



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

NEW VISION

**FOR CATCHMENT MANAGEMENT
FORUMS WITHIN WRM**

Vision 2014 – 2024

NEW POLICY POSITION

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ACRONYMS

CMA	Catchment Management Agency
CMF	Catchment Management Forum
CSO	Civil Society Organisation
Department	Department of Water Affairs
DWA	Department of Water Affairs
Forums	Catchment Management Forums
IWRM	Integrated Water Resource Management
NGO	Non-Governmental Organisation
NWA	National Water Act (Act 36 of 1998)
Stakeholder	Any organisation, institution or person who can be affected by, or can influence, directly or indirectly, the activities of water resources management
The Minister	Minister of Water Affairs
WMA	Water Management Area
WRM	Water Resources Management

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The policy on Catchment Management Forums is the end-result of extensive work, involving rigorous debate, consultation and participation from stakeholder representing the water resources management in South Africa. The Directorate: Stakeholder Empowerment in the National Department of Water Affairs wishes to express its appreciation to all those individuals and organisations who participated, contributed and supported the development of this policy document.

FOREWORD BY THE DIRECTOR GENERAL

South Africa has reached a point where traditional water management approaches are insufficient to deal with an ever-growing water demand and an increasingly complex water business. While the regulatory framework and institutional arrangements have been changing since the advent of democracy, the water sector is still facing challenges such as water scarcity. Appropriate water sector institutional arrangements are critical to ensure effective water resources management. As the water sector leader, the Department of Water Affairs is re-aligning water sector institutional arrangements to be actively involved in water management and hence these restructured water sector institutions are going to be held accountable for effective water use and water quality management. There will always be a need for the creation of specific purpose water sector management institutions, whilst some of the existing institutions – including the Department will continue evolving to reflect new or changed responsibilities in terms of the new approach embodied in the national water policy and legislation. What is crystal clear is that meaningful and active local participation in water matters must be facilitated.

The Department of Water Affairs therefore views catchment management forums (comprising interested and affected individuals and institutions) as a viable option for the promotion of integrated planning and cooperative resource management. The CMFs policy was developed through a process of consultation with people that are involved with catchment management forums and a review of past experience with such forums. The Department shall drive, manage and support catchment management forums as it is our primary work as required by the National Water Act. The Department therefore requires the support of business and other institutions whose shareholders should ensure that they now develop people-oriented visions and take the appropriate steps to become the pre-eminent equity-supporting institutions in South Africa.

It should be noted that the successful functioning of the envisaged nine catchment management agencies depends on effective, well-resourced institutions and a strong regulatory framework plus oversight function. To ensure the nine CMAs maintain a participatory governance and management approach, the Department and its agencies intends to support all CMAs to ensure there is transparent and inclusive stakeholder participation in water governance through representative catchment management forums and other appropriate consultative forums and processes. It is these organisations (including catchment management forums) which, together with the department and water institutions, must develop the “agenda for equity” which is the people’s hope. I hope that this policy serves as an important tool to guide regional offices and other agents working for the Department to better manage local catchment forums.

Director General: Department of Water Affairs

DATE:

1. INTRODUCTION

1.1 The Need for the Policy

The policies and legislation of South Africa have been developed in such a way as to provide an enabling environment that ensures diverse groups, perspectives and practices can be accommodated in a meaningful way. The recent changes in water policy and legislation require the implementation of integrated water resource management (WRM), based on the participation and involvement of the public, in particular previously disadvantaged individuals and groups. South Africa's National Water Act and the National Water Resource Strategy have set out an ambitious vision for integrated water resources management including a strong focus on the redistribution of water resources towards the poor and on empowering historically disadvantaged communities. The National Department of Water Affairs (DWA) is committed to ensuring that communities play a role in influencing processes and programmes aimed at bettering their own lives. The Department has since 1998 embarked on the establishment process of water management institution where public participation is key. In this regard public participation forms an integral part of DWA's policies on water resources management. The Department has been mandated to be the custodian of water resources in terms of the Constitution of the Republic of South Africa. This mandate carries with it the responsibility to ensure that the water resources are well managed, conserved, protected and eventually sustained over time. In line with the National Water Act (Act 36 of 1998) water resources management is a shared responsibility that also involves stakeholders at local and catchment levels. To achieve this vision DWA is pursuing a programme for devolving powers to stakeholder-led water management institutions, which will be primarily responsible for local level water resources development and management.

The Department seeks to foster active stakeholder involvement as an important thread throughout all processes related to development and management of water resources. The policy on Catchment Management Forums (CMF's) marks a further development in the ongoing process of creating an enabling environment within which community or water development practitioners in government and other providers such as non-governmental organisations (NGO's) and providers in the water sector can continue to co-ordinate their efforts and co-operate across sectors. The policy is meant to provide an enabling environment for continued involvement of the different water use stakeholders, thereby contributing to the achievement of the key objectives of the National Water Act. It is anticipated that these efforts will generate sufficient public and private will to implement broad-based catchment level platforms, i.e. CMF's that are truly participatory and representative in which all parties contribute to the full extent of their capacity.

This policy document is establishing a co-ordination mechanism for all water management areas to ensure that there is clarity of functions among the various catchment management forums and that the issues of local concerns are effectively and coherently communicated to the catchment management agencies and water services authorities. The ultimate goal of this policy is to institutionalise catchment management forums as an effective and efficient avenue to a structured promotion of stakeholder participation in water resource management, whilst also ensuring these forums are recognised by other established organisations and structures. The formalisation of CMF's is meant to also ensure accountability from all forums performing any water resources management function/s.

1.2 Policy Goals

It is envisaged that the new policy will serve the needs of all Catchment Management Forums. The purpose of this policy is to:

- Provide legislative and non-legislative guidelines for management of CMF's
- Create and establish legitimacy and credibility for CMF's.
- Identify and clarify functions and roles (responsibilities) that can be performed by CMF's in relations to (integrated) water resource management.
- Enable DWA to implement governance, oversight and regulation of all CMF's over the nine (9) water management areas.
- Provide guidance on the governance, oversight and WRM functions associated with the CMF's in terms of the national water legislations.
- Improve with the further establishment and functioning of CMF's throughout the country, particularly in the context of the new water legislation.

A proper segregation of functions and responsibilities for Catchment Management Forums is crucial in order to:

- Clarify functions and roles for CMF's in water resources management.
- Contribute towards improving the performance of CMF's.
- Determine relevant support necessary for the existence and operation of CMF's.
- Enhance accountability and governance of CMF's in terms of the existing legislative framework.

Above all, the policy seeks to develop an enabling environment in which meaningful and firm WRM activities can flourish throughout the country with very active participation of CMF's. This it does through providing guidance to all Catchment Management Forums, rather than through control and prescriptive measures. The overall strategy of the department is to move from being a service provider of water, to becoming a policy developer and regulator in the sector.

2. EXECUTIVE SUMMARY

Catchment management forums have been voluntary non-statutory bodies with open membership providing a voice for catchment residents, particularly people who in the past have had little say over the management of resources. These forums have previously not been formally established under the National Water Act (Act 36 of 1998), however they are referred to under Section 90(1)(b) of the Act; hence it is important for the Department of Water Affairs to support the creation and maintenance of these forums. This policy document on Catchment Management Forums is intended to provide policy guidance and provisions on how these forums can be established, sustained and supported. The policy seeks to also provide a clear and enabling framework for the existence of such forums and their role. The policy therefore builds upon previous policy work (in particular the first edition of the Catchment Forum Guide of 2001) that sought to redress the previous inequitable and imbalanced participation of all water users.

The existence of catchment management forums means that other organisations do not have to set themselves up as consultative bodies, but rather should be represented in the local catchment management forum/s and may exercise their participatory requirements under the NWA through these forums. The forums are in position to explore water-related issues in their respective regions in a holistic manner, engaging with stakeholders through catchment management forums. It is expected these forums can serve as feasible platforms to ensure that a balance is found between the strong, frequently well-organised and resourced “voice” of large scale water users and relatively under resourced, less represented and organised small-scale water users. The Department of Water Affairs as a public trustee is confident that under these circumstances, all catchment management forums may become appropriate vehicles to foster cooperative governance between the CMA’s, local government and other stakeholder interest groups, in the interests of integrated management to support WRM. However, this implies that the organisations that are represented by the forums are both committed to the aims of their respective forums and support (and implement) the recommendations that these forums make.

3. POLICY CONTEXT

Although South Africa's National Water Act (Act No. 36 of 1998) introduces an elaborate institutional environment for water resources management; there has not been any specific provision in the Act for the creation of catchment management forums for water resource management purposes. The Act however 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". To facilitate local participation the NWA provides for the establishment of institutions that must give effect to the principles outlined in Section 2 of the NWA, and in particular must ensure that they have "appropriate community, racial and gender representation". Little is known about the potential of legalising catchment management forums by establishing them with a greater range of stakeholder. There is however agreement within the water sector that decentralisation of water resource management to third-tier structures such as Catchment Management Forums is critical in achieving effective people-centred water resource management and representation of local user interests. Moreover, there is recognition of the role that these institutions play within the sector and their contribution to localised water resources management.

However, as a localised institution they must realise their role in supporting local transformation and broader economic empowerment. Such representative institutions are therefore important because they are the focus for requirements in the Act to consult widely with water users and other interested persons before policies relating to the management and use of natural resources.

One of the National Water Act's main objectives is to progressively decentralise the responsibility and authority for water resources management to appropriate regional and local institutions in order, among other things, to enable water users and other stakeholders to participate more effectively in the management of water resources. In order to provide support to people involved with forming and maintaining catchment management forums, and to develop a coherent approach, the Department of Water Affairs has taken the lead to formulate a policy guide that is viewed as an important aspect of water resources management since it determines the effectiveness of water policy implementation.

4. INSTITUTIONAL FRAMEWORK FOR CATCHMENT MANAGEMENT FORUMS

Catchment Management Forums are in effect co-operative associations of individual water users who are undertaking water-related activities at a local level for their mutual benefit, and they shall operate in terms of a formal constitution as set out in revised guidelines prepared by the Department. These forums must comprise of broad-based interested and affected individuals and institutions within the nine (9) delineated water management areas (WMA's) of South Africa. In other words, the forums shall involve stakeholders from a variety of sectoral fields. Importantly, all CMF's will have to have legally-binding constitutions that contain among other things, information about the proposed activities and the area in which they will be undertaken and details of proposed members of that forum. It is important to note that all these forums are defined in this policy document as water management institutions, but the scope of their objectives and their geographical extent shall remain more restricted than those of catchment management agencies.

A number of forums have been established across the country and have been extremely active in water resources management functions in their areas. The Department of Water Affairs' experience with CMF's is that they have proved (in the past and present) to be of great value in initiatives leading

to the creation of catchment management agencies, and in addressing local water management issues. In the past, forums have contributed significantly to water resources management at a local level by, among other things, providing essential local knowledge, expertise and information. All CMF's therefore shall provide a potentially efficient and effective way to facilitate the coherent participation of stakeholders with diverse interests, thereby creating buy-in with the strategies to be implemented. These CMF's are ideally placed to also provide a focus for public consultation and for integrating the water-related activities of other non-governmental and community-based organisations.

4.1 CMF Establishment Support

The establishment and operating of representative forums must help to develop constructive and trusting relationships between water resource managers and the public, with the aim of forming a common vision and understanding of water resources management. The Department shall continue supporting the establishment of new catchment management forums to build their capacity. Moreover, the Department will encourage the creation of new ones where the need arises.

4.2 CMF Operating Support

Establishment and full empowerment of catchment management forums in all WMA's will take some time to achieve. The Department will provide support for the forums, during their development including when they are fully established. During the transition period between the establishment of the forums and their empowerment, the Department and the CMA's will work closely together. The respective roles will change as powers and duties are delegated and assigned to the CMA's and it will be essential for roles and functions to be clearly defined at each stage of the transition. Eventually the Department will be responsible only for ongoing oversight, logistical and other general support of the CMF's.

4.3 CMF Functions and Role(s)

A catchment forum is (De la Harpe, undated):

- A group of concerned stakeholders in a specific geographical area who agreed, on a voluntary basis, to represent different perspectives of society in their respective CMAs
- A place where cooperative and consultative management can take place
- A place where the participants gather information and provide / share information about aspects or issues regarding the environment or catchment
- A body that has the capability to make recommendations to the authorities and the forum management structures on behalf of the broader body of role-players

The functions to be performed by a catchment forum are to (De la Harpe, undated):

- Ensure that the membership of the forum reflects a broad range of perspectives from different sectors of society and represents a wide range of interests
- Ensure that consultation with the broader base of interested and affected parties continues and that they be given the opportunity to comment on the forum's deliberations and recommendations

- Convene regular forum meetings and inform forum members timeously of such arrangements. Each CF must have a dedicated secretariat to print and post minutes, plus attend to correspondence
- Discuss and comment on all development within their respective catchments
- Start, maintain and promote a programme to raise awareness of water resource management and strategies
- Lobby stakeholders and act as a vehicle for public participation, especially in making the voices of marginalised heard
- Improve networking between role-players especially, Regional and local authorities, DWA and other sector departments, including private sectors

Some of the objectives of CMF's are as follows:

- Discuss and comment on all development within the catchment
- Continually liaise with all stakeholders in its area of operation of the Forum to ensure that all users operate within the ambit of the relevant legislation.
- Assist with the pollution impacts within the catchment and ensure that they are reduced by creating awareness amongst all the water users in the surrounding areas and liaise with the relevant authorities.
- Assist in stakeholder involvement to assist with the establishment of water management institutions. Identify all role players/stakeholders and keep them involved
- Set realistic water quality objectives
- Identify and consider all possible current/future impactors and user requirements
- Implement and manage a comprehensive water quality and quantity monitoring and reporting programme

The following organs of state/bodies are required to participate in CMF's:

1. DWA Head Office and DWA: Regional Office, as observers
2. DWA Regional Offices, to provide administrative support services
3. Directorates within DWA, to share developments affecting WRM
4. Other sector-departments
5. Geographic representation of existing Fora or sub committees within the WMA and
6. Local stakeholders which can be comprised of:
 - communities,
 - local government,
 - industry,
 - mining,
 - agriculture,
 - non-government organisations,
 - community based organisations,
 - traditional authorities (to represent rural communities)

4.4 Disestablishment of a CMF

The CMF may be disestablished:

- for purposes of reorganising water management forums in that area in the interests of

- effective water resources management;
- when the CMF cannot or does not operate effectively; or
- when there is no longer a need for the catchment management forum.

5. PROCEDURAL CONSIDERATIONS

5.1 Delegations and Funding

All Catchment Management Forums should be formally constituted with clear relationships with the CMAs and other organisations. The forums shall fall under the authority of the catchment management agency in whose area of jurisdiction they operate to the extent that the agency has received delegated powers from the Minister to direct the forums' activities. The forums may receive delegated powers and duties from, or be contracted by, the catchment management agency to undertake activities that are within its capacity to perform. The scope of the forums' constitution must, where necessary, be amended to reflect the delegated or contracted activities.

5.2 Policy Options

Section 82(5) of the National Water Act provides for the formal establishment of committees by a CMA, in order to advise it or to perform any of its functions within a specified area. This committee provides a mechanism for the CMA to broaden its technical management capacity and/or stakeholder representation. Once formed, the catchment management committees (CMCs) should have representation from the CMA governing board and/or CMA staff, but may include other specialists and/or stakeholders. A CMC may be geographically (and/or functionally) based, focusing on a specified WRM problem in a sub-catchment area of the WMA. Stakeholder representatives from that area may be included on the committee, which may be advisory or executive in nature. This is particularly appropriate where there are critical local water resources issues that require management attention. CMCs provide a mechanism for communication, cooperation and decision making between stakeholders and the CMA governing board, while the CMA executive performs the associated functions or implements any required actions. Nonetheless, the intention of the NWA is not for the proliferation of CMCs, but rather to provide a formal mechanism where this is deemed necessary. A CMC provides one possible vehicle to facilitate the statutory involvement of stakeholders represented by a forum. However, clear advantages must be demonstrated before establishing a CMC, particularly where it is intended for functions to be delegated to the CMC. Where this is deemed necessary, the Minister must approve the delegation of functions to a committee consisting of non-CMA board or staff members. In this circumstance, the statutory nature of the CMC requires that the catchment forum needs to clearly indicate the way in which membership of the CMC will be elected, appointed or nominated from the forum membership. It is important that the wider forum continues to exist as support to the CMC, as the two bodies play different roles and have different membership requirements.

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