have disruptive consequences. As reported in the Mvoti-Mzimkulu proposal, the establishment process may lack credibility; there may be a perception of a lack of added value; there may be a perception of DWAF trying to dominate the process; payment for levies by local authorities may be a source of contention; there may be a failure of co-operative governance or there may be a perception of the CMA being too distant from stakeholders.

The participatory process needs to be monitored to ensure that important exclusions do not take place. In particular, the exclusion of historically marginalized groups needs to be monitored, to ensure that the principle of equity is met (as outlined in the NWA). Efforts to ensure inclusion therefore also need to be monitored.

5.2.6 Enabling equal access

Crucial to avoiding the consequences of exclusion, is a pro-active approach to enabling equal access, as shown in the Inkomati case. As shown in both Chapters 3 and 4, and in the two case studies reported in Book 1, this is not a simple matter.

One of the issues identified in the research is the existence of a paradoxical situation in which improvement of participation for the economic empowerment of local stakeholders usually requires empowerment from the economic and cultural impacts of past policies. A circular relationship thus exists between stakeholder participation and empowerment goals. A number of factors associated with this circular relationship were identified through the case studies.

- History

A history of previously disadvantaged communities being excluded from WRM issues directly affects equal access as is experienced by both case studies. In the Inkomati WMA, disadvantaged groups are not mobilized around water resource management issues. In the Mvoti –Mzimkulu WMA, the lack of participation of marginalized groups in the past is difficult to address in a WMA that historically has highly capacitated institutions in urban settings.

- Language

Language barriers inhibit participation but translation at meetings also inhibits participation with stakeholders getting frustrated at the slow pace. In the Inkomati WMA participants are seeing ‘language’ as key to their participation by demanding that meetings held in English are translated. In the Mvoti-Mzimkulu participation in the proposal development working group was not only based on knowledge of the water sector but also the ability to read English. A case study in the Eastern Cape of a mostly urban and completely rural CF verifies that different approaches to the use of language is developing in urban and rural settings. Rural stakeholders use language (demanding translation) as a platform to demand equal participation, whereas urban stakeholders see language (preferring English) as a mark of their status as members of an institution.

- Concepts

Concepts like participation, democracy and even management can mean many different things to many different stakeholders. Stakeholders may also have a weak understanding of concepts. In the Inkomati WMA information was not enough for stakeholders to participate. Although most people were familiar with some form of democracy, they were not familiar with the way in which democracy is implemented in a participatory way. Their interpretation of democracy tended to be very formal and institutionalized.

- Access mechanisms and communication

Both the Mvoti-Mzimkulu and Inkomati WMA noted that the logistics of participation were difficult to negotiate. People could not afford transport to get to meetings which immediately limited their participation. The lack of strategies for communication and mechanisms for stakeholders to comment limited public participation. In the Mvoti-Mzimkulu if you could not get to one of the three centers where meetings were being held it was very unlikely you would get the opportunity to participate or even be informed of the processes of WRM. In the Inkomati, DWAF officials at a regional level have asked for protocols to be put in place for responding to public participation and submissions. The director of the Bushbuckridge Retail Water Project appealed to the Participation Working group for a communication strategy to be made a high priority of the CMA.

- Erosion of smaller and under-capacitated stakeholders in the participation process

In the Mvoti-Mzimkulu WMA the collapse of the CFs meant relatively small and spasmodic meetings with capacity-building being limited to the PDWG (informal meetings with rural communities and Zulu Traditional leaders were held to disseminate general information regarding the NWA (1998) and catchment management). Stakeholders who were involved in

the PDWG developed a sense of ownership and responsibility in contributing towards better management of water resources in the catchment. This means that the Mvoti-Mzimkulu WMA have a strong capacitated group to continue contributing to WRM in the area. It will be the job of the CMA to, over time, extend this capacity to other stakeholders.

- Resourcing participation

Both the Inkomati and Mvoti-Mzimkulu WMA noted that participation needed a lot of resources: finances, capacitated facilitators this includes DWAF regional staff and time. One of the main reasons given for the limitations of participation in the Mvoti-Mzimkulu WMA were a restricted budget, time, capacity and resources particularly considering how populous the WMA is with many previously disadvantaged inhabitants. In the Inkomati WMA it is noted that logistical support to involve poorer people in participation processes is a problem. Poorer catchment inhabitants were often the ones who incurred the highest costs for transport. There is no doubt that lack of finances reduced the number of these participants.

- Property rights

The power of stakeholders participation is related to property rights. The right to apply for a water licence legitimizes stakeholders participation over those who do not have this right.

The above factors and related issues will need to be monitored in relation to empowerment goals and participation.

There is a need to develop more in-depth insight into the above mentioned empowerment-related issues. This research programme was able to explore one such variable (namely property rights) in more depth. In the context of Mbatha's (2005) research, he developed a research design that represented the relationships between external public policies (of the past, present and future) and the dynamic empowerment variables described above (such as human capital, property rights etc.) and participation in water management institutions. This relationship was investigated by looking at stakeholders' ownership of and access to resources or property such as land, water resources and agricultural infrastructure, etc. Mbatha (2005) concludes that physical participation in poorly resourced contexts is positively influenced by; a) potential access to resources like land, and b) it is negatively influenced by the lack of time for attending meetings. On average the better resourced individuals are faced with a time constraint. They often spend available time in activities that are generating more resources, e.g. full time employment. However, poorly resourced individuals also need some critical level of information before they can attend meetings physically.

5.2.7 Institutional constraints and institutional dynamics

Another key factor influencing participatory practice, identified in both the Inkomati and the Mvoti – Mzimkulu case studies is institutional constraints and institutional dynamics. In both cases these issues played out differently.

In the Inkomati the lack of experience at a regional level and the lack of direct support from National DWAF meant that regional staff became frustrated and antagonistic towards the CMA process. At the time, DWAF national, due to staff changes, officials were finding it difficult to establish criteria for the evaluation of CMA proposals. This delayed the CMA establishment process for three years. DWAF regional also struggled to get certain sectors to buy into the process, irrigation boards in particular were initially reluctant to be part of it and remain suspicious of the CMA. They say they will be ignored because they originated from the apartheid era and will not be given adequate opportunity to explain their position. Stakeholders are not always choosing to participate as part of the official process of CMA establishment. Emerging farmers have hired their own consultants to prepare themselves for involvement in the Catchment Steering committee. Stakeholder groups tend to be very strong within themselves and come to the table to participate by representing their sectors needs. This may lead to representatives seeing themselves as sector lobbyists which could exacerbate the already existing power gradients that exists between different groups.

The Mvoti-Mzimkulu WMA faces the following institutional constraints and dynamics are mostly related to the reshuffling of powerful institutions around the advent of the CMA although there are also the constraints of lack of capacity, lack of adequately trained staff, and a tendency to prioritise the more understood area of water services than water resource management. There are already existing tensions between groups which the CMA establishment process has created or revived, these include oppositions towards an increase in tariffs to water provision between the Ethekwini Metro Municipality and Umgeni Waters. This tension is likely to be transferred onto the newly established CMA. Large, powerful institutions face their position in water resource management weakening or changing; the metro, for example is used to interacting directly with DWAF and liaising with Umgeni Water, particularly on planning issues. These are precisely the circuits of interaction that the CMA would have to be part of. Umgeni Waters also faces a weakening of position as several of its monitoring and evaluation activities have been dropped. This has led to a fear amongst water service providers that DWAF is entrenching itself through the CMA process. Another concern is that the CMA will become a 'mega-bureaucracy which will reduce the influence and responsibilities of other water service providers. There are already existing tensions and dynamics between different groups that will influence the CMA process. Traditional authorities have a complex relationship with local government and, as mentioned above, Umgeni Waters has on occasion had acrimonious relationships with its customers particularly Ethekwini Metro. DWAF regional is understaffed and there is a discontinuity of staff. These tensions go a long way to explaining why so much of the CMA establishment process has been dominated by large,

institutional stakeholders at the expense of newly established local government entities and grassroots communities.

The following aspects relating to institutional dynamics and tensions need to be monitored:

- Suspicion and mistrust between groups and between groups and the CMA
- Power dynamics
- Changing roles and responsibilities of different stakeholders
- Capacity of government bodies such as regional DWAF and local government
- The role and influence of large, powerful institutions in urban areas
- Historically linked tensions and perceptions

5.2.7.1 Previous experience and training of staff

In the Inkomati case, regional staff felt unprepared for the process of establishing CMAs. They explained that their training had equipped them for the technical aspects of water services delivery, but not for social aspects like conflict resolution, capacity development and public participation.

In the Mvoti-Mzimkulu case the CMA establishment process was a learning process for regional DWAF. There was no template for CMAs and no existing CMAs to emulate. When the PDWG asked DWAF National for guidance on the parameters and evaluation criteria for participation, they were told that no such criteria had been developed. In absence of firm criteria the PDWG adopted their 'non-exclusive' approach. The WMA lacks expertise in some areas. It is also poorly modeled hydrologically and there have been problems in modeling the ecological reserve leading to differing views on the effects of forestation, erosion and alien plant infestation.

The development of trained and experienced staff in each WMA needs to be monitored. The shift of experienced staff away from WMAs needs to be monitored.

5.2.7.2 Developing competence for managing and facilitating participation

In the Inkomati case regional DWAF staff felt that their training equipped them for the technical aspects of water services delivery, but not for the social aspects like conflict resolution, capacity development and participation. In the Mvoti-Mzimkulu case there is a high level of competence in well established institutions in managing and facilitating WRM. And yet there does not seem to be a high level of competence for managing and facilitating participation. Consultants play this role. Capacitated members of the DWAF office are often relocated to a National level leaving regional DWAF understaffed and under capacitated to deal with the complex issues of participation.

Through interaction with this research, some staff at DWAF have acknowledged that there is a shortage of experience amongst staff at a regional level, they also acknowledge that unless there are those who can facilitate participatory processes and the roles and responsibilities of managing water in a participatory way, decentralized institutions will struggle to cope. (RUEESU & AWARD, July 2005 WRC Project K5/1434, Report: Information Sharing Workshops.)

Developing the competence of people to manage and facilitate participation needs to be monitored. The movement of capacitated DWAF staff out of WMAs needs to be monitored.

5.2.7.3 National and regional institutional dynamics

In the Inkomati case, national and regional tiers of government had different understandings of the process, and different levels of enthusiasm. National level were enthusiastic and proud of the country's new water policies, staff at regional level were dubious. They felt unprepared and inadequately supported to meet the demands the policy placed on them.

In the Mvoti case regional staff members reported feeling caught between the day to day demands of normal work and the relative slowness and thoroughness of the CMA's passage through DWAF National office and saw this as one of the reasons public participation disappeared over time. Some delays happened because the policy environment had not yet crystallized. This caused frustration for regional staff.

The following needs to be monitored with regards the roles of National and Regional DWAF :

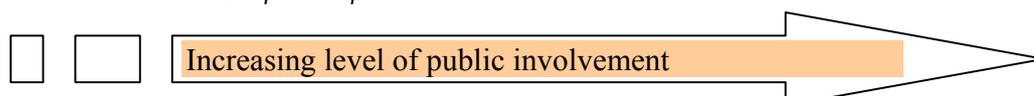
- Whether national and regional DWAF share the same vision
- Whether assistance and support provided by national to regional DWAF with the implementation of policy is adequate
- Communication channels between national and regional DWAF
- Sharing of capacity between national and regional DWAF
- Antagonism and skepticism on both sides

5.2.8 Establishing the parameters of 'sufficient' public participation

In both the Inkomati and the Mvoti-Mzimkulu cases the question of 'sufficient' participation emerged. In the Inkomati, far more time and resources were invested in participation over a longer period of time with the result that a precedent of stakeholder involvement has been set which can be built on in the future. In the Mvoti-Mzimkulu case participation has been dominated by institutions although a 'non-exclusive' approach to participation was adopted.

From these two examples it is clear that there is no ‘one recipe’ for establishing the parameters of ‘sufficient participation’. However, some guidance is provided by the International Association for Public Participation (IAP2), who has identified five degrees of participation, which it calls a “public participation spectrum”. The table below shows a progression in the level of people’s involvement, starting with merely being informed and progressing to full decision-making autonomy.

Table 7: The Public Participation Spectrum



INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public participation goal:	Public participation goal:	Public participation goal:	Public participation goal:	Public participation goal:
To provide the public with balanced information to assist them in understanding the problem, alternatives, opportunities and solutions	To obtain public feedback on analysis, alternatives and decisions	To work directly with the public throughout the process to ensure that public concerns are consistently understood and considered.	To partner with the public in each aspect of the decision-making, including the development of alternatives and the identification of preferred solutions	To autonomous decision-making by the public
Promise to the public:	Promise to the public:	Promise to the public:	Promise to the public:	Promise to the public:
<i>We will keep you informed</i>	<i>We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision</i>	<i>We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed, and provide feedback on how the public input influenced the decisions</i>	<i>We will look to you for direct advice and innovation in formulating solutions, and incorporate your advice and recommendations into the decisions to the maximum extent possible</i>	<i>We will implement what you decide</i>
Examples of techniques				
<ul style="list-style-type: none"> • Fact Sheets • Web sites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings 	<ul style="list-style-type: none"> • Workshops • Polling 	<ul style="list-style-type: none"> • Citizen advisory committees • Forums • Consensus building • Participatory decision-making 	<ul style="list-style-type: none"> • Ballots and voting • Delegated decisions

Adapted from the International Association for Public Participation (IAP2) www.IAP2.org

On the one hand the intensity and breadth of participation is determined by the maturity and stability of the participatory structures, the capacity and availability of stakeholders, the available

financial resources, and the amount of time available for particular tasks. But the degree of participation is also determined by what is appropriate in relation to each particular task (see section 5.4 below).

Monitoring to establish 'enough' participation is not an easy process, and it is suggested that this needs to be established differently in different contexts. While the guidance provided by the International Association of Public Participation is useful to conceptualise participatory practice, it may, in reality, not follow such a linear, developmental pattern, as different types of participation are likely to be required in relation to different tasks, and in different contexts.

5.3 CASE STUDY ANALYSIS: MONITORING PARTICIPATORY PRACTICES IN CMA FUNCTIONING

As indicated in Chapter 1, and in Chapter 4 above, CMA establishment has been slow to develop. There is, at the time of writing this report, only one CMA that is established, and this is not yet fully functioning. It was therefore not possible to establish insight into issues associated with CMA functioning. However, there are some indicators of potential issues that may require monitoring in the functioning phase of CMAs.

5.3.1 Managing conflicts of interest

In the committees that have been established in the Inkomati and the Mvoti-Mzimklulu, it is clear that one of the issues that will need to be managed is conflicts of interests. For example in the Mvoti-Mzimkulu conflicts of interests arose between different water service providers and between water service providers and local government. These include:

- Inter-stakeholder – different interests
- Intra-stakeholder – considering conflicting demands
- Power relations: Power relations are closely related to stakeholder interest.

In the Inkomati, stakeholder representatives tend to see themselves as sector lobbyists which sets sectors up in opposition to each other. In the Mvoti-Mzimkulu, different stakeholders are participating for different reasons. It is clear that Umgeni Waters has a lot to lose if it does not ensure its role in the CMA. On the other hand, the involvement of irrigators is more to ensure access to water rather than institutional positioning.

5.3.2 Confidence in the participation process

From the data it is also clear that the following factors are likely to influence ongoing confidence in the participatory processes:

- Representation and ownership
- Understanding the purpose of the legislation
- Decentralisation without adequate resources

5.3.3 Management structures

The principles of the National Water Act (1998) say that ‘the institutional framework for water management shall as far as possible be simple, pragmatic and understandable’ (principle 22) and yet one of the blocks to participation is that the management structures being set up for WRM and the relationship between these management structures is complicated. Stakeholders are unsure about which structures are platforms for which process and task. Where will their voice be heard? Who represents them at each level of governance? What are the roles and responsibilities of each management structure that is being put in place?

Systems of management also tend to be sophisticated and complex and are often foreign / unfamiliar to the people that need to have access to them if they are to participate in WRM.

These issues will need to be researched in more depth, once CMAs become more functional.

5.4 THE WATER MANAGEMENT CYCLE: IMPLICATIONS FOR MONITORING PARTICIPATORY PRACTICE

5.4.1 The Water Management Cycle: Implications for participatory practice

The Water Management Cycle provides a useful structural framework for monitoring participation which is in line with functioning of the CMA's. Monitoring of participation within this framework is therefore in line with the tasks of WRM that were set up by DWAF. Researchers in AWARD have begun considering each task with its protocol, and then mapped participation within this framework, thus providing a context and task specific focus for participatory practice and the associated establishment and management of participation. The focus here is on empowering the practice of participation within IWRM, rather than focusing on the empowerment of specific people / individuals (although the importance of this is not negated, as outlined in Chapters 3 and 4 above). This focus

therefore de-individualises participatory work, bringing the **practice of participation** into focus, reducing a tendency to over-emphasise the politics of participation. This framework therefore argues for a balanced approach to participation, one which seeks to establish the *practice of participation as being integral to institution formation*, while paying adequate attention to the *politics of participation* (i.e. issues of power, representivity, inclusion etc.). This would also be more consistent with a **deliberative approach** to democracy, in which institution building for democracy is recognized as being an important dimension of democracy (Habermas, 1996; Benhabib, 2002). This is also consistent with DWAF's Integrated Strategic Perspectives (ISP's), which have been defined to guide water management on a regional basis for WMA. For example, the Inkomati ISP makes special mention of deliberative participatory processes in relation to IWRM:

*An integrative and interactive approach has been identified as a method whereby the public will be able to participate in determining water resource use and reconciliation options. This aims at a **consensus driven approach** to determining how water allocations for the allocatable part of the water resources will be determined.*

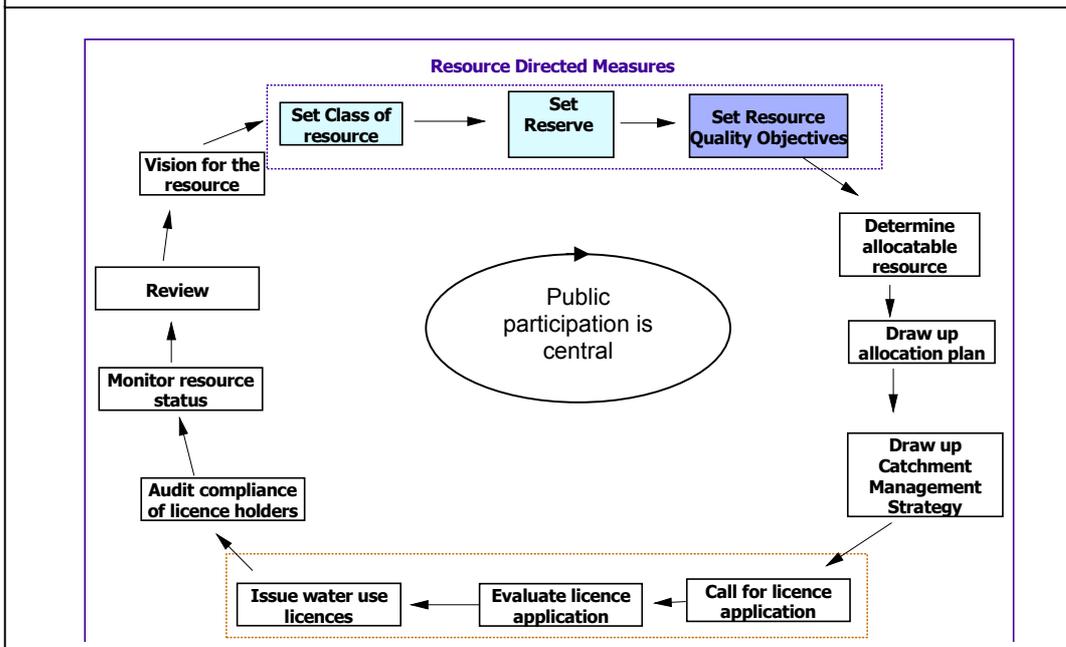
The water resources management cycle, set out in the diagram that follows, gives the procedures associated with managing water in South Africa as a series of steps or tasks. Each complete cycle is expected take five years to complete, after which it begins again.

"Participation" is placed at the centre of the cycle. This means that at various stages of the cycle the public is more (or less) involved. See section 5.4.2.2 below for more insight into how this can be done.

The cycle normally begins at the top left of the diagram ("Vision for the resource"). Once a CMA has been established, the first step is to develop a vision for the resource involving all stakeholders. This is followed by the setting of the Reserve and the other Resource Directed Measures. The CMA will then work out how much water is available for allocation (see the right-hand side of the diagram), and can then begin developing an "allocation plan" in line with the limitations set by the Reserve and the vision for the resource. This is followed by the drawing up of a broader plan – the Catchment Management Strategy (CMS). After this strategy has been drawn up and accepted, the CMA can call for licence applications and issue licences to water users (see the steps shown at the bottom of the diagram). In the final phase of the cycle, water users are monitored for compliance, and the general status of the resource is monitored according to the Catchment Management Strategy. In the last step, the whole cycle is reviewed, based on learning from the previous period, and then new vision is agreed upon. In this way there is a continual process of learning and adapting to changes in circumstances.

Figure 6 The water resources management cycle

Source: DWAF (2001)



5.4.1.1 Participation requirements for each task of the WRM cycle (extract from Book 2)

Each step in the cycle involves participation:

1. A vision for the resource: Water managers, along with stakeholders, develop a common vision of how they want their water to be managed, which includes short, medium, and long-term aims and objectives.

2. Set a “water management class” for the resource: Here stakeholders collectively negotiate the nature of the future activities for their catchment, as these will determine the quantity and quality of water resources. Then, based on an understanding of the current state of the water resource, and the actions needed to achieve the desired state, a water management class is selected (Palmer *et al*, 2002). This choice of water management class will determine future management actions that will be undertaken by the CMA and associated institutions. Full participation by all stakeholders is absolutely essential for this step, since once the class is set, it cannot easily be changed.

3. Set the Reserve: Water managers then determine scientifically how much water will be allocated to meet the “Basic Human Needs Reserve” and the “Ecological Reserve”. This task requires only limited participation, as it is carried out by specialist teams. However the stakeholders will need to be informed of the process so that they understand the implications of this step for the remaining steps of the cycle, such as water allocation.

4. Set Resource Quality Objectives (RQOs): Specialist teams, with limited input from the stakeholders, then set the “Resource Quality Objectives” in relation to the management class that has been chosen. These objectives are set for the resource in its entirety, and not just for the “Ecological Reserve”. Stakeholder participation here is likely to be of a consultative nature.

5. Determine the “allocatable” resources: Water managers and specialist teams can now determine how much water is available for the catchment. This stage requires a scientific

investigation, so public participation is limited. Stakeholders will need to know how much water is available in total, so that each sector can make realistic requests for water allocation.

6. Draw up an allocation plan: The next step is to draw up an allocation plan that all water users in the WMA can understand. This plan must reflect the wishes of all the water users, with an emphasis on equitable access and the ecological health of the catchment. Since this is the step that is most likely to be contested by competing stakeholders, a high level of active participation and negotiation is essential.

7. Draw up Catchment Management Strategy: Using the allocation requests of stakeholders and the DWAF framework for developing a CMS, water managers and stakeholders together develop an integrated plan for managing the water resources. Demand management and waste management will be important parts of this strategy. Again participation and negotiation are high priorities in this step.

8. Call for licence applications: Current and potential water users will need to apply for (and pay for) a licence to use water. In this step, stakeholders prepare themselves for licence submissions to the CMA. Each application will be evaluated against the goals of WRM and the allocation plan.

9. Evaluation of the licence applications: This task will be performed by the CMA, which means there is limited participation by stakeholders. Principles of equity, efficiency and sustainability will be used as criteria for evaluating the applications. If necessary, requests will be modified to accommodate the various applications.

10. Issuing of licences: In this step, successful applicants will receive their licences from the CMA. Limited participation is required here, but users may challenge their licenced allocations if they feel them to be unfair. If such cases, stakeholders will need to prepare submissions to water tribunals.

11. Audit compliance of licence holders: DWAF is likely to carry out this task. Water inspection officers will check that licence holders are using the correct amount of water for the correct purposes in agreed ways. Participation here will be in the form of stakeholders monitoring and informing DWAF of irregular or illegal uses that come to their attention.

12. Monitor resource status: This step monitors the quality and quantity of the water resources in the WMA. Stakeholders have an important role to play here, as the health of the resources will eventually affect all users in the catchment. Monitoring of river flow, quality of water, rainfall data collection, and ecosystem health all form part of this step.

13. Review: Water managers, along with all users, licensed and unlicensed, will be given an opportunity in this step to review how things have been working. Participation is crucial here, since this represents the stakeholders' opportunity to comment on WRM over the past five years and to call for improved management processes. A new vision can then be constructed.

Each step in the WRM cycle can be linked to a plan for stakeholder participation. Before doing so, the following should be considered:

- A starting point is needed – in this case setting the initial catchment vision is the first task.
- Some steps cannot be started until others have been completed – which means that we cannot simply begin at any place in the cycle.
- Not all steps require participation.
- Different steps in the cycle require different types of participation, ranging from consultation to decision-making.
- The participation pathway requires resources, budgets, timeframes and a co-ordinated public programme.
- For each of the steps where participation is required we need to respond to the questions *what, who, where, when* and *why*. This is the key to understanding how to plan the participation process, which is explained in more detail below.

Book 2 provides an outline of how each step in the cycle can be broken down, so that participation can be conceptualised in relation to specific tasks.

5.4.2 Monitoring participation in/as a series of tasks, with a set of simple questions

Question 1: Why participate?

This research revealed that stakeholders are often not sure why they are invited to meetings, or they do not know why a Catchment Forum has been established in the first place. Participants need to know what the rationale is for their involvement. Answering the “why” question will help to define more clearly what is needed in any participatory process. It will also make it clear what information people need in order to participate.

The effectiveness of the dialogue to establish a shared understanding of why participation is required would need to be monitored.
Stakeholder’s understandings of the legislative framework and underlying principles would need to be monitored.

Question 2: What needs to be done, and what is needed?

It is important that stakeholders understand that each step of the cycle requires specific, and sometimes quite varied, responses. For example, in setting the management class for a river, participants need to express “what” they want from the water resources in their catchment, stated accurately as levels of protection and development.

Understandings of different roles and responsibilities in the participatory process needs to be monitored for each of the required tasks.

Understanding of the purpose of participation (and related roles and responsibilities) in different stages of the water management cycle needs to be monitored as this is likely to be different for different tasks.

Question 3: Who should participate?

Not everyone can be present at meetings. Some form of representation will be necessary. Who will that person or body be? How will they be selected? Each Water Management Area has different stakeholders and institutions, and different identity issues and power gradients. Practitioners need to think through the “who” question carefully. How can we ensure that the participation process is inclusive, especially as regards marginal groups? Are there democratic processes in place, or does traditional protocol take precedence? In some catchments people and business concerns operating from outside the catchment may have a major impact within the catchment. These outside-of-the-catchment groups may need to be brought into the participation process.

Issues of inclusivity and exclusivity need to be monitored. This would involve monitoring of *inter alia*:

- Adequacy of the stakeholder identification process
- Adequacy of the representivity framework and validity of representation
- The influence of power relations in the context of historical inequalities
- Relational networks and alliances, and related purposes and interests (also needs to be monitored for the formation of potential ‘power blocks’)

Question 4: When is it appropriate to participate?

The question of timing – “when” – has bedeviled much participation to date. Those designing participation processes are often unclear about exactly when to involve the public. Should this be before, during, or after planning, policy-making, law development, research, implementation?

Planning and sequencing of participatory processes in relation to the water management cycle and legal requirements for participation needs to be monitored

The need for pre- and post- capacity-building processes in relation to other scheduled participatory processes needs to be monitored.

Unnecessary and unfocussed participation needs to be monitored (clarity of purpose needs to be

clear in relation to the rest of the participatory process)

*Question 5: **Where** is the water and where do we go to participate?*

There are two “where” questions. One relates to rivers and the location of water resources within the catchment, the other to logistical arrangements.

Regarding rivers and water resources, the question to be asked is: “Where in the WMA will participation need to take place for each task? For example, deciding on the management classification of a class will not happen at a WMA level, management classifications can be different for each river in the catchment. There can also be more than one management class for different sections of each river. This means that stakeholders will need to be involved according to where they live in association to the resource where the management class needs to be decided. With regards, water allocation, the where is – stakeholders in the whole catchment need to decide how water is allocated as this is a catchment decision and is not related or limited to different sections of a river or to different rivers. This decision can even affect stakeholders outside the catchment, for example when a river crosses over into a different country. The ‘where’ in this case can be very broad and include a lot of people.

The other “where” question refers to where meetings are to be held. It is important to choose a location that is accessible to all stakeholders. Marginalised groups like small-scale farmers often have to travel the furthest to get to centralised venues and may end up paying disproportionately for travel costs.

Guidance for monitoring:

Constraints and other contextual factors affecting participatory processes needs to be monitored in relation to the participation required for different tasks

*Question 6: **How** will participation be carried out?*

How will participation be carried out? For what steps in the WRM cycle do people simply need to be consulted and nothing further; and for what steps do people need to be involved in active negotiation processes? If negotiation is needed, then do potential participants have the necessary confidence, skills and available channels in order to negotiate effectively? The spectrum of participation on pg 114 is a framework that is useful to use in answering the ‘how?’ question.

The “how” question should also look at costs, feedback, facilitation and provision of learning support materials. Often resources, such as learning support materials, or service providers, such as facilitators, are brought in from outside the catchment. In our experience however, participation that is initiated within the catchment at grassroots level is often more cost-effective and more sustainable in the long run.

The appropriateness of the form of participation for the required task needs to be monitored (e.g. consultation may only be needed to set the reserve; while developing an allocation plan will require collaborative decision making)

The way in which opportunities for participation are influenced by availability of resources needs to be monitored

The efficiency of resource allocations to enable effective participation for specific tasks needs to be monitored

Adequacy of capacity for participation in various tasks needs to be monitored.

Management and facilitation of the participatory processes needs to be monitored in relation to the tasks

Adequacy of communication with and between stakeholders needs to be monitored.

5.5 SYNTHESIS: TOWARDS MONITORING AND EVALUATION INDICATORS FOR PARTICIPATION IN CMA ESTABLISHMENT AND FUNCTIONING

Building on the insights articulated in Chapter 1, 3 and 4, this chapter has taken the process of providing guidance for monitoring and evaluation further. Through analysis of the two case studies, a number of aspects that may require monitoring in participatory practice have been identified. A task-based framework was also considered, and a series of monitoring activities have been outlined within the task-based framework, many of which overlap with those aspects identified through the case study analysis. Thus, the study has, in keeping with the research design, continued to deepen the analysis to provide guidance for monitoring and guidance for best practice. As mentioned earlier, while there are clear indicators emerging from this analysis, researchers felt that this work needed to be more thoroughly tested in the other case study contexts, as more CMA's become established. It was decided that although useful insight into potential monitoring indicators have been gained, a reliable set of indicators could not be developed within the scope of this research. However, useful starting points and orientation for monitoring and evaluation of participatory practice in CMAs has been provided.

At this stage the monitoring and evaluation deals mainly with basic water management tasks, rather than RM. There is a need for capacity-building in basic water management first, and once the co-operative governance frameworks are more functional (as the CMA's become more functional) then more sophisticated monitoring and evaluation tools will need to be developed.

Guidance for participatory practice:

Based on an analysis of the insights gained from the in-depth case studies it is clear that approaches to a variety of aspects involved in the establishment of CMAs are strongly influenced by the context of the WMA. This means that mechanisms need to be put in place to respond to context specific needs of different WMA. The development of clear strategies around the following issues will need to be critically considered in response to these different contexts:

- Boundary frameworks
- Setting up of participatory institutions
- Identifying stakeholders
- Approaches to representation, ownership and interest in participation
- Enabling equal access
- Responding to institutional constraints and dynamics
- Setting parameters for participation

The research proposes that a **context-specific and task-specific approach** will enable the development of 'best participatory practice' for the establishment and functioning phase of WRM at a CMA level and that this approach be linked to the tasks of the WM cycle.

Informing indicators for monitoring and evaluation of participatory practice:

To further inform the development of monitoring and evaluation indicators for participation in CMA establishment and functioning, it may be useful to ask the following evaluative questions:

In the establishment of CMAs:

- How do contextual issues shape the practice of participation and the establishment of the CMA within the context of different WMAs?
- In what way can arising institutional tensions and dynamics associated with participatory practice in the establishment of CMAs be understood and mediated so as to build institutions that address the principles of the NWA: equity, sustainability and efficiency?
- In what way does the emergence of different approaches towards setting up

participatory structures and identifying and engaging stakeholders foster/impede the participation of different stakeholder groups?

In the functioning phase of the CMA:

- How will the parameters of participation shift according to the task at hand and contextual limitations?
- How will the parameters of participation shift according to participatory structures, the capacity and availability of stakeholders, the available financial resources, and the amount of time available for particular tasks and still respond to the principles of the NWA: equity, sustainability and efficiency?
- Are the parameters of participation in line with the legislation and the development of a deliberative form of democracy?

Chapter 6: Summary and Recommendations for Further Research

In this chapter different types of findings are synthesised from the research data presented in previous chapters (readers are referred to the detail of data contained in Chapters 2, 4 and 5 for further insight into these findings). These include:

- Findings that provide orientation to participatory WRM
- Findings that provide support for the emergence of 'best practice'
- Findings that provide support for the design of monitoring and evaluation indicators

After synthesizing the findings, a summary is provided of the achievements of the study against the intended outputs and recommendations are provided for further research.

6.1 FINDINGS THAT PROVIDE ORIENTATION TO PARTICIPATORY WRM

6.1.1 *Recognising complexity in IWRM in SA*

This study has highlighted many levels and layers of complexity in both the conceptual understanding of IWRM and the practical task of implementing IWRM. This complexity directly affects the practice of participation.

Complexity associated with institutionalized participation

Participation in WRM in South Africa is an institutionalized process. This means that it is not seen as a spontaneous act of people (Rahman, 1993), rather participation of stakeholders will take place through an organized structure of institutions: CMA's, CMC's, WUAs and CFs. The national department DWAF has developed a framework model for institutional arrangements but it is up to each WMA to decide on the model that best suits the context of a particular WMA. The challenge lies with combining the complex, fluid process of participation with a structured system of management. Below are some of the ways in which this complexity reveals itself in practice:

- *Setting up WRM institutions:* Each WMA needs to establish a CMA. This is a transfer of power from regional DWAF to an institution run by representatives of all water users. The establishment of this institution should involve the inhabitants of the WMA, but regional DWAF is responsible for initiating this. Findings have shown that stakeholders do not automatically participate. Nor are different stakeholders necessarily organized so that they

can effectively represent their needs. In some cases, 'lower levels' of institutionalisation (such as the setting up of CFs) are done before or in the process of, the establishment of the CMA so as to ensure stakeholder representivity (Inkomati WMA and the WMAs of the Western Cape). Other cases, however, have opted for pushing forward with the establishment of the CMA even though participation from certain stakeholder groups is not adequately representative, as the CMA is seen as the institution that will be responsible for mobilizing more local levels of WRM institutions to ensure participation in the future (Mvoti-Mzimkulu WMA). Different approaches to the establishment of CMAs have different impacts on the nature of participation and subsequently the kinds of institutions that are established.

- *Overlaps between WRM institutions and other institutions (such as the municipalities):*
In some WRM areas there are established institutions that already fulfill the roles that the new CMA is meant to fulfill. There is a danger of overlaps occurring and institutional redundancy. Certain powers may need to be transferred to the new CMA, which may lead to antagonism and power struggles. In the Mvoti-Mzimkulu WMA, the Ethekweni Metro Municipality and Umgeni Water face their position weakening or changing with the advent of the newly established CMA.
- *Appropriate local institutions for participation:* There may already be established and recognized platforms through which people participate in WRM issues such as Community Development Forums, through Ward Councillors and local government. How will these be incorporated into the DWAF institutional model for local WRM? The 'culture of management' that has become dominant in WRM institutions may not fit the processes that local inhabitants are used to. This may make it difficult for people to get involved and participate particularly when their participation in WRM tasks is voluntary. In the small Kat River WUA both large-scale farmers and small-scale farmers are struggling to understand the political language and culture of management that is used by regional DWAF. This puts them at a disadvantage and adds to their growing frustration when working with governmental structures. One of the lessons drawn from the international literature is that the South African CMA system would need to find ways of accommodating local culture and practice and even promote local and informal WM institutions.
- *Roles and responsibilities:* As can be seen by the last two points, gaining clarity on who is responsible for which tasks is not an easy process but necessary if clear channels of involvement are to be established. In the study it was clear that local inhabitants do not separate water service provision from water management. Water service provision is the responsibility of the local municipality whereas WRM is the responsibility of the CMA and additional local institutions. There are, however, overlaps which add to the complexity of WRM at a local level. Roles and responsibilities need to be carefully assigned, relationships clearly established and stakeholders informed.

Complexity of geo-physical boundaries and political boundaries

CMAAs are set up according to geo-physical boundaries which are often different from provincial boundaries. This adds to the level of complexity in setting up institutions for the management of water where both political boundaries and geo-physical boundaries need to be taken into consideration. WRM decisions not only affect the water sector but impact on the policy frameworks of other governmental departments such as Land Affairs and Environment and Tourism. This is difficult to implement and demands high levels of capacity. Even within DWAF there are different procedures, processes and institutional arrangements for water and for forestry, for example the Catchment Forum and the Community Forestry Forums.

Complexity of concepts such as participation and democracy

The research shows that many different people have different understandings of what it means to participate. These different views of participation affect the way in which people participate and the way in which participation is encouraged by the relevant institutions. People's understanding of democracy is also limited by the historical context of apartheid and different levels of education. This also impacts the way in which people will participate in WRM. There is still a perception that 'government' will handle local problems. The research shows that a deeper understanding of **deliberative forms of democracy**, a rights-based approach to WRM and participation is needed by all. WRM practitioners need to be aware that particular understandings of a concept directly impacts the way in which practice evolves. National DWAF may need to consider mediating practice by mediating and exploring the developing understandings of democracy and subsequent effects on the practice of WRM.

6.1.2 Conceptualising democracy in relation to participatory water resource management

South Africa is facing the challenge of reinventing itself as a nation. This has had direct impact on the way in which the management of water resources is envisaged. This has given rise to IWRM and the concepts of decentralization, participation and democracy. As is highlighted in Chapter one of this report, there needs to be an interrogation of experiences so as to highlight the deeper understandings of democracy in contemporary South Africa and how this influences participatory practice in WRM. There are tensions between whether there should be a focus on the development of the democratic state or the broader concept of a democratic society. There are concerns that even this debate sets the state and civil society in opposition and questions of who participatory practice benefits. As a recent document by IDASA deliberates:

“When democracy is conceived too narrowly, as simply the work of government, citizens become marginalized and democracy seems to revolve around politicians (or state officials). When citizens are placed at the centre, everything looks different.” (IDASA, 2004:1 – see Chapter 1)

The understanding of society both within the structures of institutionalized democracy and as agents of change also has direct impacts on the way in which the participation of citizens and the state are encouraged and the expected outcomes of people’s involvement in WRM. Is the aim of participation consensus which assumes that there is some kind of ‘shared form of life’ or is it more about access to the ‘discursive space’ which allows and recognizes multi-cultural value systems; the problem of the complexity of modern society and the relationship between law and institutionalization? Within this framework of democracy, contestation and multiple understandings are part and parcel of the democratic process and consensual understandings are recognized as partial. These different understandings of democracy will affect the way in which democratic IWRM is practiced, both in how structures are formed and function and how people within those structures act and participate. It will also affect what people need to understand about participation and the skills needed to engage within different approaches to democracy - skills in accepting multiple standpoints and the fluidity and reflexivity needed in decision-making and management. The importance of ‘the institution’ also changes as concepts of democracy reflect the reality of current society. At the moment conceptual frameworks for institution building in IWRM have been built on the ideals and dreams of transformation which have not necessarily allowed for, or been informed and shaped by the complexities of history and experience. This is the environment within which IWRM is evolving.

6.1.3 *History and social context*

The inequalities inherited from the apartheid system is an enormous challenge affecting the institutionalization of new democratic processes. Participatory WRM does not automatically ensure equality, in fact unless the purpose of participation is carefully understood, the management of participation can perpetuate the unequal status between different stakeholders. Examples of this include certain WRM institutions having more power than others because of the wealth and status of stakeholders within the institution, stakeholder identification leading to the ‘othering’ of the poor and marginalized. Other examples found in the study are where poor and marginalized groups are subjected to a different kind of participation to that offered to more capacitated groups. Stakeholders being handed over the responsibility for very difficult and expensive problems under the guise of ‘decentralisation’ without the resources and capacity to address them provides yet another example.

Many South Africans have not had access to education or have had limited education. Many people do not have the skills or information needed to participate in WRM. This needs to be taken into consideration when considering the levels of complexity mentioned above as well as the level of expertise needed to manage a water system. It is important to acknowledge the limitations people will face and not unfairly expect high levels of participation until levels of capacity have developed. These are only a few of the challenges that emerge out of a very particular historical context. This context will directly affect the way in which people view their participation and the limitations of localized management.

The research highlights the importance of social context. Diverse social contexts will influence the way in which people participate and institutions develop. The scoping of participation in the establishment of CMAs, and the in-depth probing of participation in the two case studies reveals how each WMA approached the task of establishing a CMA differently. How stakeholders were engaged created different responses from the stakeholders to the CMA. Different stakeholder profiles were also found in different WMA's, and different WMA's had access to different resources. Political structures and cultural norms also differ in different contexts, and all of these factors make up the 'social context' in which CMA's are established. Recognising the diversity inherent within particular social contexts is an important starting point in establishing participatory practice in IWRM, and is also an important factor to consider in establishing monitoring and evaluation frameworks, guidelines for best practice and so forth.

6.1.4 A focus on structure and agency

Much of the focus in WRM is presently on the establishment of structures (institutions) through which people can participate in WRM. A dominant assumption is that the establishment of structures will automatically ensure participation, yet this research reveals that this is not the case. Out of the 16 CFs established in the Mvoti-Mzimkulu WMA, by mid 2003 only 5 remained active. Unless the agents, being the stakeholders, have the capacity for interaction and decision-making, participation will not automatically happen. Although there is an acknowledgement that there is a need to build the capacity of stakeholders, this is not the main focus of action. Funding, time and resources are focused on the establishment of structures with little thought to what skills stakeholders need to work within these structures. In some WMA there is more of a balanced focus on both the development of structure and the development of agency. This is happening mostly at a catchment or sub-catchment level, for example in the Sand River Catchment the work of the NGO AWARD focuses on the development of structures as well as building the capacity of stakeholders to act within these structures. A DWAF initiated example of a more balanced approach is the Olifants-Doring WMA, where the process of establishing the CMA structure included various activities focusing on capacity-building and skills development. This was possible because of outside funding through a partnership project between DWAF and the Danish funders,

DANIDA. This study found that in all cases where attention was being given to capacity-building to enable people to act within the structures being created, external funding was required.

Focusing entirely on supporting people and grappling with the 'politics of participation' can also inhibit participation. In the Kat River Catchment, the focus of WRM was to build the capacity of local inhabitants to respond to catchment issues and to have a more powerful voice. This was done through the development of a CF. Although the CF was established, the institution functions in a local vacuum with no established relationships with broader institutional structures. This has made it challenging for inhabitants to address local concerns because the institution through which they are acting is not recognized by the local municipality or regional DWAF as structures which could implement local projects and initiatives.

What is clear is that the development of participatory WRM needs equal focus on the development of strong institutions (good structures) and the development of people to work within these institutions in an effective manner (strong agents).

6.1.5 Power relations

While participatory practice is often established with a view to reducing power gradients and enabling more equitable forms of NRM, participation does not always lead to a balance of power. Participation can actually entrench existing power relationships because of a lack of clarity or ambiguity as to the meaning and role of participation in WRM. The different meanings ascribed to participation affect the focus of participation and thus the power relations between people and organizations. The research identified two categories of meanings for participation. The first being political meanings where nation states have evolved to control the risks of participation and to involve people in participatory processes so that participation can be controlled through the frameworks (and structures) set up by the state. This approach to participation emphasizes structures of participation. Secondly, social justice meanings where the participation of marginalized groups and women are emphasized. Participation is seen as a solution to unequal access to resources. It is seen as a process that will balance the power between different stakeholders. Here the agents of change, the stakeholders are emphasized in participatory processes. In the South African context both meanings are applied interchangeably. National DWAF cite redress (social justice meanings) as the foundation for a participatory approach to WRM and yet in practice the focus is on setting up structures through which participation is to take place. Localised institutions (such as the CF in the Kat River) can easily be 'ignored' by more powerful players (such as DWAF) if they no longer contribute to the participatory process as designed by the more powerful players. Different approaches to representivity, stakeholder identification, inclusivity and the process of decentralization all influence the way in which power

relations unfold. A lack of clarity of how these different approaches influence power relations can lead to participation being used to control how people are involved in water resource management by the state and, ironically, to entrench certain power relations rather than to challenge them.

6.1.6 *Understanding demand-orientated management approaches.*

The international review of this research study points to demand-orientated approaches to WRM needing an increased level of stakeholder participation. International studies show that when stakeholder groups are relatively homogenous, this is not difficult, but when political and ideological issues come into play, it is not that easy. Stakeholders also need to understand the shift from a supply-orientated approach or access to water via riparian rights to a demand-oriented management approach which means that water users need to be more involved in the decision making process. Water is distributed according to the demands of inhabitants of the catchment and this needs to be negotiated between different users. This is very different from when water was accessed because one owned land. Making decisions based on a complex relational pattern of water demands that have to be negotiated demands a different set of skills and higher levels of capacity to deal with issues of inclusivity, diversity and power.

6.2 FINDINGS THAT PROVIDE SUPPORT FOR THE EMERGENCE OF 'BEST PRACTICE'

6.2.1 *Materialising of best practice in a social context*

As shown in this study, participatory practice requires careful insight into social processes that take place in a given context or contexts. There are a series of contextual factors that influence the way in which people participate and relate to each other, such as: history, knowledge, empowerment, resources, political enfranchisement and attitudes, interests, language, educational experience, individual agency and established ways of doing. In different contexts, the same factors will influence the way people participate in different ways. As shown in this study, it is necessary to understand the interplay of a range of different contextual factors in each setting. DWAF has already drawn up Generic Guidelines for Participation in IWRM. The WRC has also funded the development of Participatory Guidelines for IWRM which focuses on the participatory methods used in mobilizing stakeholders to participate in WRM. While broad and generic 'Best Practice' guidelines for participation could be developed, their usefulness may be questionable, as there will still be a need to support each CMA to establish their own participatory 'best practice' that arises in and responds to their particular social context. As a regional DWAF officer commented during an interview "*practitioners need specific guidelines for their specific situation*". Generic guidelines can guide practitioners on the principles of practice but not on how to actually engage with the context

(RUEESU & AWARD, 2003). It would seem that a careful contextual analysis may be useful to assist practitioners in understanding the contextual factors that influence and shape participation, and the quality of and opportunities for participation which will allow for the development of 'better' practice in specific WMAs.

6.2.2 Building capacity for deliberation and decision making

Capacity-building is acknowledged as an important process to foster meaningful participation and yet most capacity-building processes identified by the study were initiated and funded as separate from the DWAF institutional building process or tagged onto the end of a process as a series of training sessions which were often contextually irrelevant.

Capacity-building needs to go beyond knowledge transfer. Capacity-building processes need to be geared towards enabling people to be able to deliberate (debate, discuss) and make decisions which is what is required if WRM is adopting a demand-orientated and decentralised approach. As this research report highlights in Chapter 4, the capacity to participate in the management of water requires the development of complex knowledge, technical skills *and* social skills. People need:

- knowledge of the law, policy and their rights,
- knowledge of how a catchment system works,
- to understand the institutional arrangements of DWAF,
- to understand and feel comfortable with the 'culture of management' of institutions,
- to be able to work out how their activities (both present and future) will effect their water needs,
- social skills such as dealing with conflict, reaching consensus, being able to deliberate and make careful decisions, to strategise, communicate and develop communication channels with relevant organizations,
- to know how to access information and resources.

Demand orientated approaches to WRM mean that people need to participate in order to ensure water for their needs. This means that the ability to deliberate (debate and negotiate) with a diverse group of people is important. In order to participate effectively, it is also important for people to understand what it means for water to be managed in a decentralized way and why this is different from previous forms of management. Localised management means that people need to be actively involved in order for a system to work and function. Knowing how much water you use or how much water you want to use is not enough to enable one to participate in the deliberations that must take place in the management of water. If people do not have the relevant skills, it is more than likely that they will be side-lined or silenced in the process, particularly marginalized groups.

The study identified the following examples of practice where the focus was on capacity-building for participation:

- Holding pre-post meetings for groups of stakeholders who need additional input in order to participate,
- Assisting stakeholders in understanding the process and purpose of meetings and the establishment of institutions,
- Identifying and harnessing capacity that already exists in the area,
- The establishment of WMIs can be used as a focus for capacity-building,
- Enabling learning through the deliberation process,
- Developing the skills of DWAF staff to act as effective facilitators and mediators of deliberative processes.

A relevant finding is that capacity-building does not have to be understood as a formal educational or training programme. Rather, in line with current learning theory, people (particularly adults) learn through the experience of participation. The process of deliberation (debating and negotiating) - of trying to see someone else's point of view helps to broaden individual groups perspectives. What is needed however are skilled mediators and facilitators who can facilitate the process of deliberation, encourage continual learning and identify and address gaps in knowledge and skills.

6.2.3 Development of structures

This study has shown that the development of structures for WRM has been a primary focus of implementing WRM in South Africa. Emerging structures have been nationally framed through policy, guidelines and the NWA, but are implemented at a local level. Nationally framed structures do not necessarily roll out in a smooth and uncomplicated manner at a local level as can be seen by the slow process of establishing CMAs in the 19 WMAs in South Africa. Each WMA has specific contextual factors that need to be taken into consideration and in many cases, regional offices (who are responsible for the local establishment of CMAs) are finding that in practice the institutional arrangements envisaged by National DWAF are not always easy to set up, entirely appropriate or feasible. There is a call for more guidance and clearer instructions from National DWAF if local implementation is to fit into the national framing.

Based on the present experience of CMA establishment, the following issues need to be considered:

Issues of inclusivity

According to the national framework, structures/institutions for WRM need to represent all stakeholders and therefore be inclusive. DWAF guidelines suggest that stakeholders should be divided into different water user groups and that each group should be represented at all meetings and workshops and as a member of WRM institutions. In practice findings have shown that WRM institutions that are fully representative of many diverse stakeholders are faced with the following issues – dwindling attendance, the focus of the institution often reflects the most powerful stakeholders, less capacitated stakeholders may be present but that does not mean that they participate, it is difficult for the institution to find a focus besides them being a body which DWAF or the CMA can consult when needing to make decisions, many different stakeholders with different issues and needs. These issues can be directly linked to the tension between the need for WRM structures to fulfill a national mandate and to act as decentralized, autonomous WM institutions. There are examples of WMI's that do not conflate representivity of stakeholder groups with inclusivity. Some WMI represent only one or two stakeholder groups and have a specific focus of addressing the needs of these groups on other more broadly representative platforms. In these cases, inclusivity is understood as making sure previously disadvantaged groups have a platform through which they can ensure that they are not marginalized from decision making processes. It seems that instead of asking how many people should participate to make the process inclusive, one could ask how the process of participation is making the management of water more equal, more sustainable and more efficient. One can also ask: to what extent, and how should participation take place to ensure that stakeholders see the process as credible and legitimate? In this case the focus is on the legitimacy of the structure to the stakeholders themselves rather than whether all stakeholders are represented.

Timing for the development of structures

The two case studies highlight two different approaches to the timing of the development of WM institutions. In the Inkomati WMA the focus was on first establishing local structures such as CFs and CMC's that could then participate in the establishment of the CMA. In the Mvoti-Mzimkulu WMA, the focus was on establishing the CMA which would then be responsible for the development of more local structures through which people can participate. Each approach had different effects and practitioners had to deal with different issues with regards stakeholder participation. In the Inkomati WMA, the setting up of local structures first took a lot of time. More capacitated stakeholders became frustrated. In the Mvoti-Mzimkulu WMA, there is the possibility that certain stakeholders will be antagonistic towards the new CMA because they were not involved in the process of setting it up. Although anybody could participate if they wanted to, the participation of rural communities was very low. It may be difficult for the CMA to address this while simultaneously having to justify the legitimacy and effectiveness of water management through the CMA structure.

Other experiences of establishing WRM institutions have shown that if they are established before there is a role for the institution, they tend to become dormant. This is particularly true of CFs. It is only through the proactive encouragement and support of an outside organization that some of these institutions have survived. It is important to consider whether there is a role for an institution before beginning a process of establishment and development. Building capacity for participation also takes time, as shown in the Nkomati case.

Institutional dynamics and structural relationships

Participatory WRM will need to be implemented within a web of established and newly establishing relationships. All these relationships will face different challenges and tensions. In both case studies (Inkomati and Mvoti-Mzimkulu WMA) it was clear that the way in which institutions chose to participate often depended on how the structure was viewed. In the Inkomati WMA, members of irrigation boards were concerned that they would not be given equal access because they originated from the apartheid era. In response to this, they chose to participate by hiring their own consultants. In the Mvoti-Mzimkulu WMA, large powerful institutions face their position in WRM being weakened by the CMA. This has led to tensions within the process. WRM processes can also inherit tensions between existing WRM institutions which will need to be taken into consideration when planning participatory processes, for example, in the Mvoti-Mzimkulu WMA there are already existing tensions between traditional leaders and local government which will influence the way these particular institutions choose to be involved. WM institutions are emerging and transforming which adds to tensions within WMAs and more established institutions. Large, established institutions can easily dominate newly established local government entities and grassroots communities. There are also tensions between national and regional DWAF which relate to the development of structures being nationally framed, but locally implemented. Regional offices in both case studies felt frustrated and under-resourced to deal with the change in policy and how to implement it within their very complex contexts. It seems important, therefore, to consider carefully the relationships between institutions and other dynamics such as levels of mistrust, power relationships, changing roles and responsibilities, levels of capacity and historically linked tensions. Of particular concern will be national and regional dynamics. Once aware of the institutional dynamics within a particular context, participatory processes need to be implemented with them in mind. Processes that address tensions and assist institutions to work together may be just as important to consider in the process of implementing participatory WRM and may need to be addressed even before planning for participation.

Available resources

Many institutions are understaffed, underfunded and under-capacitated, including DWAF. This directly affects the level of participation (narrow or broad participation) and the kinds of participatory processes (methods used) that practitioners use. Often institutions who are given the

responsibility to initiate action do not have the staff, capacity or money to do the job properly and yet when judging progress these factors are not always taken into consideration. Participatory WRM is a complex procedure and costs money. Funding for the CMA establishment process is not enough to ensure meaningful participation within the current South African context. Certain WMAs through DWAF regional offices have been able to access funding from donors to supplement CMA establishment. In these cases, participation has tended to be more carefully thought through, implemented and accounted for through evaluation processes that are part and parcel of receiving donor funding. The research findings also point to there being capacity in institutions within WMAs that are not being used. Academics in the Mvoti-Mzimkulu WMA expressed frustration that they were not encouraged to be part of the CMA establishment process and yet they had the skills needed to understand and address many of the complex social issues that the process faced. It seems that in order to ensure better practice, it is important to consider what institutional resources are available, both financial resources and skills, before implementing a participatory process.

6.2.4 Strengthening agency

The focus of implementation has, to date, been on the development of structures as platforms for participation. Findings point to a need to focus on strengthening agency as well as developing structures in order to achieve better practice in WRM. Some of the findings that should be considered in developing better practice are:

Stakeholder interests as a pre-condition for participation. Findings show that unless stakeholders have an understanding of why they should participate and unless the process of participation directly addresses their interests, it will be unlikely that they will participate or know why they should participate.

Stakeholders position due to South African history. It is important to consider which stakeholders have been disadvantaged by the history of South Africa and in what way. Consideration needs to be given to what previously disadvantaged stakeholders actually need in order to participate. Access to meetings may not be enough. People may lack the skills and ability to be able to participate. This lack goes beyond 'knowing' about water resource management and includes being able to vision a future in which 'We are active citizens', being able to deliberate and make decisions within the structures being established, being able to understand these structures and one's role within them. In other cases, consideration needs to be given to situations where some groups have not had experience of engaging in multi-cultural environments, and where the skills of negotiated consensus and tolerance are needed.

Role Clarifications: As mentioned above, many stakeholders do not know why they need to participate and how they should participate. This is largely because being involved in water resource management is new and the effects of WRM decisions are not always obvious to certain stakeholders. The tension of structures being nationally framed also adds a lack of clarity with regards to the roles of different stakeholders within different institutions. Often stakeholders ask, How am it supposed to participate? In what structures am I supposed to participate? What is my role supposed to be? This is often unclear because the role of the structures in the institutional arrangements of DWAF are still unclear or that what is clear does not necessarily fit the reality of the stakeholders. The more this is clarified in response to local experience, the easier it will be for people to participate.

Language and Communication: The ability to communicate effectively directly affects the way in which people are able to make decisions and act. The importance of this is demonstrated by examples from the study where certain stakeholders were excluded from the CMA establishment process because of their inability to speak English or have access to a fax machine (Mvoti-Mzimkulu WMA). How stakeholders see language is an important access point around which power relationships hinge and demands that meetings be translated into the first language of the majority (Inkomati WMA) are as much about being able to understand a process as it is about demanding a right to participate. Lack of communication is often due to limited resources and inadequate communication strategies. The participation of all people relies heavily on there being efficient channels of communication at many different levels. This is not always easy to achieve and yet attention needs to be given to how to ensure that existing communication channels are effective and where appropriate new channels are established.

Competence: As can be seen by all the above, the level of competence needed for anyone to be a participant in managing water is high. Water is not a resource that we can afford to make ineffective decisions about and yet what is expected is that people who have not had any experience in the complexities of water management systems, working in highly complex and diverse structures, complex contextual factors and social processes are expected to do so. The same applies for those who are expected to facilitate and mediate this process. It is counterproductive to overestimate one's own competence as well as the competence of all participants. At the same time it is important to identify the kinds of competencies necessary for the tasks of water resource management and to begin addressing them in a realistic and effective manner. The lack of competence must not be used as an excuse to abandon a participatory approach, rather it calls for a realistic understanding of the levels of change that are needed in order to democratize WRM.

6.2.5 Enhancing the interplay between structure and agency

For the emergence of better practice, one needs to work towards developing relevant and legitimate structures as well as strengthening people's ability to act within these structures. The findings have shown that too much of a focus on developing structure without the parallel focus on strengthening agency can lead to structures becoming dormant or being dominated by the most powerful stakeholders (agents). The interplay between structure and agency are influenced by the following aspects:

Tensions between structures and individual stakeholders. As mentioned above, often structures can be dominated by powerful stakeholders which leads to structures not fulfilling their role as representative and democratic institutions. Often structures are unfamiliar to particular stakeholders which makes it difficult for them to participate in them.

Stakeholder identification processes: Stakeholders can identify themselves or be identified because of their alignment or membership to an institution (structure), they can also be identified because of their previous disadvantage in not being able to participate, thus exclusion from structures of decision making. In order to enhance the interplay between structure and agency it will be important to be aware of the power of a stakeholder according to the institution they belong to or their own power, and to ensure that stakeholder identification both acknowledges important institutions but also allows for individual agents to participate.

Timing and purpose: As mentioned above, it is important to consider the timing of the establishment of institutions to ensure the meaningful participation of stakeholders. Stakeholder interests in a process and their potential role in a process needs to be thought through before inviting people to be involved in WRM institutions. Until stakeholders are more familiar with the process of water resource management, they will need guidance as to when to participate, how and why. As shown in this study, different kinds of participation become more appropriate at different times in the WRM process.

Power relations: It is naive to assume that power relations will disappear or that stakeholders will not participate because of personal interests and needs. The design of WRM institutions have mechanisms within them to try and address power imbalance and yet this study has shown that ensuring representivity and inclusivity does not necessary lead to equal power relationships and can, in fact, entrench power.

Key findings that seem to support the interplay between structure and agency are:

- Adopting a **social learning** approach where learning is situated and deliberation is seen as a process of building capacity. This process, however, needs to be facilitated by effective facilitators and mediators.
- Ensuring that the process of institutional development is **adequately resourced** to both develop the institution as well as strengthen stakeholders capacity to participate in these institutions.
- Designing **responsive and reflexive institutions** that not only respond to a national framework, but also respond to stakeholder interests and to the needs of ecosystem management. This means considering the purpose of institutions for both the ecosystem and the social system of which they will form a part.
- Directly address **power relations** by ensuring access to institutions, ability of stakeholders to participate in institutions and access to and development of knowledge and skills and effective communication channels.

6.3 FINDINGS THAT GUIDE THE DEVELOPMENT OF MONITORING AND EVALUATION INDICATORS

6.3.1 Monitoring the hidden dimensions of participatory practice

Understandings of participation: The research findings indicate that an in-depth and critical understanding of participation, in the context of an understanding of South Africa's emerging democracy, lies at the centre of establishing 'best participatory practice'. Often understandings of participation and democracy are contradictory or simplistic and this directly effects the way in which practice develops. To address this there is a need for mechanisms that allow for the development of in-depth understanding of key concepts relevant to participation in IWRM. These mechanisms need to take cognizance of the different layers of complexity in WRM governance, and should take into account the different meanings associated with participation. It will be important to develop indicators that monitor whether these mechanisms are in place. It will also be necessary to better understand the issues, tensions and contradictions associated with participatory practice and how to address them so as to ensure the development of a deliberative form of democracy needed for institution building that addresses the principles of the NWA.

Power relations: Power relations are affected by the way in which institutions are developed, the way in which stakeholders are identified, stakeholders understanding of their roles and responsibilities, the management culture of institutions, access to resources needed to participate (such as means of communication, access to transport and time) and level of capacity. In response to these findings, it will be important to develop indicators that monitor different

approaches to institutional development, stakeholder identification and representivity, approaches to capacity-building and corresponding patterns of power.

Influence of social context: The research findings indicate that participatory practice requires careful insight into social processes and social contexts. This includes factors such as history, knowledge, empowerment, resources, political enfranchisement and attitudes, interests, language, educational experience, individual agency, and established ways of doing. These factors are often ignored or taken for granted in participatory practice. In some extremes, it is often assumed that stakeholder groups are homogenous or practitioners enter a context with preconceived ideas of the reality of stakeholders and the function of participation and institutions based on a generic framework. Indicators need to be developed to deepen an awareness of contextual factors and how they shape participation in ways that foster/impede the development of a deliberative form of democracy and that addresses the principles of the NWA.

Material effects: Unequal participation may privilege some groups above others. Inappropriate processes of identifying stakeholders, insufficient capacity-building for participation and inadequate management of power relations in participatory processes all lead to unequal opportunities for accessing and using water resources in a particular WMA. Thus, inadequate attention to participatory process and practice can lead to material effects where some gain access to water based on their position of power. This can have material effects in that it can deepen poverty or unfairly benefit particular individuals or stakeholders. The material effects and outcomes of participatory processes need to be monitored to ensure fairness, equity and democracy. The relationship between participatory processes, water use and sustainability also needs to be given attention, as inadequate attention to sustainability issues (through over-emphasising participatory decision making) can have longer term material effects which may not be visible in the present (when negotiations are taking place between stakeholders).

6.3.2 Monitoring the development of structures for participation

Contextually relevant institutional design and development

From the findings it is clear that there is a tension between the nationally defined framework for institutional development and local implementation. There is also a tension between management systems which tend to be rigid and a continually changing and adapting ecosystem. The challenge for designing emerging WRM institutions is to be able to respond to complex and contextually specific social systems and ecosystems as well as retaining a level of stability for long term participation which is needed when managing the water resource. The tensions between national frameworks and the development of local structures need to be monitored in terms of whether institutions are locally responsive and flexible. This includes monitoring the roles of national and regional DWAF with regards a variety of factors. The inherent tension between decentralization

and deconcentration needs to be monitored, addressed and reconciled if participatory WRM is to be meaningfully implemented.

Institutional dynamics and structural relationships

As mentioned above, WRM institutional development happens within a specific context which includes a history of institutional dynamics and relationships as well as emerging issues as new institutions are developed. These dynamics and relationships affect participatory practice. If not carefully monitored and considered when developing new institutions, one could face antagonism and mistrust or feelings of being excluded. Aspects that need to be monitored include the dynamics of existing institutions and their relationships with each other and the newly emerging WM institutions. This includes understanding levels of capacity, power relations and response to changing roles and responsibilities.

Effective use of resources

Setting up institutions that allow for meaningful participation is costly. It is clear from the study that institutions are often underfunded, understaffed and lack other resources such as skills and capacity in order to effectively initiate the development of new institutions. Institutions that are emerging often face the dilemma of inadequate resources such as finances, skills and knowledge. Yet there are skills and resources in WMAs that are not being used effectively. There is a need to monitor the effective use of what resources are available and what resources are needed.

6.3.3 Monitoring Agency in participatory practice

Capacity to participate: There are numerous skills that stakeholders need in order to be able to participate within the structures of WRM. Almost everyone needs to develop some skills to enhance their capacity to participate effectively. Presently capacity-building is recognized as 'knowledge transfer' and yet stakeholders need skills that include the social aspects of participation such as conflict-resolution, decision-making and deliberation (debate and negotiation, weighing up of alternatives). It is essential that gaps in capacity are monitored. This includes monitoring access to information, development of the skills needed to make decisions within the context of a deliberative democracy and skills needed to work within the WRM structures. Findings show that situated learning within context allows for stakeholders to develop capacity through the process of participation. This, however, needs to be managed and facilitated by competent facilitators and mediators (presently the role that DWAF staff or consultants). The development of the competence of people to manage and facilitate participation needs to be monitored. Often capacitated people are shifted out of regional offices to national offices leaving a gap in competence which is hard to fill. It will also be important to monitor this movement.

Stakeholder identification

The way in which stakeholder identification takes place directly impacts both the way in which stakeholders will participate, in what structures they will participate, and for what reasons. It will be important to monitor the way in which identifying and engaging stakeholders fosters / impedes the participation of different stakeholder groups.

6.3.4 *Task-based approach to monitoring participation: Interplay between structure and agency.*

The research has identified a task-orientated approach to participatory WRM as a way of providing a context and task-specific focus for participatory practice and the associated establishment and management of participation. The focus is on empowering agency for the practice of participation within IWRM, rather than focusing on the empowerment of specific people out of the IWRM participatory practice context. This means that it is the practice of participation that is central and integral to institution formation and the development of agency. By placing the task of WRM as the focus of participatory practice, it becomes easier to work through the complexities of what it means for diverse groups of people to participate in the process of WRM. The focus is on the agency required to undertake the task at hand, as framed by the institutional need. If the task at hand is to draw up a Catchment management strategy, then questions need to be asked about agents capacities to draw up a catchment strategy, and which agents (stakeholders) need to be involved in this particular task. For another set of tasks (e.g. establishing the water flow), another set of agents with different skills may be needed. This allows for an interplay between structure (the setting up of institutions) and the strengthening of agency (ensuring that people can participate meaningfully and appropriately). Not everyone needs to or can participate in everything in the same way. This research has pointed to a task-based framework that distinguishes different kinds of participation in different phases of the water management cycle. At key points, however, there is a need to ensure that all stakeholders are able to participate meaningfully, with maximum attention given to equity and access to the discourse and structures concerned.

6.4 SUMMARY OF ACHIEVEMENTS AGAINST INTENDED OUTPUTS

6.4.1 *Intended outputs, achievements and the broader social context of the research*

As indicated in Chapter 1, this study was about institution building in the context of IWRM in South Africa in response to legislative requirements for participatory practice in IWRM. This stems from the democratisation of South African society, the need for equity, redress, transformation and sustainability, all outlined as key principles of the National Water Act.

Table 8: *Outputs and Achievements of Study*

Intended output	Achievements of the study
A National Review of 'best practice'	Scoping of participatory practice in the context of CMA establishment in 19 WMAs in South Africa involving DWAF CMA champions, DWAF national and related documentation was done. This identified different approaches to participation in CMA establishment; different factors influencing CMA establishment in different contexts; different forms of participation in CMA establishment and key issues and tensions influencing participation in CMA establishment. A key finding was the need for better understanding of the purposes and processes associated with participation in IWRM. These findings were triangulated through findings in the two in-depth case studies.
International Literature Review	Scoping of CMA type processes mainly in developing country contexts. Identification of key trends and issues that affect participatory practice in developing country contexts.
Guidelines for best practice	Guidance for best practice was conceptualised as 'tools / guidebooks' to guide the emergence of best practice in context, given that so few CMAs were established at the time of the research. These aimed to address the key finding in the national review, and to address key issues and tensions identified in the national and international literature reviews, as well as those identified in the two in-depth case studies. The study argues that in-depth insight into participatory practice is required if 'best practice' is to be achieved. The study also shares findings that can inform 'best practice' but argues that best practice will always be contextually located and varied. It therefore argues more for supporting the emergence of best practice in different contexts, than provision of one set of 'best practice guidelines', as these are unlikely to be suitable to all CMAs.
Performance indicators for monitoring and evaluation	Insights from the national review and the international literature review, together with the in-depth insights provided by the two in-depth case studies were used to identify key areas that may require monitoring.

	<p>Given the slow pace of CMA establishment and functioning, it was not possible to develop reliable performance indicators for monitoring and evaluation. Further research is required to establish reliable performance indicators for monitoring and evaluation of participatory practice. Some key findings have been put forward that can inform the development of monitoring indicators including the need to monitor hidden dimensions of participation; agency; structures; and the interplay between structure and agency.</p>
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A key achievement of the study in relation to its broader context was the development of a deeper understanding of deliberative forms of democracy, and the role of participation in enabling and contributing to institution building in South Africa's WRM sector. Through this analysis, the study has provided a platform to address counterfactual or one-sided approaches to participation in IWRM. It has also deepened understandings of the many diverse facets of participatory practice in a democratising community. It has provided further insights into participatory IWRM in developing country contexts. It has contributed understandings of how CMAs are being established in different WMA contexts, and through a recognition of social context and history as antecedents to participatory practice, the study has foregrounded the importance of supporting CMA establishment *in context*.

6.4.2 Resource books as an output to support capacity-building and the emergence of 'best practice' in context

The two books that have been developed out of this research process provide easy 'popular' access to the research results, as well as access to policy interpretation materials. They are designed as support resources and can be used in strengthening capacity for participation. They also directly address a key finding of this study, namely the need for better understanding of participation in IWRM (at all levels of the IWRM system), and the need for tools and strategies (key among them being capacity-building for better access to participatory processes) to foster deliberative forms of democracy and institution building through participatory practice.

6.4.3 Limitations of the study and challenges experienced

While the study was able to achieve most of its objectives, there were some limitations associated with these, as well as challenges that were experienced during the research process. These include:

- *Limited scope of case studies:* The studies were only able to research establishment of CMAs in two case-study sites. The national review indicated that CMA establishment is contextually diverse, and is affected by a range of different factors in different contexts. More case-study sites would have provided greater insight into this diversity, and more time would have allowed for further depth.
- *Limited access to informants for the national review:* Due to time and budget constraints, researchers had to primarily rely on key informants (DWAF CMA champions) in the 19 WMAs. This resulted in somewhat limited data which could have been complemented through interactions with more key informants in the 19 WMAs. However, strategies such as document analysis and dialogue within national and other forums were used to address these limitations where possible.
- *Limited access to dialogue opportunities:* The research would have benefited from the availability of more proactive forums for dialogue relating to IWRM in South Africa. Where possible, researchers participated in those dialogue opportunities that were available and found these to be extremely valuable. Some dialogue platforms are also very expensive and this restricts researcher participation. Further dialogue opportunities between the research team would have also enhanced the research, particularly since researchers were based in different parts of the country.
- *Research in context and in response to contextual needs:* CMA stakeholders indicated that there is a need for site / context specific guidance for CMA establishment. Given the scope and focus of this research brief, it was not possible to respond to this request amongst all CMAs participating in the study.
- *Researching an emerging and transforming phenomenon:* CMA establishment was 'in flux' as the research developed and national and regional understandings changed rapidly as the process began to unfold. This created a situation in which researchers had to constantly adapt to the rapidly changing context and to changing understandings and demands. The emergent research design was helpful in allowing for reflexivity in the research process.
- *Regional understandings of research:* Researchers experienced some resistance from regional DWAF offices, which appeared to be linked to preconceived understandings of research, where research was primarily seen as an extractive process. This research tried to create a platform for dialogue, which was not always easily understood.

6.5 RECOMMENDATIONS FOR FURTHER RESEARCH

6.5.1 *Recommendation 1: Further research is required into participation in the establishment and functioning of CMAs.*

As this study was only able to undertake a fairly limited national review, and was only able to develop two in-depth case studies, further research into issues associated with participatory practice in the establishment and functioning of CMAs is needed in other case study contexts.

There is also a need for further research to extend the work on monitoring and evaluation presented in this report. The research should focus on development of reliable indicators for monitoring and evaluation of participation. This should not be simplistically approached, and should take account of contextual diversity, hidden dimensions of participation, issues affecting agency, structural factors and the interplay between structure and agency, and should ideally be task-linked (as outlined in this study).

6.5.2 *Recommendation 2: Further research is required to address issues associated with participation, redress, equity, transformation and sustainability*

Further research needs to be undertaken to assist CMA management teams to a) address the erosion of smaller stakeholders' participation and b) find ways of enabling equal access to participatory structures and processes. These are key issues that need to be addressed if the NWA principle of equity is to be achieved. This study has shown that there currently appears to be an over-emphasis on structural formation for participation at the expense / neglect of the development of agency. To address / redress issues, agency (and capacity to act effectively) should be given equal priority and should not be neglected in favour of structural formation in WRM. Further research into agency in the context of WRM, and the interplay between newly formed structures and agency could further inform participatory practice in WRM and could also address questions of redress and equity.

For the NWA principle of sustainability to be achieved, attention should be given to 'who speaks for the environment' in participatory practices, and the adequacy of sustainability deliberations needs to be monitored and evaluated, as this currently appears to be a neglected area of practice in participatory WRM.

6.5.3 Recommendation 3: Further research is required to strengthen capacity-building for participation

As shown in this study, capacity-building for participation is integral to the success of the CMA establishment process. Research needs to be undertaken to conceptualise and support the development of capacity as *an integral aspect* of CMA establishment and functioning. This study has pointed to the possibilities for strengthening capacity through engagement in participatory practices, through processes of situated learning (Lave & Wenger, 2001). Further research into the relationship between participatory practices and capacity development is also needed to strengthen participatory practice. Monitoring of the use of the guidebooks produced through this research could form a key component of such a research initiative, although capacity-building is likely to be more extensive in places, and should not simply be reduced to the use of the guidebooks.

6.5.4 Recommendation 4: Further research is required into institutional dynamics and constraints affecting the mandate for participatory practice

Further research needs to be undertaken to establish how institutional dynamics (e.g. relationships between DWAF national and regional offices) and institutional constraints (e.g. resources available to support the process of participation) affect the mandate for participatory practice. A key issue to address here is also the alignment, communication and interactions between water resources management and water services provision, and national and regional offices. This will require more careful analysis of how complexity shapes and influences participatory practices.

6.5.5 Recommendation 5: Further research is required towards establishing responsive, reflexive institutions

Further research is required into developing a deeper understanding of participatory practice and how a focus on participatory practice that can improve structures and strengthen agency and enhance the interplay between both structure and agency in a way that is responsive to a complex social system and ecosystem. The research needs to focus on institutional design that supports agency to participate in the tasks of WRM rather than a focus on the 'politics of participation' that is not grounded in practice. As indicated in this study, different kinds of agency are required in different task-based participatory processes. This needs to be researched in more depth.

6.6 CONCLUSION: RESEARCH AS FACILITATING CAPACITY-BUILDING AND DIALOGUE

As indicated in Chapter 1, an underlying aim of this research project was to foster dialogue about participatory practice in IWRM in South Africa. Research into this area has previously only taken place at catchment level, and this is the first study to address questions of participatory practice at CMA level. Given the 'early days' of CMA establishment, this research has created a platform for ongoing dialogue about participatory practice in CMA establishment. As mentioned above, the outputs of the research have been designed to be 'useful' in contexts of action. Through adopting a reflexive research methodology, researchers have been able to engage in various dialogues surrounding the question of participation, and the research process itself has been a capacity-building process for all involved.

Most significant perhaps, is the fact that this research has created a platform for a critical probing and deliberation on 'key concepts and practice' in IWRM, in this case the focus has been on **participation** and **participatory practice**. As outlined in the recommendations above, perhaps a similar platform for dialogue should be created for a critical questioning of, and deliberation on other key concepts that are central to IWRM such as **equity** and **sustainability**. The research report has argued that enabling researchers to ask 'deeper' questions relating to complex socio-ecological relationships³⁶ is critical for development of a better understanding of what constitutes 'best practice'. The report argues further that this orientation to research is vital to support and enable deliberative approaches to democracy, which lie at the heart of institution-building in post-apartheid South Africa.

Some of the findings emerging from this research study are similar to findings emerging from other arenas such as the development arena. There are many case studies of the pitfalls, gaps and confusions that have emerged from the practice of participation. Most practitioners and researchers (just as we have done in this report) continually point to the complexities of what it means to work within an emerging democracy, the many levels of capacity that are needed by all to be able to learn to work together and build institutions that allow for deliberative processes and ongoing learning. All this takes time. To write a policy document that can probably take anything from six months to a year, we should not expect that the implementation of that policy will take the same amount of time, nor is there any point where one could say we will reach a state of democracy, a state of equality, sustainability or efficiency. This is why it is important to develop institutions that are both adaptive and reflexive so that, as social systems and ecosystems change, so the institutions that exist within them also adapt. As outlined in this report, a deeper

³⁶ The Millennium Ecosystems Assessment also argues strongly for a recognition of, and critical probing of complex socio-ecological relationships (Biggs et al, 2005).

understanding of democratic process, and the interplay of structure and agency is needed to a) understand and b) build reflexive and adaptive institutions for WRM.

This research has shown that it is important to allocate resources to setting up the structures required to enable participatory practice, but that it is equally important to strengthen the agency of communities and officials to participate effectively in these structures.

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