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The WRC operates in terms of the Water Research Act (Act 34 of 1971) and its mandate is to support water research and development as well as the building of a sustainable water research capacity in South Africa.

TECHNICAL BRIEF

Water governance

Towards effective water governance in traditional rural communities

A recently completed study by the Water Research Commission (WRC) explored policy options for effective water governance in traditional rural communities.

Motivation for study

A key policy issue to be considered in the decentralisation of South African water governance is that the broadening of stakeholder participation in the envisaged institutions should be based on clear understanding of existing institutional arrangements and practices that shape water use in traditional rural communities and households.

Field evidence shows that in many rural contexts, local people often devise their own strategies for coping with water insecurity independent of traditional leadership.

Indeed, the very fact that water is ubiquitously decentralised or 'fugitive' resource suggests that rural women and men engage with, appropriate, use, develop and safeguard water wherever they find it. They do so irrespective of presence or absence of municipalities and catchment management institutions, irrespective of political power dynamics between elected municipal councillors and traditional leadership and irrespective of restrictive rules associated with single-use water infrastructure design.

By contrast, traditional leadership roles are largely related to land governance rather than water governance. The latter is often incidental rather than central to the governance of land.

It is therefore not feasible that, in water governance, traditional leadership can singularly and effectively represent the diversity of primary stakeholders, who include vulnerable gender groups and water-linked ecological systems within traditional rural communities.

The significance of traditional leadership in South Africa

The significance of the institution of traditional leadership cannot be ignored. South Africa has around 800 traditional leaders, who are assisted by 10 000 traditional councillors.

Furthermore, over 18 million rural people (about 40% of the national population) live under the jurisdiction of traditional leaders, distributed in seven of the nine provinces.

The implications of powerful traditional leadership institutions for water governance are that their potential to either strengthen or undermine water governance should not be under-estimated.

This calls for the adoption of sound mechanisms for constructively engaging with rather than marginalising this institution as well as frankly weighing the benefits and disbenefits of involving this institution at various levels and scales of water governance.

Traditional leadership roles should primarily serve to enhance democracy and gender equity rather than carve out new power niches within governance arenas, hitherto outside the customary domain of traditional leadership institutions.

The challenge of integrating traditional leadership into water governance

Government has made heraldic statements about significant

traditional leadership roles in the governance of rural development and service delivery. In resonance, traditional leadership has strongly expressed an interest in becoming actively involved in rural development and delivery of social services.

However, a key challenge of the water sector is that mechanisms for integrating traditional governance systems into existing water institutions remain incomplete. The ongoing restructuring of water sector institutions indeed provides a critical entry point for ensuring that the articulation of legal pluralism in water governance appropriately and sufficiently reflects the range of community level interests in water instead of elevating to apex position a single institution, such as traditional leadership.

Visions of a significant role for traditional leadership in South Africa will need to be tempered with the acknowledgement of views that the hereditary basis of traditional rule as well as the historical co-option of much of traditional leadership leaders into the oppressive apartheid system renders such leadership irreconcilable with democratic values of the South African Constitution.

Conversely, decentralisation options will need to take cognisance of research findings that in certain traditional community contexts, senior traditional leadership can be a formidable local governance institution, which commands a significantly higher degree of authority, legitimacy and acceptance than elected councillors and sub-chiefs.

Primary research evidence confirms that both these diametrically positioned perspectives can be found in different community contexts, surprising, given that 'community' is not a homogenous entity, and where a singular voice is advanced there might be a silencing of the less powerful voices.

Indeed, it is worth noting that in practice, power relations play out in very complex ways and therefore the need for a more nuanced understanding of power relations underlying the diversity of local perspectives.

Legitimacy vs water security

Legitimacy often derives from the extent to which community representatives pursue the interests of their constituencies. The choice of representation at multiple scale of water governance must be left to women and men in each given traditional rural community.

This resonates with the indigenous Nguni tenet that *Inkosi yinkosi ngabantu or kgosi ke kgosi ka batho* (translated as 'A king is a king because of people'). Effectively, legal safeguards will need to be put in place to ensure that the qualitative framing of this process of nominating and electing community representatives for different levels and scales of water governance is democratic rather than imposed, and facilitated by non-partisan and accountable institutions such as non-governmental organisations.

A facilitated and democratic process will contribute to enhancing the legitimacy, acceptability and effectiveness of water governance institutions. At the core of legitimacy and effectiveness issues is the need to address the water security requirements of vulnerable gender groups and ecological systems in traditional community contexts and elsewhere within watercourse systems.

Where traditional leadership is locally seen as legitimate and downwardly accountable, where it has ensured the emergency of home-grown common property resource institutions for water governance to fill the voice created by inefficient, ineffective and/or 'absent' institutions, and where local women and men choose to work with traditional leadership structures, these institutions should be supported rather than excluded from formally recognised water governance.

Although certain aspects of 'old' ways of life and governance are still evident, it is not clear to what extent such remnants provide a sufficient basis for mainstreaming the role of traditional leadership in water governance. In Makuleke, alienation of land and water resources due to forced removals in the late 1960s thrust the community and its traditional leadership into an unfamiliar and drier agro-ecological environment, which hindered their reliance on long-held indigenous knowledge systems and practices developed in the wetter floodplains, wetlands and riverine areas of Old Makuleke.

Although the Makuleke have retained a stock of memories and memorabilia of their indigenous knowledge about water governance, management, use and safeguarding, such knowledge cannot be casually applied to land that is disconnected from the navel of the multiple generations of the living, the deceased and the yet-to-be born women and men who make up the Makuleke community.

Some of the similarly-displaced rural communities share similar dilemmas to those of the Makuleke, but a greater proportion of these seem to have lost much of their indigenous knowledge social capital pertaining to water governance, use, management and safeguarding.

Conclusion

In the final analysis, the case of South Africa might be, to an extent, exceptional to strong arguments by African scholars for governments to bestow traditional leadership with significant roles in water governance.

Such arguments are based upon views that in African rural community contexts, traditional leaderships strongly exercises custodianship responsibility over traditional cultures, indigenous knowledge as well as customary rules, rights and laws pertaining to land, water and related natural resources.

Evidence from South Africa suggests, however, that the historical legacy of systematic dismantling by colonial and apartheid governments of indigenous and customary social organisation largely persists in the guise of rural communities that are characterised by erosions of customary practices and indigenous knowledge.

Further reading:
To obtain the report, *Water governance in traditional rural communities of South Africa* (**WRC Report No. KV 343/15**), contact Publications at Tel: (012) 330-0340; Fax: (012) 331-2565; Email: orders@wrc.org.za or Visit: www.wrc.org.za to download a free copy.