



TSHIPING

Water User Association

**EMPOWERMENT OF THE POOR THROUGH THE
TSHIPING WATER USER ASSOCIATION**

***A POLICY DOCUMENT WITH RESPECT TO THE
ESTABLISHMENT AND OPERATIONS TOWARDS
RESOURCE POOR FARMERS AND HDI INITIATIVES***

Policy Document:

(2014)

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1. Introduction

The Tshiping Water User Association (WUA) is a co-operative association of individual water users who wish to undertake water-related activities for their mutual benefit. The specific nature of the service that the WUA provides is captured within the Constitution and the Business Plan of the WUA. As the name suggests, the water *user* association is an institution that serves its members. Because member (Water Users) needs were identified, the WUA was established (Government Gazette: Dated 22 February 2008) in response to the aspirations of its members. That is, its design conforms to their specifications.

A WUA was established for a range of activities and upon establishment the WUA is carrying out its principal functions as contained in its constitution.

Alongside its principal functions, the WUA may have a range of other functions that affect its structure and management. In terms of the National Water Act, such functions may be performed only if they do not limit the capacity to perform the organization's principal functions or financially prejudice the institution and its members. A common example of such an ancillary function is the provision of management services and training to rural communities (*Schedule 5, sections 5 (1) (a) & (b) and 5 (2) (a) & (b) of the NWA*). An additional example is the use of a WUA as an institution through which the empowerment of the poor can be facilitated by boosting agricultural production (*Using a WUA to facilitate empowerment does not mean abdicating responsibility for the management of a water resource, which remains the primary objective of a WUA. It simply means that a water management institution is also being used for upliftment purposes.*).

In South Africa the establishment a WUA is enabled by virtue of chapter eight of the National Water Act (*Government Gazette (1998): National Water Act, Act no. 36 of 1998. Cape Town: Government Gazette ;*). Amongst other things, the Act aims to promote equitable access to water, redress the results of past racial and gender discrimination, and facilitate social and economic development. In achieving this purpose, the Act is intended to establish suitable institutions that have appropriate community, racial and gender representation (*Ibid, Section 2.*). These provisions in the National Water Act are important anchors for the empowerment of the poor through the medium of the WUA.

While the WUA are ideally both wholly controlled by and accountable to their members, the WUA does not impact upon the overall quantity and quality of the water resources in the catchment in which they are located (Catchments D41J & D73A). The activities of the WUA do not include the managing of surface water, which do not exist in the catchments (only Groundwater Resources), or the supply and distribution of any water from a water resource. This introduces a new element to the management of the WUA, namely that the manner of control of groundwater resource utilization within a WUA can be seen as a challenge to the basic building block of a broader (sub) catchment management strategy. Officials of the Department of Water Affairs

– and no doubt of other departments too - may therefore see the WUA as a vehicle through which a portion of their policy programs and strategies may be implemented at a local level. From the point of view of government, partnering with local institutions, can serve to overcome a lack of intimate knowledge of the status of the resource at local level.

It is also often argued that the handover of system management to actors in civil society will give actors a stake in the creation of an efficient system. Thus, it is argued, user-managed WUAs as proposed by the National Water Act hold the potential to become more efficient than state-managed WUAs. For users, partnering with the state in the management of the WUA means access to state resources such as grants and subsidies, as well as influence over the management of water resources at a higher level than that of the WUA. In the case of the development of the WUA, partnering with the state can provide access to knowledge through state sponsored capacity building efforts. This can lead to increased independence in the long term as members become less dependent of external support for the management of their service.

There are thus significant advantages to the members of the WUA and to government officials in seeing the WUA as an *interface* between the state and society rather than an organization that serves the interests of one of the two parties only. Internationally, the last two decades have seen a rapidly growing number of countries transferring the management of previously state managed irrigation systems to users (*This process is known as Irrigation Management Transfer or IMT*).

The Tshiping WUA differs enormously from other WUAs in their geographical scale of operation. One reason for this is that they are wholly located within two catchments, whereas other WUAs are centralized around an irrigation scheme or water supply infrastructure, each of which covers an area of operation of an entirely different order and performs substantially different functions for its members or member organizations. Another reason is that the size of member landholdings can differ substantially from one area to another. The WUA is one of the smaller WUAs which can mean that the smaller WUAs may perform better institutionally while larger WUAs have advantages of scale and tend to be more financially viable (See Subramanian, A., Vijay Jagannathan N., Meinzen-Dick, R. (1997): *User Organizations for Sustainable Water Services. Washington: World Bank Technical Paper no. 354, pg.32, and Vermillion, D.L. (1997): Impacts of irrigation management transfer: A review of the evidence. Colombo, Sri Lanka: International Water Management Institute research report no. 11, page 2*).

2. Scope of this document

This document covers two different categories of the WUA that could serve to advance the empowerment of the poor.

The first of these categories is the group of HDIs that were relocated in the areas of Skeyfontein, Groenwater, Maramane and Olifantshoek.

Another category is the very large number of *unemployed rural South Africans*, for whom no systems of providing access to productive water have yet been developed. For this group, the WUA may provide a means through which household food security can be enhanced or through which, with adequate support, entrepreneurial aspirations can be furthered.

3. Purpose of this document

As the title indicates, the central goal of this document is to clarify policy with respect to the empowerment of the poor through the WUA. Three sets of needs triggered its emergence:

- a) The need to answer the question how the WUA can be used in poverty alleviation. This includes the question of how the WUA fit into the broader context of WUA management;
- b) The need for policy support from regional offices in terms of criteria for the operation of the WUA. This includes clarification of the minimum requirements for WUA constitutions and business plans;
- c) The need for clarification of the nature of support provision in the realm of capacity building, awareness raising and skills transfer within the WUA.

Broadly speaking, these three groups of needs focus on the support that is required to ensure the continued operation of the WUA to provide these services.

Two central issues need to be clarified. The first issue relates to the question of cooperative governance: in clarifying this issue with the WUA the question needs to be asked how the support for the WUA fits into the existing support programs of other government departments. The second issue relates to the functions of the WUA and how they link in to higher tiers of water management institutions.

In order to clarify policy on support provision from the WUA, it is necessary to make clear distinctions between the functions of the WUA and those of higher tiers of water management.

4. Water User Associations and Cooperative Governance

Poverty often goes hand in hand with a range of problems that prevent the poor from contacting those government officials who could provide much needed support. One aspect of these problems is the complexity of the support structures that government provides. There are a variety of government departments, each with their own mandates, which have a range of support programs for the poor. To the uninitiated, it may not always be clear that support is available, how support can be accessed, or how various programs work together to provide support from a range of angles. In some cases, despite the best intentions, support systems may be contradictory or difficult to implement in an integrated fashion. In addition, it may often be the case that support from one department is ineffective unless it is tied to support from another department. The use of effective systems of cooperative

governance is therefore a key element in poverty alleviation. As a result, it is important to address this issue within the context of the WUA policy.

The first question that needs to be resolved in this regard is the question of how the WUA can access the support of a range of government departments at once, generating a 'virtuous circle' of development. Users may decide to allow their WUA to perform a range of different functions, not all of which are necessarily related to the management of water. This means that the activities of a WUA may be relevant to more than one government department. Also, the success of a WUA may require support from a range of different government departments. For example, the WUA could require the following kinds of assistance:

- from the Department of Water Affairs for the management of water resources;
- from the Department Land Affairs to increase the security of land tenure amongst farmers;
- from the Department of Agriculture for the provision of extended support and advice in increasing production;
- from the Department of Public Works for the establishment of community assets such as storage facilities;
- from the Department of Trade and Industry for training in managing a business and facilitating market access.

It can be seen from this example that the WUA may hold a lot of potential with regard to the pursuit of cooperative governance. However, it is important that the mechanisms for cooperation among government departments be clear and unambiguous if the system is to serve the WUA members adequately.

Where there is lack of clarity with respect to the institutional vehicles for cooperation, it is likely that the relevant Catchment Management Agency will, through the implementation of its catchment management strategy, facilitate liaison between departments on project proposals.

A second question relating to cooperative governance relates to the fact that the WUA are not the only institutions that manage water for the benefit of their members. As a result of the initiatives of a range of government departments aimed at the provision of specific support at community level, communities have the choice between ranges of institutions through which they can achieve their aims.

To further the aims of this document, DWA should facilitate the process of developing a memorandum of understanding among those government departments that promote the development of community structures which manage water on behalf of members. This memorandum should emphasize the need to enable such structures to access support from government departments other than those which facilitated their emergence.

This also requires a policy decision to be made within the Department of Water Affairs in relation to the conditions under which it is prepared to provide its grants and subsidies to local level community organizations other than the WUA.

If the WUA are likely to achieve the purpose of the Act, such as redressing imbalances created in the past, promoting equitable access to water and facilitating social and economic development (section 2, NWA), all these are a means to reconstruction and development. Not only is promoting social cohesion a fundamental goal of the Integrated Sustainable Rural Development Strategy, it is also mentioned by community facilitators as a precondition for sustainable institutional development in poor rural areas. The creation of strong local level institutions such as the WUA which can bring different groups together in a common vision therefore presents a social challenge that goes beyond the strict confines of water management and contributes to rural integration in a broad sense. The existence and functioning of a strong WUA is a function of the quality of the public participation that has brought the WUA into being.

5. Functions of WUAs

This section is intended to clarify the functions of the WUA.

A number of issues are important in considering the differences between various tiers of water management, namely:

1. The function that the institution has been established to perform. Key functions of water institutions can be identified as:
 - Operational functions, related to the management of a *service*;
 - Resource management functions, related to the management of the *resource*;
 - Representation functions, related to the representation of stakeholder needs at higher institutions of water management
2. The functions mentioned above each require a certain nature and frequency of the communication between members.
3. The commonality of vision and purpose amongst members.

Of these, the key issue in distinguishing between various tiers of water management institution is the *functions* that they are intended to perform. However, this is also strongly related to the commonality of vision of members of the WUA. Cultural bonds may equally foster mutual ties and such natural social cohesion forms a strong basis upon which the WUA can operate. The social fragmentation generated by the past may act to destabilize institutions if communities which do not see eye to eye are forced to cooperate within the context of one institution. The pursuit of social cohesion belongs to a long term rather than a short term strategy.

In addition, individuals who can interact with each other on a day to day basis may form a more natural unit for a base-level structures in which communication is limited by geographical reach (*Although large distances or*

infrequent communication do not have to imply the existence of a weak organization). This is because they can reach each other on foot and can communicate verbally to each other. Furthermore, a WUA has natural strength if there is a commonality of vision based on the shared views of its members.

6. Key Issues

6.1 Information sharing and awareness raising

A key characteristic of poverty is isolation, i.e. the poor are typically located in less favorable settings, cut off from mainstream modes of communication and daily life. The poor are not well informed about events outside the ambit of their daily lives. As a consequence, deliberate and appropriate efforts need to be undertaken by government departments to inform the poor of their rights. If the WUA are to act as instruments of empowerment and poverty alleviation, the poor need to be informed of the National Water Act and the support available from the Department of Water Affairs and other departments and organizations. One way of achieving this objective would be through the development and implementation of a communications strategy, with DWA as the lead agent. Without an appropriate *(Such a strategy needs to take account of the means of communication used by the poor, i.e. it should not depend on the use of internet, television or newspapers)* communications strategy, it is only the already well informed who will participate in the functions and operations of the WUA.

Without considerable awareness raising efforts, the poor will not have a good understanding of the potentially positive role of the WUA in their own livelihood strategy. It is essential to create this awareness, because it is on this understanding that their motivation to become part of the WUA depends.

6.2 The facilitation of a community visioning process

Only after a period of collective vision building is it possible for a community to formulate a set of goals, institutional roles and responsibilities for the WUA that all parties can agree upon. The duration of the period of vision building required depends on the levels of poverty and the strength of the historical relationship that the prospective members have with the WUA.

Thus in areas where the technical and social requirements of collective water management still need to be learnt, it can be expected that a relatively long period of community vision building is required.

Facilitation takes place in a specific context. In order to achieve an optimal outcome in terms of empowerment, certain benchmarks for facilitation need to be set out. These include:

- The facilitation process should include the presentation of an overview of the advantages of the WUA, both in terms of the long term developmental benefit to the community and in terms of informing the community of the

grants, subsidies and capacity building initiatives that are on offer from the various departments for their benefit,

- The facilitation process must be able to accommodate differences of opinion and consensus building among participants (though consensus could not be necessarily achieved, it would assist in avoiding social fragmentation leading to project collapse at a later stage);
- The process should be a vehicle to provide to beneficiaries, full information about different institutional arrangements and options, their roles and functions as well as their need in terms of government legislation. Based on the NWA, information about the support that the WUA will get including financial and capacity building should be made available,
- It must create a forum to debate different operations and maintenance functions in agricultural production and foster a spirit of joint and participative decision making. This would provide an opportunity for discussing the pros and the cons of each option while also airing the various community views.
- Achieve engagement in discussion and decision making has to be shared by all, especially the HDIs. In most instances a substantial exercise needs to be put in place, targeted at those who are meant to benefit. Consultation needs to be such that the risk of elite groups within a community taking control of the project is brought to a minimum.

Community members can only be motivated to drive change in their community if their needs are taken into account. A flexible response is required to such inputs, building on local needs, endogenous knowledge systems and cultural capacities to a maximum extent.

As a result of these and other factors, it is necessary to facilitate a lengthy process of community vision building with regard to beneficial water use. Capacity for this facilitation exists in civil society but stringent criteria would have to be applied to the selection of appropriate facilitators. In this case, the public participation processes need to be structured in such a manner as to create a process that:

- has adequate community, racial and gender representation;
- acts to redress the results of past racial and gender discrimination;
- promotes equitable access to water

6.3 Financial and technical support

Following from the above, it is clear that external financial and technical support will be required to ensure the effective outcome of this policy document.

There is a need for the Department of Water Affairs and the Department of Agriculture and Land Affairs to share the costs of facilitation leading up the establishment of viable and sustainable communities. The following water-related matters require attention:

- The creation of a representative interim platform that is facilitated and charged with the communication from the WUA;
- The provision of support to these communities;
- The provision of technical support for the preparation of a water management plan / business plan that includes the operation and maintenance of the water distribution system;

The National Water Act provides conditions under which the Minister might provide financial assistance (Section 61) (DWAF, 1998: 76). It is evident from this section that the Minister may provide financial assistance for the alleviation of poverty that is the result of past racial and gender discrimination. This provision is a mechanism through which the WUA might find financial support for the empowerment of the poor.

In addition, agricultural extension support is needed. The total package of support requires the intermittent but ongoing assistance of appropriately skilled extension. The duration of the facilitation process depends on the complexity of the project plan being developed. The simpler the project plans, the more time can be devoted to community reconstruction, mobilization and vision building.

6.4 Constitution of the WUA

Section 93 of the National Water Act requires a WUA to draw up a constitution for which a model constitution is provided in schedule five. While this model constitution appears to be more complex, it is flexible enough to allow for deviations when there is a need to meet the WUAs' specific needs (DWAF, 2001: 5).

Based on the existing constitution, the content of the constitution do not meet the characteristics of the WUA in such as it would for irrigation WUAs. There are elements, which should be contained in the constitutions of the WUA to address the specifics of groundwater management, not requiring supply and services.

7. Operational issues

This section deals with the requirements for operational sustainability of the WUA in regard to business plans, the awareness, capacity and skills needed to manage a successful WUA and the requirements for financial viability of the WUA.

7.1 The business plan

Schedule four; item 21 of the National Water Act requires the board of water management institutions to prepare a business plan within six months of the establishment of the institution and to update it annually. Section 94(2) of the National Water Act specifies that schedule four is also applicable to WUAs. Like the model constitution, schedule four is not prescriptive and can be varied subject to approval by the minister.

Business plans are an important tool for:

- The WUA in determining how their institution will operate in practice;
- DWA in monitoring the WUA.

The existing outlines for business plans have the following provisions that relate directly to empowerment:

- The need for the business plan to provide for capacity building amongst board members and officials (*See the National Water Act, section 23(d) of schedule 4, and the DWAF business plan outline for WUAs, under 'management arrangements'*);
- The need for financial targets to include reserves to provide for corrective action to redress the results of past racial and gender discrimination in the use of water resources (*NWA, section 24(b)(i), and DWAF business plan outline, under 'financial arrangements'*);
- The need to describe how the WUA is ensuring consultations with stakeholders (*DWAF business plan outline, under 'stakeholder consultations'*);

Schedule four includes a series of *operational* requirements for WUAs that are related to the business plans. A number of these operational requirements are unattainable for a large number of poorer WUAs without long and sustained capacity building efforts. These are dealt with in the next section.

7.2 Viability and skills development in the WUA

The viability and sustainability of WUAs as institutions require the sustained availability of certain skills within the organization. In many cases some or all of the required skills will be lacking, and therefore training is required in order to empower members to manage their institution.

Skills development in WUAs could be viewed as a two-phase process whereby the first process entails a training needs analysis based on comparison between the available skills within the existing members and the skills required for optimal functioning. The second phase entails the investigation of how these skills can be acquired and transferred effectively, such as by which members, cost implications and duration of training. However cross training between different neighboring WUAs is possible. Also, there could be shared skills/resources between WUAs such as to develop common templates.

It could be argued that:

- the responsibility for all training matters relating to the development of a WUA as an institution fulfilling the statutory requirements from the NWA, the operation and maintenance of the water supply system and the awareness of the rights and duties of members should naturally fall to the Department of Water Affairs;

However it is essential that such training be provided as a comprehensive package if the WUA is to function adequately.

The above indicates that funds will need to be released by the Department of Water Affairs and Forestry for the training of the skills mentioned above. These funds need to be accounted for in the calculation of the costs of the program suggested under section 6.3 above.

7.3 Mentoring and troubleshooting

Despite the provision of formal training to WUA members, much learning is likely to take place as the WUA finds its feet as an organization in the early period of its operation. In this period, much benefit can be gained from the identification of a mentor who is willing to provide backup support to the WUA as and when the need arises.

7.4 Financial viability of WUAs

The institutional viability of the WUA is strongly related to their financial viability. The main source of revenue of Water User Associations is the collection of water use charges as a result of services provided to members. The level of these charges, in turn, is dependent on the costs of operating and maintaining the water management system. Regarding the poverty alleviation aspects, the financial viability of the WUA is an overriding consideration in project planning for HDIs.

7.5 Viability and entitlements to water

The WUA hold a certain potential for poverty alleviation as a result of the provision of access to productive resources and the generation of employment opportunities. However, WUAs can only achieve these goals if the following conditions are in place.

- Members have been trained to manage the water supply system efficiently and effectively;
- Members have been trained to produce and market goods efficiently;
- Members have been provided with secure access to water;
- Members have been provided with secure access to land;
- Members have been provided with secure access to production inputs.

It is clear from the above that the provision of secure access to water is an important tool with which poverty can be alleviated, although its effectiveness depends on secure access to *other* productive resources such as land and training and capacity building.

The National Water Act covers three categories of water utilization by the poor:

- schedule 1, which provides for water uses that enhance household food security (*This includes reasonable domestic use, small gardening not for commercial purposes and the watering of animals excluding feedlots which graze on the land within the grazing capacity of that land*);
- general authorizations, which allow for water use without a permit so as to redress the results of past racial and gender discrimination and which must take into account the socio economic impact of the failure to authorize

certain water uses (*See part six section 39 generally and section 27 (b) and 27(d) specifically*);

- water licenses, which allow for the use of larger quantities of water;

For most categories of water use relevant to the poor, the provisions of schedule 1 and part two of chapter four (general authorizations) of the National Water Act provide blanket access to water without the need for applications for licenses. This covers the needs of:

- users aiming to achieve food security;
- users aiming to establish small, medium and micro enterprises;

except in water stressed catchments, where there are no general authorizations. In these areas, it is necessary for the responsible authority to require all users to apply for licenses in order to review the prevailing water use to achieve equity in water allocations (*See the National Water Act, section 43*).

8.0 Further Issues to be addressed

- Development of a WUA *strategy* document setting out the mechanisms through which the policy goals are to be achieved.
- Development of a memorandum of understanding among those government departments that promote the development of community structures which manage water on behalf of members. This memorandum should emphasize the need to enable such structures to access support (short and long term) from government departments other than those which facilitated their emergence.
- Development of an interdepartmental communications strategy to inform small scale farmers of the various grants and subsidies available to them from the various departments.

EFFECTIVE DATE:

This policy has been approved by the requisite majority of the members at a Manco meeting held on -

Dated at _____ this _____ day of _____
2014.

Manco – Chairperson

CEO