



SALGA

South African Local Government Association

COOPERATION FRAMEWORK BETWEEN MUNICIPALITIES (WATER SERVICES
AUTHORITIES) IN THE ESTABLISHMENT AND PARTICIPATORY PROCESSES OF
CATCHMENT MANAGEMENT AGENCY: THE DELIVERY AND MANAGEMENT OF WATER
WITHIN A WATER MANAGEMENT AREA

The proposed co-operation framework between municipalities (WSA's) is as a result of the changes brought by the implementation of the National Water Act which has an impact on some of the roles and functions of Local Government. One of the objectives of the Department of Water Affairs and Forestry and the water sector is to achieve Integrated Water Resource Management; whilst on the other hand the objective of Local Government is to support and give localised effect to Integrated Water Resource Management. The realisation of these objectives is based on the two institutions cooperating to achieve their objectives.

1. Background

1.1. *The Catchment Management Agencies*

The National Water Act provides for the establishment of the Catchment Management Agencies (CMAs). These are statutory bodies established in terms of chapter 7 of the National Water Act to manage water resources at catchment level or regional level. CMAs are responsible for the planning, implementation and management of water resources. They are established to co-ordinate water related activities of other water management institutions and water users, (including local government water services function) within Water Management Areas (WMA). In terms of governance, CMAs have a Governing Board which should reflect stakeholders and role-players within a WMA to a greater or lesser degree.

CMAs have a specific mandate that they should fulfill within a specified WMA. These mandates are:

- Development of a Catchment Management Strategy (CMS) as a framework for the management of water resources. The CMS must be in harmony with the National Water Resource Strategy (NWRS) which is the national framework for the management of water resources in South Africa;
- Coordination of other Water Management Institutions (WMI) within the WMA including water services institutions;
- Ensuring sustainable water use;
- Promoting cooperative governance; and
- Promoting community participation in Water Resource Management (WRM).

1.2. *Local Government*

Local Government, as a sphere of government, has specific executive and legislative authority that is vested with the municipal council. Local government has the powers to govern on its own, however this is to a certain extent subject to the provisions of the constitution; (section 100 and 139 of the constitution) which give powers to National and Provincial government to intervene if there is an indication that the local sphere cannot perform the expected functions.

Section 152 of the Constitution outlines the following objectives of Local government, and these are:

- To provide democratic and accountable government for local communities;
- To promote social and economic development;
- To ensure provision of services to communities in a sustainable manner;
- To promote a safe and healthy environment; and
- Encourage the involvement of communities and community organizations in the matters of Local Government

Local Government has a developmental role, through which the constitution places specific developmental duties that should be observed in ensuring community development; and these are:

- To give priority to the basic needs of the community;
- To promote social and economic development of the community; and
- To participate in the national and provincial development programmes.

The Local Government functions above indicate a number of areas that has a direct impact on water resource management; and therefore requires cooperation with the CMA.

1.3. The CMA / Local Government Interface

There are a number of areas that compel CMAs and Local Government to interact. It should be noted that the relationship should not be based upon the dominance of one institution, as it should be based on mutual cooperation between institutions as well as understanding and respecting the roles and functions of other institutions.

The initial area of interface between CMAs and Local Government is on **water use regulation**. Local Government has the water use functions of taking water from a water resource (abstraction), discharging wastewater into a water resource and changing the physical structure of rivers and streams. It is important to note that as such Local Government does play a critical management role with regard to such aspects as, and not limited to, water quality and pollution, storm-water management and flood defence.

The second area is on **water use authorisation**. The management of water at this level is done through authorisations. Depending on the extent of impact the water user has on the resource, they may be required to register as low impact users under general authorisations, (may require licence in certain instances) or be required to apply for water use licence as high impact users. In most cases Local Government water related functions have a high impact which therefore requires water use licence application with the relevant authority, i.e. DWAF / CMA

The third area is **integration on planning**. Within this level of relations, cooperation is based on strategy and planning, which is fundamental for all possible relations between institutions. Local Government needs to align its Integrated Development Plans and Water Services Development Plans with the Catchment Management Strategy, which is a framework for the management of water resources by the CMA, within its WMA.

1.4. The imperatives of the framework

The National Water Act requires that Local Government institutions be part of the CMA establishment process as it unfolds. Local Government institutions must in future interact with the CMA on such aspects as **Integrated Planning functions, water services planning functions, and stakeholder representation.**

Understanding the different areas of interaction with the CMA, the Municipalities within the WMA acknowledges to work together and develop a framework that will facilitate alignment with regard to the establishment of the CMA and its functions once it is operational. The framework outlines the areas where the municipalities acknowledge working together. Depending on the framework, the municipalities acknowledge to appoint and/or mandate individuals and /or bodies, including SALGA, that will speak on their behalf in relating to the CMA.

2. PURPOSE OF THE FRAMEWORK

Realising its roles and functions and those of the Catchment Management Agencies, the Municipalities acknowledge integrating their efforts and finding alignment in relating to the CMA so as to achieve Integrated Development Planning, as well as Integrated Water Resource Management.

3. FOCUS AREAS OF THE FRAMEWORK

The municipalities acknowledge cooperating on the following areas in relating to the CMA.

3.1. Representation on the Governing Board

The municipalities may mandate a body such as SALGA, or individuals to do the following:

- Collect information on the CMA Governing Board nomination process
- Disseminate information to all the municipalities
- Coordinate with all the municipalities and other Local Government structures on issues relating to the CMA
- Make recommendations to the Advisory Committee on the institutions that should represent Local Government on the Governing Board of the CMA
- Make recommendations to the Advisory Committee on issues to consider on Local Government representation on the board, taking into account the mandate of Local Government.

3.2. Structures to ensure interaction between CMA staff and municipalities

The municipalities acknowledges that they shall through consultation within a water management area, establish a committee that will be responsible for interacting with the CMA on their behalf on issues such as **water services planning, integrated planning and other technical and related issues.** The committee shall consist of members from municipalities within the WMA.

3.3. Integrated Development Planning (Officials)

The municipalities acknowledge that they shall be part of the process in developing the Catchment Management Strategy.

The municipalities acknowledge that they shall align / coordinate all their planning strategies with those of the CMA through developing relevant coordinating structures with their municipalities. (Coordinated strategy development)

The municipalities acknowledge they shall establish a committee responsible for coordinating all WSDP of municipalities in a WMA for alignment with the CMS.

This objective is mainly based on promoting awareness and coordination of activities as well as setting the frameworks for cooperation in the various water resource related activities.

3.4. Information Management and Networking

The municipalities acknowledge that they shall share CMA related information between themselves during and after establishment of the CMA.

The coordinating committee shall be responsible for sharing of information

DWAF, and the CMA, are committed to providing the assistance and guidance with regard to roles and relationships, and the building of capacity to further this understanding and its effective implementation. The municipalities within a WMA will be expected to support such initiatives.

3.5. Harmonisation of bylaws and policies

The municipalities acknowledges that they shall, in preparing the bylaws and water policies, give effect to alignment with the catchment management strategies in the spirit of co-operative government.

The municipalities acknowledge to consider harmonizing their bylaws and policies, which have similar conditions, with the objective of interacting with, and giving effect to, the CMS.

4. INSTITUTIONAL ARRANGEMENTS, MONITORING AND REPORTING

The municipalities, out of their initiative towards achieving integrated development planning and integrated water resource management, will give powers to the relevant bodies / individuals to execute the contents of the framework where appropriate.

The municipalities further acknowledge to establish within their institutions any relevant cooperative structures that will work towards achieving the intentions of the framework.

The municipalities further acknowledge to convene to assess the progress in the execution of the framework.

The municipalities, therefore, declare their mutual intent to make all reasonable efforts, and to take all reasonable steps, towards mutual co-operation, albeit between themselves, as part of this framework, or in the collective context with the view to working towards the achievement of the objectives contained in this framework;