

Civil society participation in regulation

**Presentation at the Municipal
Indaba
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A model for regulation.

- **Regulatory models can have several approaches.**
- **The form/nature of regulation is strongly determined by who the regulator is, as well as in whose interest(s) it regulates.**
- **Currently DWAF has been developing a strategy/framework for regulation**

A model for regulation

- **This process began 3 years ago and give or take the difficulties- representatives from CSO's have actively been parting in this process.**
- **DWAF dedicatedly allocated funding to ensure that the voice of various stakeholders and voices from civil society were heard.**

A model for regulation

- **I as a representative of a sector of civil society and many other CSO reps are able to participate actively in this process.**
- **Nature of the participation involves providing extensive input through comments on the drafts, engaging the DWAF regulation unit at meetings, participating as a stakeholder on issue of regulation.**

A model for regulation

- **The input from CSO's has been of such relevance and value that DWAF has dedicated funding to set up a CSO water services reference group that meets quarterly with representatives from the DWAF regulations unit.**
- **Regulatory issues especially at the grassroots are raised here**

A model for regulation

- **So in this context then what is the value in choosing a model for regulation that encourages and supports this kind of participation from civil society**
- **But more importantly what do citizens/users of the services and resources have to gain from regulation?**

Significance of regulation for citizens

- **Citizens needs their rights actualised, especially when it comes to water services and resources**
- **Those with the financial means are able to exert pressure or seek legal recourse**
- **Those without this advantage usually have to do the bargaining themselves with very or no success in the case of SA.**

Significance of regulation for citizens

Through understanding the significance of regulation

- who and what should be regulated?**
- How? and**
- by whom?**

Citizens will then be able to understand and facilitate the realisation of their rights through regulation.

Significance of regulation for citizens

Examples of areas for effective regulation and participation from CSO's

- **Implementation of FBW, extension of services W&S**
- **DWQ compliance with SANS 242**
- **Around sanitation- VIP's and other non-water borne sewerage**
- **Waste water**
- **Dams**
- **Pollution of natural resources by mines, agriculture and industry**
- **etc**

What can citizens expect from the regulator

That the regulator regulates- and does so in an environment free from political – we as civil society for eg. Do not want to see the regulator appeal against communities who want their rights actualised as in the case of Phiri.

Want to see serious action being taken against officials in local government or water boards in cases of violation- The E.Cape Ukuthalamba District – saw 80 babies lose their lives- who was charged for murder?

Significance of regulation for citizens

- **Delmas is a recurring matter- yet no strong action has been taken – fire the CEO or remove their bonuses
-licences revoked from mines and agriculture, enforcement of polluter pays principle**
- **So critical would be to see the regulator bring the violators to book**
- **Compliance and enforce is therefore critical to regulation and the tools to ensuring this must be water tight**

Significance of regulation for citizens

- **Close relationship between Civil society and the regulator, with opportunities to engage**
- **Citizens become the eyes and ears of the regulator on the ground**
- **Support for the regulator in enforcing compliance in exchange for support from CS in cases of non-compliance**

Significance of regulation for citizens

In conclusion:

- **The DWAF strategy indicates that the aim of regulation is to ensure that the rights of users are realised**
- **We as CSO representing a diverse sector of C.S. support this and look forward to continuing to work with DWAF who while not been formally accepted as the sector regulator, is leading the way in this direction**
- **More importantly it is setting the precedence for a model that incorporates and makes CS participation and direct involvement with regulation essential to its effectiveness.**