



## EMG Water and Climate Change Policy Brief August 2016

*This is an update of policy processes and other developments in the water sector, brought to you by EMG's water and climate change programme.*

### **DWS Norms and Standards**

The DWS published draft *Norms and Standards in Respect of Tariffs for Water Service Authorities and Bulk Water Service Providers* in mid November 2015, with the comment period closing at the end of March 2016.

In February 2016, ten members of the South African Water Caucus (from the Western Cape, Kwazulu Natal, Eastern Cape, Gauteng, Limpopo and Mpumalanga) met with the DWS Directorate of Economic and Social Regulation to discuss both the *Norms and Standards* and the *National pricing strategy for water use charges* (more on this below). It is noteworthy that for this meeting, DWS took up the challenge of paying for civil society participants' travel, which was welcomed by SAWC, as they have been lobbying for the return of this kind of support for participation for years.

The SAWC presented its issues of concern, and followed this up with a written submission. The SAWC's comments related to: adequate consultation when setting tariffs; calling for a maximum annual tariff increase in line with annual cost of living increases, and that this be applied carefully to each tariff block to prevent an overall regressive trend; concerns with outsourcing; a call for 'water for livelihoods' to be recognised as a distinct use category; and opposing the idea of two separate tariff systems, for indigent and non-indigent households, but rather building a 'lifeline' tariff block into a single system.

DWS responded in writing to all of the issues that we raised, and our submission was also on the agenda of a follow-up meeting with DWS in early May. It has now been agreed in principle that there will be regular bi-yearly meetings between SAWC and DWS. The next such meeting should take place in November 2016.

The full SAWC submission and DWS responses are available to anyone who is interested – email [thabo@emg.org.za](mailto:thabo@emg.org.za) to request these documents.

## **DWS National Pricing Strategy for Water Use Charges**

This draft strategy was published at the same time as the *Norms and Standards*, with the same timeline for comments and revision. This strategy 'provides the pricing framework for the use of raw (untreated) water from the water resource and from government waterworks and the discharge of water into a water resource or onto land' (DWS presentation, 2 December 2015).

In the meetings between SAWC and DWS in February 2016, SAWC raised concerns about the weak implementation of waste discharge rates, concerns about poor regulation of industry and the charges they are supposed to pay related to the discharge of polluted water, concerns about fracking, concerns about industrial timber plantations, and sewerage spills from wastewater treatment works. SAWC requested that DWS circulate their list of high assurance users, and to provide a detailed breakdown of how they calculate user charges for plantations.

As with the revised norms and standards for water tariffs, DWS responded in writing to all of the issues that we raised, and our submission was also on the agenda of a follow-up meeting with DWS in early May.

The full SAWC submission and DWS responses are available to anyone who is interested – email [thabo@emg.org.za](mailto:thabo@emg.org.za) to request these documents.

## **NWRS2 (National Water Resources Strategy 2) monitoring**

In 2014 and 2015, DWS embarked on developing NWRS implementation plans in collaboration with water sector partners. These are now available upon request from DWS in the form of an inter-related excel spreadsheet.

In October 2015 and May 2016, representatives from SAWC met with DWS and amongst other things, spoke about the implementation of the NWRS2. SAWC reported on four case studies that it has undertaken, to monitor aspects of the NWRS2, namely: water demand management in Dunoon, Cape Town; the role of spiritual water users in the Vaal; the impact of industrial timber plantations in Mariepskop, Mpumalanga; and water for food growing in the Eastern Cape. These case studies have been developed as part of WRC project K5/2313 on citizen monitoring of the NWRS2. DWS reported that there are updated implementation documents for the NWRS2, they are available from Thabo <[thabo@emg.org.za](mailto:thabo@emg.org.za)> if anyone wants to read them.

DWS has also announced a timeline for the development of the next national water resources strategy. This will consolidate water resources and *services*, as well as include *sanitation*, thereby becoming the first *National Water and Sanitation Resources and Services Strategy* (NWSRSS1). This is in anticipation of the single new National Water and Sanitation Act. Rumours of the Amendment Bill to promulgate this Act have been circulating for many years, but to date civil society has not seen a copy. It is however cited in the draft Norms and Standards for Tariffs, dated 2014. With reference to the Water Services Act, footnote 3 on

page 2 reads: “To be replaced by the National Water and Sanitation Act Amendment Bill, 2014”

### **WSSLG (Water and Sanitation Sector Leadership Group)**

The last meeting of the WSSLG was in December 2015, and was attended by Thabang Ngcozela on behalf of the SAWC. At these meetings, the DWS reports on progress with regards to the implementation of the NWRS2, the rollout of CMAs, and other relevant topics. At the most recent meeting in December, the SAWC was mentioned in the department’s NWRS2 progress report. The SAWC representatives (Mary Galvin and Thabang Ngcozela) are trying to get better support for civil society to participate in this forum, and specifically for SAWC to be a standing item on the agenda.

### **Water and Sanitation Forums**

A new form of institution was established by DWS in 2015, to the surprise of SAWC members (and perhaps others). These are local-level Water and Sanitation Forums. They are established in hot-spot areas with the intention of providing space for community members to air their grievances and learn more about water and sanitation in their area. Members of the Western Cape Water Caucus attended the first meeting of the Khayelitsha Water and Sanitation Forum. There have been some concerns expressed by civil society that these forums overlap – and potentially compete – with the mandate of the catchment management forums that are still being nurtured. SAWC members have been active in lobbying to include water services issues within CMFs, which will allow services and resources to be discussed together, as is the intention of the not-yet-released water bill. This intention is also reflected in DWS plans for the revitalisation of CMFs, which will broaden the scope of CMFs to include water services.

Participation in the Khayelitsha Water and Sanitation Forum raised some concerns. Firstly, that the primary aim seemed to be about ‘stopping protest’ rather than addressing substantive issues, and secondly that a decision had been made beforehand (which was successfully challenged) that the forum be run by the local political elite, in the form of the Khayelitsha Development Forum.

In Grahamstown, an alternative model is on the table, through the lobbying of civil society and academics, whereby the water and sanitation forum for the municipality is to be merged with the local catchment management forum, as one strong forum for addressing all water and sanitation services and resources related issues; otherwise the same people are going to multiple meetings, and there is too much overlap. For now, SAWC encourages members to participate in these forums, and provide feedback on your experiences to the broader network.

### **Catchment Management Forums**

The Forum of Forums meeting was held in October 2015 to bring together participants, including members of civil society, active in CMFs from around the country. This meeting, hosted by the WRC Project aimed at supporting the DWS

revitalisation of CMFs (WRC Project K5/2411), created an opportunity for dialogue between current participants in CMFs, mainly from historically advantaged communities, new and future participants drawn from historically disadvantaged communities with a strong contingent of SAWC. The dialogue was aimed at co-creating a response to DWS CMF revitalisation plans. During the Forum of Forums, both the specific issue of the participation of traditional healers in water governance and CMFs (led by SAWC case study participants), and the general issue of how to make CMFs truly inviting spaces for groups who are currently excluded, not comfortable (e.g. because of language issues) or not able to participate at all, particularly because of budgetary and logistical obstacles, were discussed.

The minutes of this meeting have recently been circulated on the SAWC listserv. If you would like copies of these minutes please write to Victor Munnik <[victor@victormunnik.co.za](mailto:victor@victormunnik.co.za)>.

VEJA is planning a meeting for later this year, where catchment management forum progress will be reported on. Thabang Ngcozela and Mpumelelo Mhlalisi wrote to regional DWS in the Western Cape asking for a civil society workshop on the Olifants CMA; if and when this meeting takes place, they will raise the issue of revitalising CMFs. In the Eastern Cape, Aaron Reyneke is following the process of the Kat River CMF, and the Eastern Cape Water Caucus is in conversation with the Institute for Water Research to form a partnership to strengthen CMFs in the Eastern Cape. SAWC members in Mpumalanga, KZN, the Vaal and Gauteng are all engaging with local CMFs. At the most recent meeting of the WSSLG (water and sanitation sector leadership group) in December 2015, the DWS presented their implementation plan for the nine CMAs. This plan was shared on the SAWC listserv. If you would like a copy, please write to Thabang Ngcozela [thabang@emg.org.za](mailto:thabang@emg.org.za).

### **Ministers budget speech**

On 11 May 2016 Minister Mokonyane delivered a speech to parliament outlining the proposed budget for water and sanitation for the 2016/17 financial year. The budget, roughly 3.2% smaller than for 2015/16, was approved. Members of the Western Cape Water Caucus attended this speech and the debate that followed, and held a meeting the next week at the Centre for Environmental Rights to draft a response. Members of the Eastern Cape Water Caucus then met with researchers from the Institute for Water Research in Grahamstown and added further comments. This response was issued as a press release, and can be read here: <http://www.emg.org.za/programmes/water-and-climate-change/192-press-release-sawc-comments-on-minister-of-water-and-sanitation-s-budget-speech-may-2016>.

### **The Drought**

All of these policy and institutional initiatives are happening while South Africa has been gripped by a severe drought. The drought was the result of an extreme El Nino event, but is also a good indicator of how climate change will be

experienced over the coming decades. Five provinces have been declared disaster areas and municipalities across the country have implemented water restrictions. The devastating impacts will be felt in the country (and the region) for years. Some towns have run out of water and are relying on water being trucked in. The agricultural sector is facing extreme losses.

DWS has implemented different responses in the different provinces, spending over R500 million on emergency and short-term interventions in KwaZulu Natal, Free State, North West, Eastern Cape, Mpumalanga, Limpopo, Western Cape and Northern Cape, which include: Water conservation and Water Demand Management (War on leaks); Surface water resource management (optimized operation of the Vaal River System); Groundwater resource management (drilling and equipping of boreholes); Carting of water (fleet of motorized tankers); Provision of static storage tanks and storage reservoirs; Water Transfers (emergency transfers from Tugela to Goedetrouw, and Othongathi River transfer to Hazelmere).

In her budget speech in May 2016, the Minister outlines eight areas of response to mitigate future drought impacts: domestic rainwater harvesting; integrating groundwater and surface water use in the future; desalination at large scale; investing in innovation and solutions (drop the block); incorporate all municipal and privately held dams into management systems; implement further transfer schemes for drought resilience; build additional storage capacity; large scale re-use of water.

Meanwhile, water consumption by mines, industry and hedonistic use (e.g. for golf courses) continues unabated. The general public is very aware of the drought and the imperative to save water, but is also critical of the government's lack of planning and foresight. This is an important context for civil society to respond and contribute to, as government makes decisions under pressure, and the public looks for alternative approaches to dealing with and learning from the crisis.

## **Water and Climate Change**

The impact of climate change on water has been highlighted in the mainstream media as a result of the national drought. Politicians and other prominent voices have attributed the drought to climate change, or acknowledged that we may experience these kinds of water shortages a lot more in the future due to climate change.

Climate change has also entered the discourse around granting of licences for mines, which is a welcome shift. In Limpopo this year, an iron ore mine application was refused on the basis that it threatened climate change resilience, and the developer of the Thabametsi coal fired power station was ordered by the Minister of Environmental Affairs to conduct a climate change assessment (see <http://cer.org.za/news/newsflash-authorisation-for-limpopo-mine-refused-because-of-detrimental-impacts-on-climate-change-resilience>).

South Africa's INDCs (Intended Nationally Determined Contributions) that were prepared for COP21 highlight water conservation and water demand management as one of four key adaptation strategies to 'scale up', with a budget of US\$5.3 billion. As civil society we need to monitor this closely, as WC and WDM can so often be applied in ways that are punitive and unjust.

### **Local budgets and tariffs**

The Social Justice Coalition (SJC) has an active campaign to highlight the inequality of the City of Cape Town budget, and to facilitate mass public participation and submission of comments to the budget. In April they managed to collect 3000 submissions on the 2016/17 budget from residents of informal settlements (<http://www.sjc.org.za/posts/press-statement-3000-submissions-201617-budget>). Read SJC's organisational submission here: <http://www.sjc.org.za/wp-content/uploads/2016/04/SJC-budget-submission-2016-web-version.pdf>

### **Water use licences**

One of the main discussion points at the meeting between SAWC and DWS in May 2016 was the importance of making water use licenses publicly available. SAWC, particularly members such as CER, have been pushing DWS and DEA on this point for years. At last, in an important victory for environmental rights, water use licenses and environmental licenses will now be made automatically available to the public, without the need for a PAIA application. Congratulations to all those who have lobbied and fought for this over the years. Read more here: <http://cer.org.za/news/another-victory-for-environmental-rights-department-of-water-sanitation-makes-water-licences-automatically-available>

### **Fact sheets**

EMG has developed a series of fact sheets on Fracking, The role of civil society in the water sector, the Water-Energy Nexus and Water Management Devices. Check them out here: <http://www.emg.org.za/publications>