



DWEA's Response to the LG White Paper Review

MCC Meeting
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water & forestry

Department:
Water Affairs and Forestry
REPUBLIC OF SOUTH AFRICA



Presentation Outline

- Background
- Progress to date
- DWEA's response – key strategic issues and recommendations
- Way Forward



Background (1)

- Jan 2007, the dplg was mandated to develop White Paper on provincial government
- In parallel review White Paper on LG
- To assess if the existing forms of governance are still appropriate
- Draw on lessons of the past decade



Review Process

Publication of discussion document
"Towards a White Paper on local government in South Africa", March 1997



Extensive research
Primary as well as secondary research on both local and international experiences
Consultation with government departments, provinces and other relevant stakeholders
Consideration of inputs received on discussion document
Consultation with MinMec and technical MinMec



October 1997 - Cabinet approval of Green Paper



October 1997 - Green Paper published for comment until 1 December 1997



Provincial workshops/conferences; Parliamentary Portfolio Committee Hearings
Workshops on selected topics



National Conference on Local Government White Paper: 8-9 December 1997
to finalize policy options to be contained in White Paper



White Paper submitted to Cabinet for approval and then published in March 1998



Progress to date

- 31st of July 2007 – the dplg launched a Policy process on the System of Provincial and Local Government
- dplg classified the relevant issues and lessons that would be considered further in the review process into the following five main thematic clusters:
 1. The roles of provincial government and two-tier local government;
 2. Deepening local democracy, accountability and participation;
 3. Strengthening capacity to meet basic needs and enable sustainable development;
 4. Refining the intergovernmental roles, functions and fiscal frameworks of spheres; and
 5. Making cooperative governance work more effectively and improving oversight, performance management, and the monitoring and evaluation system.



DWEA's Response

- In July 2008, the DG tasked CD:WS/D:P&R to lead the process of internal DWAF consultations informed by experiences in dealing with LG
- In August 2008, a 1st draft was produced and presented to policy board for inputs
- Between August and December, wide consultations held throughout DWEA including regions and other sector stakeholders
- Engagements with the dplg initiated to discuss DWEA's position in terms of the review process



DWEA Key Strategic Issues

- As a Water Sector Leader, it is critical that DWEA raises strategic issues that have relevance to the LG White Paper Review process
- As input into the White Paper Review process, DWEA has developed a discussion paper that is used to facilitate engagements with Department of Cooperative Governance and TA
- It is thus important to get the views from all stakeholders to ensure a meaningful engagement with the Department of Cooperative Governance and TA



Differentiated Approach

- Because of the vast differences in ability and capacity between weak and the stronger municipalities a “one size fits all approach” cannot be applied
- ***Recommendation*** – In essence we need a system of local government where more independency and freedom is given to those municipalities that can perform based on some criteria and not only because they are rural or urban



Differentiated Approach

- DWEA recommends the review process:

- Assist in clarifying the criteria to determine weak and strong municipalities;
- Facilitates a process of profiling municipalities;
- When assessing performance of WSAs, accommodate the SFWS KPIs



Policy Norm w.r.t. Ideal WSAs

- The powers of the Cooperative Governance and TA Minister in terms of the Constitution to assign WS functions to a municipality must be reviewed and checked against the current “legal inability” of the Minister of DWEA to re-allocate functions to another municipality or sphere of government
- **Recommendation** – It is important that this study takes into consideration what will be the most sustainable service delivery option for a specific area irrespective if it is the DM or LM. Lessons learnt at DWEA when engaging with WSAs in this regard must be reflected



Policy Norm w.r.t. Ideal WSAs

- DWEA recommends the review process:
 - Provide clarity and guidance on the normative policy position on the role of DM vs LM in local governance;
 - Review the powers of the Cooperative Governance and TA Minister to assign WSA functions and allow a greater role for the DWEA Minister in the process;
 - Clarify the roles of the two Ministers in respect of water services;
 - Considerations for authorizations of WSAs to be done within the SFWS framework



Streamlining the S78 process

- The current S78 process is cumbersome and lengthy resulting in delays in the selection of a WSP. The legislation focuses on the process and not on the outcome which is viewed as deciding on an optimum service delivery arrangement. As a sector leader, DWEA does not have a say in whether a responsible decision has been taken by the WSA in terms of the provider function
- **Recommendation** – The process prescribed by municipal legislation and the practical application of this process at municipal level for the appointment of a WSP must be changed as part of the review
- LG Legislation must be reviewed to support the role of DWAF must as a regulator and allow for DWEA to have a say in whether a responsible decision has been taken by the WSA in terms of the provider function



LMs as WSP to DMS

- DWEA's experience has been that the distinction between a WSA and WSP has not been appreciated and implemented esp. when a WSA DM contracts a LM to be its WSP.
- **Recommendation** – It is recommended that the current suite of legislation be reviewed to identify and strengthen legislative mechanisms to support DWEA's role as a regulator;
- In the review process, provide for penalties where there is non compliance.



Consistent Underperformance

- ***Consistently underperforming WSAs***

The ability/capacity of municipalities to fulfil their roles as WSAs has been continuously questioned in the recent months. This has prompted calls for adjustment of powers and functions. DWEAs response has always been to provide support with no measure in place to identify poor performance. RPMS is being developed for M&E

- ***Recommendation*** – The review process examine the efficacy of s84(3) of the Structures Act on the authority of the Cooperative Governance and TA Minister to authorise LMs as WSAs, and DWEA Minister play a greater role.

- Consider the methodology developed by DWEA¹⁴ for the review of Powers and Functions in WSAs



Intervention in instance of Crisis

- ***Interventions***
The former Minister in her 2008 budget speech announced that the Department would take over the water services functions of those municipalities that fail to perform. To do this the Minister needs mechanism that will allow for quick interventions
- ***Recommendation*** – The review process must provide mechanisms for the Minister of DWEA to quickly intervene where there is crisis.



Competency of Professional WS Officials

- It must be emphasised that any organisation can only perform as intended with the right people. It is important that people with the right competencies be appointed in water services positions in municipalities
- **Recommendation** – It is recommended that the new system of local government incorporate human capital strategies. DWEA is also looking at developing regulations to ensure that the right managers are heading water services in municipalities



Ensuring Adequate Skills On Professional WS Officials

- Skills shortages in the country are widely recognised and the impact this has on the Water and Sanitation sector's ability to implement many of the provisions of the water sector legislation.
- **Recommendation** – It is recommended that the White Paper process identifies long term sustainable solutions to address the skills shortage and skills gap at local government level.



Roles & Responsibilities

- ***Roles and responsibilities between National and Provincial Departments***

Some National Departments do not have a say over how water services delivery will be prioritised as the budget goes directly to Provinces. This is a serious problem as it impacts on service delivery

- ***Recommendation*** – It is important that the review process relook at the role of Provincial government, clearly defining it in terms of water services delivery and interventions

- Investigate the role of the DWEA Minister in compelling a provincial executive to intervene in the event of a water crisis.



Review of Human Settlements Functions

- Whilst the provision of basic services in rural areas is mostly focussing on providing services such as water services, it is entirely the opposite in the urban areas where basic services are directly linked to sustainable housing. The integrated program for sustainable human settlement is not being effectively implemented.
- **Recommendation** - The review process must review the functions allocated to provincial government and to metros especially related to the housing functions and emphasise integrated planning. Conditional grants for service delivery should allow for flexibility in the application there of.



Private Sector Involvement

- Although privatisation is quite a sensitive issue in SA, the private sector has played and will continue to play an important role in water services. The challenges facing us are simply too big to be addressed by Government alone.
- **Recommendation** - As capacity to deliver water services is a huge problem in LG, the use of the private sector should be considered so as to mobilise additional resources to speed up delivery



Planning

- In terms of planning for water availability, it is crucial that municipalities participate in the process of allocating water as this has a huge impact on their economic growth, the available water for domestic use and planning for service level options
- **Recommendation** - The review must acknowledge and provide for meaningful planning participation and easier integration of national, provincial and local planning
- M&E of integrated plan needs to be strengthened to ensure that plans are implemented.



WCDM

- ***Water Conservation and Demand Management***
The amount of water that is lost due to wastage and lack of water conservation is of great concern to DWEA. This can mainly be contributed to a lack of infrastructure asset management in municipalities
- ***Recommendation*** - The review should critically look at ways to ensure that municipalities take WCDM seriously.
- Various means should also be investigated to ensure proper infrastructure asset management in municipalities



Forestry

- Although Forestry is mainly a national function, the management of forest and veldt fires seems to be aligned with DM's fire services functions. Municipalities also have a role to play in greening and the Forest Enterprise development. However, these roles are often not taken up by municipalities
- **Recommendation** - The review should give attention to those areas that are dealt with at a local government level and ensure that the relevant people are appointed at municipal level to deal with it
- Recognise the impact of forestry on poverty alleviation and job creation through enterprise development initiatives.



Way Forward

- Revise the document in line with the new government and departmental changes
- Continued consultations
- Development of concrete proposals around the policy recommendations made
- Continued engagement with the Department of Cooperative Governance and Traditional Affairs to ensure a meaningful input into the process



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