

LEARNING FROM CRISIS

A series of modular learnings from the 2017-2018
Cape Town water crisis

☺ THE RESILIENCE SHIFT

THE CAPE TOWN
DROUGHT RESPONSE
LEARNING INITIATIVE

module

11

The governance challenge

Current water governance system in SA is fragmented, insufficiently coordinated and severely compromised by a dysfunctional national department. Fundamental change is needed, with a leading role for cities.

Text component of module 11, accompanying the film www.vimeo.com/cinesouth/ctdrl-trs-lfc-module-11

Duration: 23:01

The governance challenge

The Cape Town water crisis highlighted the underlying governance crisis around water in South Africa. The current governance framework is fragmented – with mandates and responsibilities located at different levels of the system, allocated between the three spheres of government, national, provincial and local – and characterised by poor coordination and large degrees of mistrust. Central to the problem is the dysfunctionality of the national Department of Water and Sanitation, which has suffered skills losses and depletion of capacity over a number of years. The department is legally responsible for the provision of bulk water, but during the crisis the Cape Town city government lost confidence in the system’s ability to reliably supply water to it; as a result, it asserted certain responsibilities and duties not in the strict conduct of City business, such as augmenting supply. In the wake of the water crisis, improvement of water governance and reform of the governance framework have become unavoidable, with a more direct role for cities in future in their own water planning and management.



Yes, we had a hydrological crisis, but sitting under that was a governance crisis which exacerbated the drought, and brought us far closer to Day Zero than we needed to be in the first place

Andrew Borraine

There’s an unavoidable conclusion that the current governance framework that’s established around water is inappropriate

Mike Mulcahy

The way water is governed and managed in South Africa has to fundamentally change in the future

Craig Kesson

EXECUTIVE SUMMARY

- The Cape Town water crisis highlighted weaknesses in the water governance system in South Africa
- The governance system is fragmented – with mandates and responsibilities located at different levels of the system and between the spheres of government, national, provincial and local – and characterised by poor coordination and large degrees of mistrust
- Mandates and responsibilities of the three spheres of government not joined together into a coherent decision making, planning and budgeting system lead to incoherent decisions that undermine water security
- In some cases there are hard boundaries in the governance framework that result in lost opportunities to increase the overall systems level of supply; an example is the clearing of alien vegetation in catchment areas by the City of Cape Town, that would be a more cost-effective option than building a desalination plant, but the City cannot do this because it falls outside its area and outside its mandate
- Capacity and capability is a key issue – the question whether all the authorities have the capacity to execute their mandates
- In particular, the national Department of Water and Sanitation has suffered skills losses and a depletion of capacity over a number of years, and is malfunctioning – with severe detrimental consequences for water governance
- During the crisis, the city government lost confidence in the system’s ability to reliably supply water to it, and asserted certain responsibilities and duties not in the strict conduct of City business, such as augmenting supply
- With the weaknesses in the water governance system thrown into stark relief by the crisis, the conclusion has become unavoidable that the current governance framework is inappropriate and that a considerable amount of work needs to be done to improve governance
- The way that water is governed and managed in South Africa has to fundamentally change in the future
- In particular, a more direct role for cities in their own water supply and planning is called for; against the backdrop of massive inequality and social deprivation, cities are engines of growth that have to be able to function optimally, which they can do only with a reliable, sustainable supply of resources, including water; managing and planning for water cannot take place exclusively at a national level

Interviewees in order of appearance:**Andrew Boraine**

CEO: Western Cape Economic Development Partnership

Mike Mulcahy

CEO: GreenCape

Craig Kesson

Chief Resilience Officer: City of Cape Town

Peter Flower

Recently retired Director: Water and Sanitation, City of Cape Town

Prof Mark New

Pro Vice-Chancellor for Climate Change: University of Cape Town

Dr Kevin Winter

Senior lecturer: Environmental and Geographical Science, University of Cape Town

Helen Davies

Chief Director: Green Economy, Western Cape Government

Full interviews on [Cape Town Drought Response Learning Initiative](#) website

Opinions expressed by interviewees are personal viewpoints
and do not necessarily reflect those of their organisations

STRUCTURE

00:00:05

Hooks:

- Sitting under hydrological crisis was a governance crisis which exacerbated the drought, and brought us far closer to Day Zero than we needed to be in the first place (AB)
- Current governance framework around water is inappropriate (MM)
- The way water is governed and managed in South Africa has to fundamentally change in the future (CK)

00:00:59

SHORTCOMINGS OF CURRENT GOVERNANCE FRAMEWORK

- Fragmented system from a governance point of view; not joined up; mismatch between natural and institutional governance systems
- Not well coordinated; large degree of mistrust in the relationships
- Issues of capacity and capability: question whether all of the authorities have the capabilities to execute their mandates
- Even after crisis we still persist with separate or parallel planning, rather than joined-up or integrated planning (AB)
- SA's constitutional dispensation built on notion of cooperative government between spheres of government; but if critical skills lost at national level, cooperative governance is weakened dramatically: imbalance of forces and quickly becomes a blame game (CK)
- Hard boundaries in current governance framework sometimes results in opportunities to increase overall systems level of supply being lost; example: clearing of alien vegetation in catchment areas by the City would be a more cost-effective option than building a desalination plant, but the City cannot do this because it falls outside its area and outside its mandate (MM)

00:09:53

NATIONAL DEPARTMENT DYSFUNCTIONAL; CITY STEPPED IN

- National Department of Water and Sanitation plagued by many issues, including depletion of skills; malfunctioning (CK, MN, KW)
- During the crisis, the City lost confidence in system's ability to reliably supply water to it, and asserted certain responsibilities and duties not in strict conduct of City business, such as augmenting supply (CK)

00:18:02

CURRENT WATER GOVERNANCE FRAMEWORK INAPPROPRIATE AND HAS TO CHANGE FUNDAMENTALLY

- Unavoidable conclusion that governance framework around water in SA is inappropriate; considerable amount of work to be done to improve governance (MM)
- Way water is governed and managed in SA has to fundamentally change; more direct role for cities in water supply and planning, as cities are drivers of growth, and they need to be resource secure (CK)

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- 00:00:59 “I see a fragmented system from a governance point of view – mandates and responsibilities sit at different levels of the system. And the problem about institutional mandates is that they stop people from seeing the system as a whole; they only see their part of the system. And I think that the more we went into it we saw that the system is, has been, and I think still is, poorly governed, from a decision making and planning point of view. So I would be so bold as to say, yes, we had a hydrological crisis, but sitting under that was a governance crisis which exacerbated the drought, and brought us far closer to Day Zero than we needed to be in the first place.”
- “A large chunk of the mandate sits with the national Department of Water and Sanitation, and part of looking at the issues in the system is whether all the authorities have the capabilities of executing their mandates. So capacity and capability is part of the equation.” Other parts of the mandate sit with provincial and local governments. “So if it’s not well coordinated, and if the relationships in the system are not strong, then you’re going to have poor results. And what I see is a system with a large degree of mistrust in the relationships, mistrust between for example the urban sector water users and the agricultural users, not much consideration given to the environmental use of the system, and certainly not much cooperation from an intergovernmental point of view between the national, provincial and local spheres of government. And all that conspires or adds up to produce a system that is not well governed. And there’s a mismatch between the natural system and the boundaries of that natural system and the institutional governance system. There’s a whole lot of different authorities, from national to provincial to local, that have different responsibilities for different parts of the system, and that’s not joined up.”
- 00:03:36 “The resource management for the region needs to be far better done ... What needs to be done is to ensure that the management is done effectively of the system in terms of the rules that were established for that system to run effectively. And that’s very important, I think; it’s key that that had a really damaging effect, going into, certainly at the start, and then through the earlier portions of the drought, so it’s really important that one doesn’t allow that to happen again.”
- 00:04:36 “It concerns me that even after the drought and the crisis that hit us, which raised awareness about these sorts of things, that we tend to still persist in separate or parallel planning for the future of the system, rather than joined-up and integrated planning. If we don’t have a way to ensure that the mandates and responsibilities of all three spheres of government are joined together into a coherent decision making, planning, budgeting system, we are going to continue to get incoherent decisions, which will not sustain the water supply in this region.”

- 00:05:27 “South Africa is built in our constitutional dispensation on the notion of cooperative government between different spheres of government, and so the relationship for the provision of water is really one where the majority of the City’s responsibility is to provide the distribution of the water in and out of the system and the supply comes from national water department with its regional or provincial offices through a system of dams and other schemes around the province. But if that department, as it did, lost some critical skills and abilities over a period of years, then it means that the system of cooperative governance is weakened dramatically – not least because there is an imbalance of forces in how it is supposed to work or is designed to work, but also because it so quickly can become a blame game, as it did in certain phases of the drought ... That kind of standing in a circle firing line is not very helpful in a crisis. But it is understandable because each sphere of government is a massive institution, filled with complexities, and the cooperative governance space essentially means you take three massively complex empires and then smash them together, and see what emerges, and I think that is why the City took the approach that if we’re going to get out of this mess, we have to assert certain responsibilities and duties that perhaps were not in the strict conduct of City business, such as augmenting supply. It was not in the nature of our business to provide sources of supply to the network, and it has been said that some of our planning around this was mistaken.”
- 00:08:27 Current governance framework puts users in competition, and some of the opportunities available to users to increase overall systems level of supply fall outside their mandate. Example: City of Cape Town could invest in invasive alien clearing in catchments, which would dramatically increase overall system yield, but because it falls outside its mandate and outside its area, it is currently not able to do so, which would be much more cost-effective than for example building desalination plants. “These hard boundaries that have been set up within the water supply system and water supply network mean that there are a handful of inefficiencies that could unlock a great deal of opportunity and a great deal of value for all of the users if there could be an opportunity for those users to cooperate and collaborate to optimise the system use. From the City’s perspective, it means that you end up looking after your own interests in designing an augmentation strategy rather than working with all of the system users in designing a system strategy.”
- 00:09:53 “South Africa is very lucky to have very progressive water legislation that was adopted in the late 1990s, I think some exceptional leadership in Water Affairs at the end of the 1990s. But a few of those individuals, one or two of them, remain. But really it is a story of a depletion of capacity of the national department over some years.”

- 00:10:33 “In the Western Cape my feeling is that we’re very dependent on the national department to actually be good at what it does, and we’ve had, I think, a bit of a problem over the last several years, where the national Department of Water and Sanitation has essentially been malfunctioning – I don’t think it’s a secret about that, you can see some of the parliamentary portfolio committee discussions, so when you’re dependent on a malfunctioning national department to be doing strategic water supply planning, then you could see that that could be a big contributory factor to the kind of crisis we’ve had right now. So I’m not sure what the answer is, but there are other models out there about how a water system could be managed and one of the questions you might want to be asking is, is a state-owned enterprise actually a better way of doing it than this kind of very complex set of actors that we have in the Western Cape.”
- 00:11:39 Tentative and what looked like a difficult relationship between City of Cape Town and national minister and Department of Water and Sanitation during the crisis. “I think it got the City officials extremely nervous that the national department was seemingly not cooperating and they were unable to understand why that was not the case.” Sinister suggestion that party politics had a role in this. “And eventually it became very clear that there were plenty of other issues within the Department of Water and Sanitation at a national level. The department for instance has had to spend a good deal of its budget over the last five years on virtually every other province engaged in a water drought and a water crisis. And so a lot of the money had been spent, there were also accusations of corruption, and a lot of the budget had been spent on corrupt practices and had been lastly pretty inept in responding to some of these crises and the long-term planning that it is responsible for trying to achieve. So those three things I think were limitations into the speed with which the department could respond. The City I think felt that it was being unsupported by a national state department, and increasingly had to start to make its own decisions, to go it alone, as far as possible.”
- 00:14:15 “I think that the problem is, when you’re confronted with a system that you don’t think will be able to supply water for you, what do you do? The contours of the Western Cape are unique, in such a way that there was no easy way to supply us with water from other parts of the country. And really what it came to at one stage was, in this complicated cooperative governance space, we had the option of trying to stick to what could be interpreted as our strict mandates, and then possibly running out of water, but being able to say at the end of it, well we stuck to the mandates – no-one would have cared. Or providing that water and facing the possibility of future legal challenge or fines from the responsible national departments. And the risk factor was in favour of the latter, really.”
- 00:15:25 “We also need to be increasingly independent in the long run. Waiting for dysfunctional state departments to try to direct and lead the city’s water management, doesn’t make a lot of sense in the long term. The City of Cape Town

is going to have to manage the risk in terms of ensuring greater water security, and it will have to do this increasingly on its own. The message, I think, is becoming increasingly independent. You cannot wait for a state department that is dysfunctional, that lacks leadership, that has a budget that's long since spent, where there is elements of corruption which seems to have drawn this department into all kinds of shenanigans, that are making it really difficult to take the lead. And so the concept is: cities lead, national governments will follow. We need strong examples from cities that are able to react to local conditions, local climatic change and weather variability far faster than a national state department that seems to have fallen asleep and left the country behind."

00:16:36 "This is perhaps where the picture of government in South Africa is somewhat beneficial because what we also have as a result of our dispensation in the late 1990s are strong metropolitan governments, which have many flaws but many strengths, one of which is the ability to marshal resources, to marshal effort, and to direct it in executing mega-projects."

00:17:08 "Part of the challenge for the City in investing in diversified supplies of water is, many people would question whether that is the City's mandate or whether that's national government's mandate. And by the City investing in those projects, the City is paying for them, and the City has to recover those expenses from its own ratepayers. The further challenge is the concern that City gets given a certain allocation of water from the Western Cape water supply system and national government determines what that allocation is, and the fear is that as City starts funding and bringing on line its own diversified water sources, that their allocation could be reduced by national Department of Water and Sanitation. So it really starts playing in that space as to what role should City be playing and what role should national government be playing, and how do they collectively look at what's good for the system."

00:18:02 "I think in the reflection and the analysis of the moving parts of the drought, I think there's an unavoidable conclusion that the current governance framework established around water is inappropriate, and that there is a considerable amount of work that needs to be done in the South African context and here in the Western Cape context to improve the governance in that system. There are a handful of potential solutions to do that, but it really does become incumbent on the users of the system to take a little bit more responsibility for the whole of the system rather than their just individual interests within that system."

00:18:46 "The way water is governed and managed in South Africa has to fundamentally change in the future. I think that the, if you look at our approach now as the City of Cape Town, we are planning the rollout of these augmentation schemes that we devised in the Water Resilience Task Team. They will happen. And they will happen at the behest of the city government, because the city must be resource

secure. Cities are drivers of growth, they are anchors of regions, in any part of the world, but especially here in South Africa where we have such massive inequality and social deprivation, our engines of growth have to be able to function. They need resources to function, they need water, they need electricity, otherwise they won't survive. And the provision of those resources has to be sustainable. I think that the mechanisms of distribution of those resources – water, energy – that were informed by logics that are twenty or thirty years out of date now have been belied by the facts, and by what has come to pass. And I don't see any future for water management in a country where cities don't take a more direct role in what it means to have a sustainable, reliable supply. Cape Town, Johannesburg, any major city, is dynamic, it is large, it is complicated, it needs to be able to think about and plan for its resources in the future. It cannot do that if it has a part-time partner in the form of a national department that is thinking – justifiably – about the national system as a whole, but not necessarily about the particular needs of a city and the region surrounding the city. And so, yes, I certainly think that there must be a change in our approach to the governance structures, to supply systems, and ultimately to distribution systems. And our relationship with water as a whole. And I think that the city government, the City of Cape Town, has been a great driver of that behaviour change. The national Department of Water, yes, it has the right messages about saving water and the importance of water, but it's the City that is charging for water, that's on the frontlines of the taxation relationship with its consumers and residents and citizens. The City is driving, ultimately, what the nature of our relationship with water is and should be, and it has mechanisms at its disposal such as planning authorities, urban redesign, thinking about stormwater, that views or takes into consideration the water system as a whole. And managing the water system in a place, with all of those different mechanisms, cannot take place exclusively at the national level.”

Source material from the Cape Town Drought Response Film Library,
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