

As Alderman Justus experienced technical difficulties and therefore could join the chat only in the end, please find below Cape Town's responses to the three key questions of this e-chat session.

ICLEI QUESTIONS

a) **Why is local Government engagement necessary for adaptive water management – even where water utilities are separately governed?**

- In the South African context, there are three spheres of government involved either directly or indirectly in the adaptive water management namely, National government(directly), Provincial Government(indirectly, involved through the management of the National Environmental Management Act) and local government(directly) as Water Service Authority and/or Service Provider of water and sanitation services. The local government is further classified into various classes of Municipalities. The National government represented by the Minister of Water Affairs must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner for the benefit of all persons. To give effect to this, the Minister(as required by the National Water Act) developed a National Water Resource Strategy that provides the institutional arrangement and responsibilities for the water resource management. The Act also provides for the establishment of Catchment Management Agencies that function on delegated powers by the Minister to undertake water resource management at the regional or catchment level through the involvement of local communities. The establishment of a CMA can be at the initiative of the communities or the Minister and must be done after public consultation. The main function of a CMA is to develop catchment management strategy, co-ordinate water related activities, promote community participation, investigate and advise persons on water resource management activities.

On the other hand the Water Services Act provides for declaration of a Local Municipality or District Municipality as a Water Services Authority(WSA) with the responsibility of ensuring efficient, affordable, economical and sustainable access to water and sanitation services to all consumers. A Municipality can also operate as a service provider. If the WSA is unable to provide the function, the Minister can establish Water Service Committees(WSC) to undertake the functions of the WSA. The WSC must be established in consultation with local communities and they must be adequately represented in the Committee. The Municipal Structures Act and Municipal Systems Act provide for governance structures for the representation of the local community. These structures include the Councillors and Ward Committees who are representatives at all levels and situations at the Local Government level.

From the above legal framework, it is therefore impossible not to engage local government in adaptive water management as required by the National Water Act and Water Services Act in South Africa. Inherent in the legal framework is the recognition of the vital role played by local communities in the management of water resources. However, because local representation of communities (Councillors) is based on political party lines, the objectivity of the community decisions tend to be influenced by the political affiliations which might be detrimental to effective and sustainable water resource management initiatives.

- Adaptive water management inter-alia deals with maintaining the coexistence of water resources, biodiversity, ecosystems, climate change, human beliefs, values and community activities. Local government can manage human activity, understands the diversity of its community beliefs and values and offers structural systems for effective stakeholder participation. Recognition of diversity of water users at micro level is important for adaptive water management and is achievable at local government level.
- Local Government has the legal power to determine the economic activities appropriate for effective and efficient water management permitted in its area of jurisdiction through its By-laws and approval processes.
- Success in adaptive water management requires efficient information management for decision making and transparency. Transparency is necessary to enhance the ability of the administrators to deal with uncertainties and instil willingness among communities to change and respond to new ways of dealing with the challenges. These are better managed at local government because of the existence of appropriate communication channels.
- Local Government is closer to users and consumers of water and hence its influence on the water demand profiles is greater than National and Provincial Department. The City of Cape Town developed a 10 year water demand management strategy in which the success is underpinned by the ability to change the behaviour and perceptions of the water consumers in respect of water as a finite resource. Due to the political history of the country and the inequitable distribution of access to potable water that resulted therefrom, the political environment plays a critical role in the success of the strategy and hence the need to engage adequately and effectively the local communities through the local government structures.
- Local Government has the necessary structures (ward committees, councillors, council, stakeholder participation forums) necessary for effective communication on issues of water management;

- In essence, Local Government provides a good platform for ensuring integration of sectoral activities of government departments, private sector and non- governmental organisations in its area of jurisdiction thereby making it an essential entity for adaptive water management.
- Enforcement of legislation, regulations and policies that are meant to achieve effective water management are better placed at the local government level.

b) Which institutional arrangements and governance structures are necessary to make local governments an effective actor in times of climate change?

- In South Africa, both the National and local structures are necessary. The National Department of Water affairs plays a role of ascertaining and forecasting the water resource potential of the country by catchment and formulate resource development priorities that ensures that every consumer is accommodated despite the geographical location and hydrological characteristics of the area. The overseeing role is necessary for equitable distribution of the resources as trans- catchment activities which require agreements might be involved. However, whatever National Government recommends, it will be implemented at the local government level with consumers carrying the cost. The consultative community structures (which are provided for by legislation in the case of South Africa) are therefore necessary to ensure buy-in and ownership of any intervention that might be necessary.
- Integrated Risk Management is an important institutional activity to ensure all aspects of climate change are addressed at the CMA and WSA levels.
- Partnerships of local government decision making bodies and Research and Development Institutions(Universities) that provide advice and trends;
- Environmental Management Departments must be established at Local Government level. In the City of Cape Town we have a Directorate that deals with Environmental Management and sustainable development. This is necessary to provide a paradigm shift from the historical way of thinking and trends to a new future characterised by change in weather patterns;
- Strong local community advisory and communication forums or committees that are versatile in providing the necessary knowledge to residents in the language and terminology they understand better. The role of NGOs is therefore necessary in this respect and must be seen to be apolitical by the communities;
- Customer Forums that adequately represent all stakeholders which include residents, environmentalists, government departments, businesses/industry, educational institutions etc. Their inputs must shape the local government strategy. In South Africa, we have the legally required Local Government Integrated Development Plans

that are a product of extensive consultation and inputs from various stakeholders. The inputs are prioritised according to their demand, importance in preserving the human dignity, sustainability, financial requirements and inter-linkages of the various requirements that allows sequential developmental approach.

- To ensure the “Dos” and “Don’ts” for effective environmental management are adhered to, enforcement and monitoring structures are necessary at local government level to regulate human economic activities. It is widely believed that human activity is the main cause for climate change. The development of effective By- laws and the regulatory policy provision is necessary.
- In South Africa, to ensure independence, the activities of the local government in water resource management and environmental management are monitored at National Level and Provincial level respectively.

c) What are the consequences for internal coordination and decision-making that local governments should keep in mind when reforming their own administration to remain flexible and responsive in periods of severe climate induced water challenges?

- Local government should develop protocols that provide authority and action level for particular situations to avoid sliding into unsound governance methodologies in dealing with situations;
- Flexibility must be built into policies, by- laws and regulations which are developed through a process of public participation. Hence flexibility is not achieved when the incident occurs but rather through the regulatory and policy environment.
- Expert advice must be readily available or accessible in times of need.