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Time to Reform South African Water Reforms

BOOK REVIEW

Schreiner, B. and Hassan, R. (Eds). 2011. Transforming water management in South Africa: Designing and implementing a new policy framework. Series: Global Issues in Water Policy, Volume 2. Dordrecht: Springer. e-ISBN 978-90-481-9367-7, 278 pages, €137.10.

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South Africa's adoption of its National Water Act (NWA) in 1998 was a critical milestone for international efforts to reform water policies and institutions based on the principles of 'Integrated Water Resources Management'. The Act was itself the culmination of a dynamic and fairly inclusive stakeholder consultation process and marked a major and radical transformation in the legal status of water and its role in promoting national development. The Water Services Act had already been adopted in 1997; and since that time, South Africa has invested billions of dollars in infrastructure and in refining and implementing its new water management paradigm. South Africans are justifiably proud of their progressive and cutting-edge legislation, driven by values such as equity, redress of past wrongs, poverty reduction, environmental sustainability and economic and financial sustainability. South Africa's experience has had enormous international influence, for example in its emphasis on putting social and environmental values at the core of water management. Not surprisingly, the dozen or so years since the adoption of the NWA have seen the publication of numerous studies, journal articles, presentations and books documenting the processes, outcomes and lessons learned of the effort to radically transform the country's water management landscape (only a few of which appear in the references in this book). Most studies have been descriptive and positive in tone; even in studies noting the gaps between plans and actual physical outcomes, the glass is nearly always half full, emphasising progress and adjustments in implementation strategies to make up for shortfalls. This book broadly falls within this tradition.

The first editor (Barbara Schreiner) and nearly all of the authors of the 14 chapters are 'insiders': professionals who have been intimately involved in the development and implementation of the new water policies – many of them in very senior executive positions. Some are still directly involved as members of senior management of the Department of Water Affairs. The papers cover a wide range of topics, including assessments of the political, social and economic context (chapter 1); water resources situation (chapter 2); water supply and sanitation services (chapters 3 and 4); transformation of legal access to water (chapter 5); aquatic ecosystems (chapter 6); catchment management agencies (chapter 7); national water security (chapter 8); water pricing (chapter 9); gender mainstreaming (chapter 10); water information systems (chapter 11); the role of the Water Research Commission (chapter 12);

transboundary water issues (chapter 13); and a very short concluding chapter (14) on lessons and conclusions by the co-editors.

The major strength of the book is that the chapter authors explain in considerable detail what was done and why; and some, but not all chapters, provide a critical review of why there are gaps between expectations and achievements and what was done – or needs to be done in the future – to overcome the impediments and bottlenecks to achieving full success. It is fair to say that the area of greatest success has been the extension of at least minimal water supply services to millions of people who had previously been deprived of this basic service. Extension of sanitation services has also been substantial though far short of 100% coverage. Indeed, even by 2006 only 41.6% of the poorest quintile of the population had access to piped water (p.48) notwithstanding the tremendous effort and expenditure. The areas of least success have been in achieving more equitable access to water resources and the creation of new stakeholder-driven institutions such as catchment management agencies (CMAs; only 8 of the 19 planned have been established, of which only 2 are even minimally effective [p.147]) and water users associations.

All of the chapters are objective; some are basically descriptive with very little analysis – but even these are generally useful overviews (for example, chapters 2, 12 and 13 on water resources, transboundary issues, and the Water Research Commission, respectively). Most of the chapters are critical, offering useful insights and occasionally critical analysis of why there are gaps between expectations and outcomes: Chapters 3 and 4 on water supply and sanitation services by Kathy Eales provide the best example of this. Others are rather abstract and generic, offering very little real insight and no data on actual outcomes or results (for example, the chapters on pricing [9], gender [10] and information systems [11]). Perhaps the least critical because its goal seems primarily to be to praise South Africa and SADC is the chapter on transboundary issues (13): it is useful as a description but fails to ask any critical questions. One frequently finds a lack of clear distinction between policy plans and actual outcomes, with the plans presented as if they are reality; examples are the chapters on aquatic ecosystems (6) and catchment management agencies (7).

The former Director General of the Department of Water Affairs and Forestry, Mike Muller, is quoted as noting that "[t]he measure of how successful we are at implementing policy and legislation must be the extent to which it successfully achieves its objectives" (e.g. p.141). If there is a major theme driving nearly all the chapters it is the gap between policies and outcomes to date.¹ This is almost universally attributed to constraints in human resource capacity, often compounded by the old favourite, 'lack of political commitment'. Unfortunately, most chapters do not offer sufficient information on actual implementation outcomes, though nearly all agree there are serious gaps and offer suggestions on how to overcome these gaps. Overall, therefore, this book is an excellent source for gaining insights into South Africa's water reform during its first decade from the perspective of insiders, all of whom are highly professional, committed and, for the most part, intellectually honest.

However, this strength is also its major weakness. Being insiders, the authors never raise fundamental questions on whether the policy itself needs to be reconsidered. Indeed, the co-editors assert in the last chapter that "[i]t is evident from the preceding chapters that South Africa has excellent policies and legislation in place". In the next paragraph they go on to assert that "what has equally been made clear in the previous chapters is that the key challenge lies not in the policy so much as in the translation of this policy into practice" (p.272). In fact, over the last two years, there have been rising protests over 'service delivery' including water and sanitation services. In December 2010, the Solidarity Trade Union asserted that "the government's handling of the national water crisis was its most serious blunder in 2010" among the top ten it listed; its spokesperson asserted that government

¹ Although published in early 2011, the book is curiously out of date, with few references later than 2006. The Department of Water Affairs and Forestry (DWAF) was re-organized as the Department of Water Affairs within the new Ministry of Water and Environment in 2009.

had "blundered" in various ways, "causing permanent harm in many instances".² There is mounting public dissatisfaction with both water services and water resources management trends, with some issues such as threats to water quality requiring urgent action. The assumption that the policy is 'excellent' is never questioned. Although the last sentence in the book repeats that delivery is the true measure of success, no sense of urgency emerges from this book. Indeed, this reviewer felt some chapters were written defensively, attempting to justify the lack of progress to a South African audience (for example chapter 5). The last chapter offers three easily stated but not easily implemented generic steps: 1) identify priority programmes; 2) identify programmes that can be halted or postponed; and 3) simplify and streamline the priority programmes to enable effective implementation. The final 1.5 pages of the book offer very broad and generic advice on these steps, but not the kind of action programme one might have expected. And if, as all the chapter authors agree, human resources are the most critical bottleneck, it is curious the editors neither include a specific chapter on this topic nor offer a way forward to address this.

It may not be fair to expect insiders who have devoted much of their professional career to developing and implementing the current policies and implementation strategies to raise fundamental questions about these policies. However, one needs to ask, if the policies are so wonderful why are they demonstrably un-implementable? Surely 'implementability' must be an important characteristic of any 'excellent' policy. The chapters do not draw on the few really critical studies and assessments of the implementation of South Africa's water policies, some of which question the policy itself, and do not question fundamental assumptions of the policy. For example, Synne Movik offers an analysis of the discourse of water allocation reform and why it is stalled that is far more convincing than is chapter 5 of this book (Movik, 2009).³ Catchment management agencies were initially considered to be a critical institutional reform to enhance stakeholder participation in water resources management; the inability so far to implement this reform should lead to far more critical questions and analyses than those found in chapter 7. What is the incentive for the Department which is legally "responsible" to delegate its own authority, staff and resources "as and when appropriate" (pp. 147-148)? Indeed, why the insistence on allocating existing departmental staff to CMAs rather than open recruitment? If the CMA boards are to be appointed by the Minister on the advice of an advisory committee, in what way can this be truly representative of the interests of the full range of largely poor and disempowered local citizens? Does it make sense to have 19 rather large CMAs (or as is currently being considered, even fewer and therefore larger ones), rather than promoting local watershed management arrangements?

Perhaps too much has been expected of water reform: reallocating water to previously disadvantaged people in the absence of effective land reform and support for new emerging farmers, for example, is not likely to have much impact. The NWA does not provide clear legal means to redistribute water, resulting in the likelihood of litigation if the Department attempts to impose new patterns. This very real risk underlies the risk-averse approach to policy reform that comes across clearly in chapter 5 on transforming legal access to water. The authors justify this caution by arguing there are trade-offs between growth and redistribution models – an assumption that is not critically examined and that prevents consideration of alternative approaches to redistribution (for example, market-driven reforms). As a result, the entire chapter is largely hypothetical, as paralysis of the reform process means that no water has been reallocated.

To conclude, this is a valuable book to gain a better and deeper understanding of the remarkable water reform proposals and processes of the past decade from the perspective of the insiders. We now

² www.timeslive.co.za/local/article829886.ece/Water-crisis-worst-blunder-of-2010 accessed on 30 January 2011. See other links on that page.

³ Swatuk, 2010 is another recent example of a more critical analysis from a political economy perspective of contradictory trends in South Africa's water policy implementation. Other studies can be cited, none of which appear in the bibliographies of the papers in this volume.

need another book offering a more fundamentally critical analysis and proposing more radical alternatives for the future guidance of South Africa's water reforms.

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