

Is it time to relook water governance in South Africa?

The number of rivers in South Africa deemed to be in a poor ecological state has increased alarmingly in recent times. **James Brand**, a senior associate at ENSafrica's Natural Resources and Environment department, argues that the many frustrated citizens affected by contaminated water supplies might be better served by new, independent water governance structures and amendments to the country's water laws.

“The South African Human Rights Commission recently gave government stakeholders 60 days to respond after it ruled that the continued flow of raw sewage into the Vaal River, as well as into homes and public areas in the Emfuleni Local Municipality, was a violation of human rights.

This follows a precedent-setting High Court judgment in December 2020, where a judge ordered the imprisonment of the municipal manager of Kgetlengrivier in North West for 90 days, suspended on condition that raw sewage spilling into the Elands and Koster rivers be cleared up within 10 days.

Both of these outcomes were driven by the actions of local citizenry fed up with having to endure a contaminated water supply. Previously, other spheres of provincial and national government had failed legally to oversee, support, intervene and, where required, step in to secure protection of the quality of South Africa's water resources.

AN ECONOMIC ENABLER

Delegating the micromanagement of water governance to a local level is in line with international best practice, and is reflected in the Constitution and South African water laws. However, we need to pause and take a look at whether this model, in its present form, is suited to South Africa. This is particularly so given the critical importance of water and a recent study suggesting that most municipalities are in financial distress, and in many cases face significant management challenges.

While the critical importance of water for life is a statement of the obvious, water is often not governed with regard for its critical importance in South Africa. Not only is water essential for life, dignity and well-being, resulting in its widespread acceptance as a basic human right, but it is also an economic enabler. This is often overlooked.

Without water of sufficient quality and quantity, our economy will stutter and cease to develop. This reality is recognised by President Cyril Ramaphosa, who has been quoted as saying, “Water insecurity will become the biggest developmental and economic challenge facing this country. Our current energy challenges will seem small by comparison.”

Despite the alarm bells, everyday governance and management of water on the ground often remains lacklustre. The reality is that the cases reported in the media are not isolated, and it is not just the Vaal, Elands and Koster rivers that are subject to deteriorating water quality.

DUE TO WATER NOT PAID FOR AND WATER LOST IN THE SUPPLY NETWORK, MUNICIPALITIES LOSE R9,9 BILLION A YEAR IN POTENTIAL REVENUE

The Department of Water's Master Plan of 2019 notes that, between 1999 and 2011, the number of main rivers in South Africa classified as being in poor ecological condition increased by 500%, with some rivers pushed beyond the point of natural recovery. There are many reasons for this, but one significant contributing factor has been the breakdown of water governance at local level, which is where the responsibility for providing potable water and sanitation services lies.

South Africa has a closed-loop water system, which means that most of its water comes from a river or dam. Save for the direct discharge of sewage into oceans, all sewage and industrial waste water is returned to the very same rivers where water is sourced, but in different places. This means that if the water being discharged into rivers is not treated properly as a result of

dysfunctional water treatment works, the quality of water for offtake is compromised. In order to ensure that the water at the offtake point is of sufficient quality for human consumption or for industry and agribusiness, there will be a water treatment cost.

Astral, South Africa's largest poultry producer (market capitalisation: R6,7 billion) was forced to halve production at its Standerton poultry processing plant because of water interruptions at the Lekwa Municipality in Mpumalanga. In order to secure a sufficient quantity and quality of water, the company had to spend R50 million on a reverse osmosis plant at its Standerton plant. In addition, Astral incurred expenses of R62 million in 2020 and R126 million in 2019 due to water and electricity supply interruptions. Similar inefficiencies are likely to be repeated many times in entities in other sectors throughout the economy.

AT A CROSSROADS

The Department of Human Settlements, Water and Sanitation (DHSWS) estimates that 41% of water supplied by municipalities is not paid for, and 35% of water is lost in their delivery networks due to a lack of maintenance. As a result, municipalities are losing some R9,9 billion of potential revenue per year. Furthermore, the waste discharge charge system, in terms of which industry and agriculture would be charged for discharging their waste water into rivers, is scheduled to be implemented only by 2030. So there is tremendous wasted economic opportunity both at offtake and discharge points within the system.

South Africa's water laws are up for review and the DHSWS has publicly confirmed that draft amendments during the course of the year can be anticipated. Mention has been made of the



potential establishment of an independent economic regulator as well as an independent enforcement regulator focused solely on the water sector to hold water users and water service providers to account.

South Africa's water sector sits at a crossroads and we have a golden opportunity through the pending amendments to our water laws to come up with innovative statutory mechanisms that contribute towards enhancing and improving the country's water governance. **FW**

The views expressed in our weekly opinion piece do not necessarily reflect those of *Farmer's Weekly*.

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