



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

COMMISSION 8: LEGAL FRAMEWORK FEED BACK

19 February 2022

THEMES

1. Support and regulation of local government
2. Transformation of irrigation boards
3. Realignment of CMAs

- **DISCUSSION:**

- What have we achieved so far? Is it enough?
- What are the challenges
- What needs to be done

Perspectives

- The Guest Speaker, Advocate Vusi Pikoli, addressed the Commission on the legislative framework, emphasising the Constitutional imperatives recognising water is life and sanitation is dignity, and the existing legislative framework that prevails in giving effect to the basic human right.
- He emphasised the obligation to implement the legislation;
- And ensure that ***conduct and actions are at all times consistent with the Constitution*** and the basic human rights of access to water and sanitation.

Commission 8 Perspectives

- Valid and interesting perspectives were offered by the panel and many stakeholders including
 - NGOs, WRC, academics, SAAFWUA, ESKOM, in its capacity as a board member of a CMA, community forum representatives from Gauteng, Lepelle Northern Water, parliamentary researcher with expertise in water matters, Rand Water
- Key themes emerging included:
 - The need for **equitable water use entitlement** (through decentralised planning and water allocation reform including exclusion and water trading)
 - **Ethical leadership and stability on policy direction is required**
 - Stability and capacity of Department needs to be supported
 - Issues identified requiring legislative change to enable implementation are being attended to
 - **Clarity on roles and responsibilities and mandates in the water value chain**
 - The need for **co-ordinated response to support needs** in rural areas is required
 - Importance of **Community Forums** and engagement mechanisms
 - **Monitoring and enforcement** at the appropriate level – set and measure targets

Commission 8 Time Frames

- Commission 8 has identified action required to be addressed
- DWS to develop action plan by 25 February 2022
 - Commission 8 participants will be included in review process
 - Action plan to consider and include all other consultation processes undertaken by DWS and stakeholders recently
- DG to consider and approve for implementation by 4 March 2022
- Implementation of action plans
 - Want to *feel sector leadership*
 - Align all regional offices on correct processes
 - Targets set so that implementation can be monitored

	Commission 8 Theme	Actions emanating from the Commission	Responsibility
1	Support and regulation of local government	Develop action plan to address: <ul style="list-style-type: none"> • Identification and clear definition of roles and responsibilities in the water value chain • Common understanding and implementation of legislative mandates of the various stakeholders • Distinction of DWS support and regulation functions • Regulation function • Facilitation of a coordinated and integrated government approach to support • Assessment of / effectiveness of interventions 	DWS in consultation with COGTA, NT and SALGA
2	Transformation of irrigation boards into water user associations	Develop action plan to address: <ul style="list-style-type: none"> • Address issue of voluntary membership through legislative amendment • Adopt updated Constitution • Issue Transformation Charter to ensure all WUAS transformed • Delegate functions • Monitor targets • Plan for priority allocation of water access to HDIs/ emerging farmers (general access) 	DWS in consultation with AFASA and SAAFWUA and NAFU

	Commission 8 Theme	Actions emanating from the Commission	Responsibility
3	Realignment of catchment management agencies	Develop Action Plan to address: <ul style="list-style-type: none"> • Establishment of all CMAs as intended by legislation • Delegate WRM functions to CMAs as intended by legislation (or DWS to explain why not) • Support capacity and governance developments arrangements of CMAs to undertake delegated functions • Support development of catchment management strategies • Recognise and empower catchment management forums • Monitor and evaluate targets 	DWS in consultation with regional stakeholders
[4]	Equitable entitlement and/or access to water	Align all action plans to achieve outcomes: <ul style="list-style-type: none"> • Establish CMAs • Transform Irrigation Boards and WUAs • Address administrative process of issuing water use authorisations • Fast track water allocation reform • Align and co-ordinate with land reform process • Address issue of water trading 	DWS



THANK YOU COMMISSION 8

Focussed on solutions!