

# **Assessing the role of civil society in South African water policy within the context of legal requirements and democratic discourse**

**Report to the  
WATER RESEARCH COMMISSION**

**by**

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**WRC Report No Deliverable 2, K5/2313**

**ISBN No**

**September 2014**



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# EXECUTIVE SUMMARY

## Introduction and background

This report presents an assessment of the role of civil society in the South African water sector, with a particular emphasis on the South African Water Caucus (SAWC), a network of NGOs, CBOs, a trade union and individual activists in the South Africa water sector, active since 2001. The report aims to make this role explicit through a process of comparison and reflection. Such knowledge should be useful in strengthening this role – or as we shall see after analysis – these multiple roles.

The report explores

- what roles civil society could play in the water sector, by analysing the multiple meanings that the concept of civil society has, and the roles that these concepts imply (Part 2);
- the legal requirements and general democratic or participatory discourse in the water sector, which practically creates spaces for civil society in the South African water sector (Part 3);
- experiences of civil society in general in post-apartheid South Africa, that are comparable to experiences of SAWC and other civil society organisations in the water sector (Part 4); and against this background
- the history of SAWC as it seen from both the inside and the outside, that is SAWC members as well as those who have interacted with them; it includes an overview of SAWC's engagement with the 2<sup>nd</sup> National Water Resources Strategy (Part 5).

It then comes to conclusions about the role that civil society currently plays in the water sector and how this can be strengthened (Part 6).

The assessment follows a critical, reflexive and triangulated approach. It will provide the foundation for the rest of the project, where the objective is to facilitate a deeper and more meaningful contribution of civil society to the management and safe-guarding of South Africa's water resources.

The project for which this report provides a basis, aims to:

1. Assess critically civil society's involvement in key water policy documents within the context of legal requirements and democratic discourse and practice
2. Pilot, test and improve an approach that empowers community based and other civil society organisations to participate in local water governance, using forms of

knowledge and analysis appropriate to their context and experience, through monitoring and engaging with key issues from the NWRS2. This will be done by drawing on social learning approaches, particularly change-oriented learning which will contribute to building the skills needed for community based and civil society organisations to better understand the context of key issues, identify knowledge - both local and specialist knowledge - that can help address key issues, and support and enhance local practices (such as monitoring) that address these issues with the communities involved.

3. Test the application of social learning approaches to build capacity in the water sector
4. Strengthen community based organisations and networks within the water sector through peer support and social learning.
5. Contribute to the effective and just implementation of the NWRS2.

The project aims to contribute to the achievement of longer term impacts including:

1. Stronger implementation of the NWRS2, with more public support, while the NWRS2 is monitored and implemented effectively and justly
2. Policy evolution, under civil society influence, that is more relevant and responsive to people's experiences and on the ground realities
3. Increased knowledge and public awareness of NWRS2 and the importance of water resources, their protection and use
4. Contribution to redressing access to productive water in rural communities
5. Monitoring of whether water demand management programmes are pro-poor, that is do not disadvantage but instead empower poor people.
6. Use of the indigenous knowledge, through involvement of traditional healers and rural communities; use, validation and extension of that knowledge through case studies
7. Enhanced research, monitoring and policy capacity of civil society in the water sector

## **Methodology**

The core task of this report is an assessment of the role of civil society in South African water policy within the context of legal requirements and democratic discourse. This assessment is based on theories, understandings and approaches of civil society, which are often strongly contested, participation in the water sector, legal requirements for participation in water legislation and policy, theory and history that explains the SAWC as an institution with a set of actors, in changing contexts; an analysis of that history, to see whether and how participation has been enabled including by other players such as government, and other actors in the water sector; what the capacity of SAWC was to take up these opportunities,

and in particular how this showed up in SAWC and its allies' engagement with the various water policy processes and forums since 2001. These are explored below in Part 1.

This report develops a theoretical understanding of civil society by looking at the different meanings assigned to the term, and the contestations around these meanings, drawing on a selection of the expansive literature available. It explores the broader civil society context within which water activists work, in particular, that a new wave of social movements emerged after the strong social movements moved from opposition to apartheid to being in government (Ballard et al, 2006).

It particularly draws on the idea of a water sector, the Integrated Water Resources Management (IWRM) approach, the sector wide approach, participation, decentralisation, subsidiarity and the South African experience of it.

It looks at the historical role of SAWC, through a series of interviews that have been undertaken with SAWC members (including an electronic survey). This is action oriented research, and it relies on the triangulation between different sources and perspectives (Strydom, 2012a; 2012b). As such it forms part of a more extensive enquiry that will be implemented through this project and in ongoing work within SAWC and other civil society programmes.

Following the principles of social learning, which embed knowledge activities and learning in existing practice, the theory takes as its point of departure the current action learning approach of Environmental Monitoring Group (EMG). It then enriches this by adding elements of activity theory, the main framing methodology for this project's fieldwork that will guide ongoing expansive learning, and supports this within a critical realist approach to ensure ongoing engagement with processes of transformation and transformative intent. These approaches were discussed in a workshop, which is reported on in deliverable 1.

The assessment is reflexive. It is aimed at producing not only a report accessible to readers outside a community of practice, but crucially to also enhance the self-understanding of the practice of such a community of practice or network (Wenger et al, 2011).

The assessment of the role of SAWC in the water sector takes place against an understanding of different perspectives on what such a role should and could be. This produces the following matrix for the assessment:

1. Considering SAWC as a social movement in terms of the theory developed in the UKZN Centre for Civil Society research programme that culminated in the publication of Ballard et al, 2006. This theoretical constellation (taken from three streams of pre-existing approaches to the study of social movements) focuses on three aspects of social movements, namely i) what resources, including knowledge, networks and repertoires of acting are available to members of the movement, ii) what self-identification or ideological definition is prevalent in the movement, and what are its dynamics and iii) that is the political or opportunity space in which the movement operates. Together these imply a theory of change, from a challenge present to a more desirable future.
2. The question of SAWC as a community of practice that learns together and shares information, including in a mode of regular self-reflection, of which this report is a further instance (Wenger, 2011), is considered under the question of resources, above, both as a repertoire of actions and as an internal impact.
3. Questions of policy influence are viewed through the lens of thinking about who exactly SAWC constituency is (Runciman, 2012), that is
  - The social movement community (the communities within which SAWC members are active, and whose issues members take up)
  - The social movement broadly (all those who participate in SAWC activities, however peripherally)
  - The social movement organisation (SAWC itself, how it is organised)
  - Individual activists (how individual activists see themselves, in other words, their organisational and ideological self-identification and understanding of their roles)
4. What is SAWC's participation in policy debates, and what impact does SAWC make on these? For questions of impact we use a typology developed for social movements in adapted form (based on Anciano, 2012), which can be formulated here as:
  - What does SAWC do to challenge the neoliberal hegemony in the South African water sector? (How does it relate to other players – e.g. strong opponents in government and big water users, including historical advantaged water users?)
  - Social movements have explicit and progressive political and economic agendas – and in this case SAWC strongly and explicitly identifies itself with social and environmental justice agendas

- Is SAWC an agent of democracy, and does it hold the moral high ground?
5. This is set more broadly within understandings of what civil society does, should or could do, returning, against this background, to an understanding of the IWRM understanding of the role of civil society within the water sector, informed by discourses of participation and legislative requirements for participation, anchored in the South African constitution.

## **Assessment of the role of civil society in the SA water sector**

### **The existence of SAWC over nearly 14 years**

The South African Water Caucus has existed since 2001 – a period of nearly fourteen years now. An important aspect of SAWC’s longevity is its approach of a decentralised leadership and funding and resourcing model. SAWC members, who had for example been involved in the EJNF, have specifically avoided a centralised model both to avoid struggles to “capture the centre” and to allow free flow of thinking, knowledge formation and sharing. This has also allowed members to continue with autonomous organising and campaigning. SAWC is both strengthened and constrained by its loose structure – there is no real leadership position at present for people to fight over, but the need for a full time coordinator is often expressed. It has wide membership, including the participation of stable resourced NGO members, and community based activists who mostly engage via the provincial caucuses. But it also has national and international influence. It therefore holds multiple world-views, experiences and scales under one umbrella.

### **Creating and sharing knowledge in a community of practice**

Particularly important for the work of the caucus is its ability to understand the effects of policy on the ground, and the dynamics of changing policy and practice on national, provincial and local level. To do this, SAWC meetings, the SAWC list-serve and SAWC policy interventions bring together two types of knowledge, local knowledge from direct experience and attempts to deal with local water challenges, and a policy knowledge, carried by some members and organisations but developed together in interaction (like that of a community of practice as contemplated by Wenger (2011)).

SAWC achieves that within the framework of its orientation towards social and environmental justice, as originally expressed in its founding principles. This enables an analysis and a making sense of on the ground observations, in terms of national policy and its critique of these policies within the national political economy.

## **Resources and networking**

Although resources are often equated to funding, and funding is important, resources are much more than that.

To the extent that civil society organisations rely on outside funding, as opposed to trade unions who survive on membership dues, they are vulnerable to changes in funding regimes, which can be worsened by internal inabilities to administer and report on funding (Heywood, 2014). In SAWC, a national co-ordinator fulfilled a very useful role – although not without contestation – and the debate about whether to resurrect this, and how to fund it, continues. Resources from government to enable participation in national policy events and catchment forums are also ongoing. SAWC's experience in this area, and its development of cheaper and practical solutions (such as travelling by bus or taxi and how to account for such expenditures) will be practically useful e.g. in the current DWS initiative to revitalise and extend catchment forums.

In SAWC, the load of vital functions like organisation, documentation, communication and fundraising is spread over a number of strong organisations. The ideal has been to have one such organisation in each province to function as national or provincial secretariats. This solution also leads to tensions, as some members work in professionalised NGOs, while others are on the ground, work at low salaries or as volunteers, often as unemployed or semi-unemployed in their own communities. Unequal distribution of resources extends to differences of language, challenges in dealing with technical issues from engineering to economics in national debates. SAWC has worked hard to find practical means to meet these challenges, and has built up considerable experience (e.g. in The Water Dialogues, the Dams Affected People and other campaigns), with the result that it can field powerful and articulate delegations, from very different backgrounds.

Combined resources, specific skills and types of knowledge enable SAWC to mobilise a broader voice of civil society, trade unions and CBOs on the one hand, then academics and sympathetic consultants and their expertise (e.g. on water issues related to mining, water quality testing and fracking) on the other.

## **Identity and self-framing**

A crucial strength in social movements results from self-identification and ideological framing. Identification with SAWC and its values is a strong part of the existence of the caucus as a network of diverse partners. SAWC has created a strong but flexible self-identification that has responded to its environments and currents in it, as much as to the

lived experiences of its members – and their observations and understanding of communities as well as water sector activities around them.

In its early days SAWC accepted a set of principles, underlain by social justice and ecological value base, that was explicitly anti-neo liberal: defined in opposition to government policies of privatisation, of demand management in the form of cut-offs and flow limiting devices, but also other threats to the water commons, such as industrial and mining pollution. It has developed an international analysis (through exposures to international anti-dams movement, the international fresh water caucus, various climate change processes – and broad civil society responses to them) and a knowledge of international civil society knowledge debates.

Although SAWC is composed of agents with multiple perspectives, these principles have enabled SAWC to work with a strong transformative agenda – for example expressing impatience with slow progress on the reallocation of water.

SAWC has engaged at the local level with local government over cut-offs and flow restrictions, but also on research and at the policy level. The Water Dialogues as a project, but also ongoing interaction with a range of local governments, built a strong understanding of local government water dynamics. SAWC has used that understanding to defend communities vulnerable to cut-offs and other water restrictions.

This self-identification with resistance, in common with a global movement against neo-liberal policies, has led to ongoing debates – as in the rest of the environmental justice sector – about engaging with government versus confronting it. Generally, an uneasy balance between both has been adopted, but SAWC has been strongly involved (like TAC in health) in the details of water policy. However, SAWC has not followed an approach of developing a mass base, and a strong public profile approach in the mass media, generally restricting its activities to the water sector, with the important exception of the strongly related climate change issues. To adopt a stronger public profile, it would need institutional changes, because it would have to then rely on stronger central organisation, which would be in tensions with its current and time-honoured decentralised model.

### **Political space for civil society in the water sector**

A strong determinant of social movement success is the political space that is available for civil society actors to organise and express themselves in. The basic contours of this space have been laid by a series of constitutional, legal and policy decisions which have created a public space within which participation, access to information and the right to organise have been available. However, in practice, participation, especially in invited spaces, has been

subject to the whim and abilities of individual officials and politicians. More disturbingly, protests around water and related issues have been met with increasingly violent responses.

As a multistakeholder space, the water sector, for example the platform provided by the Water Sector Leadership Group, contains very strong forces or players in it, e.g. the big water users (Eskom, Sasol, others in the country water partnership) who, in the view of SAWC, have privileged access to policy making (as witnessed in the NWRS2 process) and exert a strong neoliberal policy influence, for example in arguing for exemptions from environmental legislation and offsets for damage caused, as well as stalling on discharge charges.

Government, despite constitutional requirements for participation, remains deeply ambivalent about the role of civil society, since the ruling ANC is reluctant to cede civil society space to new social movements and prefers to keep that space occupied by its alliance partners, as explicitly stated during the WSSD (Munnik and Wilson, 2003). This means that SAWC has to both establish its right to participate (and make that actual in often difficult practical circumstances through lack of support or reluctant support from government) and also face strong opponents in policy battles.

However, SAWC is not in a simple oppositional role in the triangle between civil society, the market and government. SAWC connects to strong elements in government agenda – that is a transformation agenda, of which there are some signs in the NWRS2, to a worldwide but scattered movement for social and environmental justice.

Moreover, SAWC's base is in poor urban and rural communities that struggle with harsh water conditions on the ground, much as these may have been improved since the dawn of democracy in 1994. These communities become stronger as democratic experience grows, ANC hegemony changes to a multiparty logic and politics in public space diversifies.

These tensions in the constitution of a political space for civil society, come to the fore when government officials, for example, argue that poor communities should be directly represented, excluding SAWC. This is seen by SAWC as an attempt to divide it internally and deny these communities an informed and effective voice bolstered by SAWC solidarity.

SAWC shares core values with most of the prominent post apartheid civil society 'movements' – it both gains from and contributes to a broader struggle to hold government to its social contract.

### **SAWC plays a watchdog and lobbying role**

Together, all these elements have enabled SAWC to play an active watchdog and lobbying role. It gives voice to a broad spectrum of experiences and analysis from civil society in policy spaces, including parliament and official DWS policy processes.

It remains consistently active in the water sector public sphere through a SAWC list-serve of near instant exchanges of experiences, comment on those, linkages to international water (and climate, energy and related fields). The SAWC list-serve often spills over into the more broadly (or multistakeholder based) Bubbles list-serve. SAWC has participated in the Water Sector Leadership Group, the apex organisation for the sector.

SAWC's record shows that it has managed to participate in all important policy process in the SA water sector after the past 13 years. This includes the NWRS2 where 10 issues brought forward, related to 3 core issues plus that of citizen and civil society participation.

It is currently participating in catchment forums. Its strongest participation is in the Upper Vaal, where it demonstrates, as a national exception, what informed civil society, based in historically disadvantaged communities, can achieve in such forums. This includes access to information and extracting accountability from industrial polluters.

### **SAWC's Impact**

SAWC is one of a range of organisations in civil society that has resisted the impacts of neoliberal government policies since 1996, and works to replace them with policies that are more socially and environmentally just. It has explicit and progressive political and economic agendas. It acts and speaks in the public interest and in this sense, so far, SAWC has not achieved – or particularly geared itself towards mass mobilisation, and has preferred to rather fill its role as a player and voice in the water sector, orienting itself towards policy influence, networking and education.

In this role, SAWC has succeeded in battling for and keeping open a civil society space in the water sector. It has strengthened this by playing a central role in supporting The Water Dialogues which produced a detailed and persuasive understanding of the nature and problems in local government water services delivery. This is no mean feat, as there are real obstacles to civil society influence. SAWC like other SA social movements, come up against the history which shaped and is shaping opportunity space, which is in constant tension between democratic reforms and rights, requirements for public participation in constitution, in policy generally and in water sector specifically and the enduring presence of historical South African civil society in the shape of liberation movements unwilling to leave civil society space and still contesting it. The result is a 'democracy' that is reluctant to allow a new civil society to take its space. It is also a contestation for ANC hegemony, and as part of

and result of that, comes up against the internal and factional battles of the ANC (see Langa and Von Holdt, 2012).

### **Deepening the reflection through the case studies in this project**

Going forward in this project, the case studies have been selected to allow SAWC, within this project, to probe deeper into specific issues, and also explore how to strengthen its impact, as these social learning case studies are also intended to exert policy influence in specific areas:

1. The water conservation and demand management in the context of climate change case study defends poor communities against being singled out unfairly to reduce their water consumption
2. The case study on plantations, ecosystems and water resists decision making to return water factory areas to plantations, instead of allowing them to function for river health and use by traditional healers, a group that is not currently prominent in water resources management, but arguably should be
3. Access to productive water for poor communities and small farmers tests and promotes a key aspect of the transformation agenda in the water sector, that has many allies in government
4. The civil society monitoring of water quality takes place in the space of catchment forums and local government, and presents a test case for the real potential of citizens participation in water resources management.

Together, these add up to an interesting test of the boundaries of civil society influence in the water sector.

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## LIST OF ABBREVIATIONS

AEC	Anti-Eviction Campaign
ANEW	African Network on Water
BGM	Biannual General Meeting
CBO	Community Based Organisation
CER	Centre for Environmental Rights
CJNSA	Climate Justice Network of South Africa
COGTA	Co-operative Governance and Traditional Affairs
CONNEPP	Consultative National Environmental Policy Process
CPUT	Cape Peninsula University of Technology
CSO	Civil Society Organisation
DBSA	Development Bank of Southern Africa
EJNF	Environmental Justice Network Forum
IDP	Integrated Development Plan
ILRIG	International Labour Research and Information Group
IWRM	Integrated Water Resources Management
NEMA	National Environmental Management Act
NGO	Non Government Organisation
NPO	Non Profit Organisation
NWRS2	National Water Resources Strategy 2
RDSN	Rural Development Services Network
SACAN	Southern Africa Climate Action Network
SAMWU	South African Municipal Workers Union
SANGOCO	South African NGO Coalition
SAWC	South African Water Caucus
SJC	Social Justice Coalition
TAC	Treatment Action Campaign
VEJA	Vaal Environmental Justice Alliance
WISA	Water Institute of Southern Africa
WRC	Water Research Commission
WSLG	Water Sector Leadership Group
WWF	World Wildlife Fund
WSSD	World Summit on Sustainable Development

# **1. INTRODUCTION**

## **1.1. Introduction and background**

This report presents an assessment of the role of civil society in the South African water sector, with a particular emphasis on the South African Water Caucus (SAWC). The report aims to make this role explicit through a process of comparison and reflection. Such knowledge should be useful in strengthening this role – or as we shall see after analysis – these multiple roles.

The report explores

- what roles civil society could play in the water sector, by analysing the multiple meanings that the concept of civil society has, and the roles that these concepts imply (Part 2);
- the legal requirements and general democratic or participatory discourse in the water sector, which practically creates spaces for civil society in the South African water sector (Part 3);
- experiences of civil society in general in post-apartheid South Africa, that are comparable to experiences of SAWC and other civil society organisations in the water sector (Part 4); and against this background
- the history of SAWC as it seen from both the inside and the outside, that is SAWC members as well as those who have interacted with them (Part 5).

It then comes to conclusions about the role that civil society currently plays in the water sector and how this can be strengthened (Part 6).

The assessment follows a critical, reflexive and triangulated approach, as will be explained in detail below. It will provide the foundation for the rest of the project, where the objective is to facilitate a deeper and more meaningful contribution of civil society to the management and safe-guarding of South Africa's water resources.

Most discussion will focus on the South African Water Caucus, a network of NGOs, CBOs, a trade union and individual activists in the South Africa water sector, active since 2001 – although it will also refer to and take into account the actions of other civil society organisations in the water sector. It will explore the broad history of South African Water Caucus activities, as well as focus in on SAWC's engagement with the National Water Resources Strategy 2 (2012). This focus extends to the 4 case studies, in the social learning parts of the project, as they are closely related to the contents of the NWRS2. The case studies involve:

1. Water conservation and demand management in the context of climate change
2. Plantations, ecosystems and water
3. Access to productive water for poor communities and small farmers
4. Civil society monitoring of water quality

Through this process, the potential for social learning processes to build capacity in civil society will be tested, and guidelines produced for use in strengthening civil society participation in water resources management.

The project for which this report provides a basis, aims to:

3. Assess critically civil society's involvement in key water policy documents within the context of legal requirements and democratic discourse and practice
4. Pilot, test and improve an approach that empowers community based and other civil society organisations to participate in local water governance, using forms of knowledge and analysis appropriate to their context and experience, through monitoring and engaging with key issues from the NWRS2. This will be done by drawing on social learning approaches, particularly change-oriented learning which will contribute to building the skills needed for community based and civil society organisations to better understand the context of key issues, identify knowledge - both local and specialist knowledge - that can help address key issues, and support and enhance local practices (such as monitoring) that address these issues with the communities involved.
6. Test the application of social learning approaches to build capacity in the water sector
7. Strengthen community based organisations and networks within the water sector through peer support and social learning.
8. Contribute to the effective and just implementation of the NWRS2.

The project will contribute to the achievement of longer term impacts including:

8. Stronger implementation of the NWRS2, with more public support, while the NWRS2 is monitored and implemented effectively and justly
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10. Increased knowledge and public awareness of NWRS2 and the importance of water resources, their protection and use
11. Contribution to redressing access to productive water in rural communities
12. Monitoring of whether water demand management programmes are pro-poor, that is do not disadvantage but instead empower poor people.

13. Use of the indigenous knowledge, through involvement of traditional healers and rural communities; use, validation and extension of that knowledge through case studies
14. Enhanced research, monitoring and policy capacity of civil society in the water sector

## **1.2. Methodology**

The core task of this report is an assessment of the role of civil society in South African water policy within the context of legal requirements and democratic discourse. This assessment is based on theories and understandings of civil society participation in the water sector, legal requirements for participation in water legislation and policy, theory and history that explains the SAWC as an institution with a set of actors, in changing contexts; an analysis of that history, to see whether and how participation has been enabled including by other players such as government, and other actors in the water sector; what the capacity of SAWC was to take up these opportunities, and in particular how this showed up in SAWC and its allies' engagement with the various water policy processes and forums since 2001. These are explored below in Part 1.

Understandings of and approaches to civil society are varied, and often strongly contested within civil society and broader society. This is particularly true in South Africa, that has a rich but contested civil society, and has entered into a new wave of social movements after the strong social movements moved from opposition to apartheid to being in government (Ballard et al, 2006). Attention will be paid to this in Part 2.

This report sketches the background for the project, provides a rationale and understandings of our approach and defines terms used in this report and in the project. It develops a theoretical understanding of civil society by looking at the different meanings assigned to the term, and the contestations around these meanings, drawing on a selection of the expansive literature available.

It particularly draws on the idea of a water sector, the Integrated Water Resources Management (IWRM) approach, the sector wide approach, participation, decentralisation, subsidiarity and the South African experience of it. IWRM has produced an expansive literature (see Water SA (Online) vol.34 no.6 Pretoria 2008 for a full discussion).

It will look at the historical role of SAWC, through a series of interviews that have been undertaken with SAWC members (including an electronic survey). This is action oriented research, and it relies on the triangulation between different sources and perspectives (Strydom, 2012a; 2012b). As such it forms part of a more extensive enquiry that will be

implemented through this project and in ongoing work within SAWC and other civil society programmes.

The work within the project team – clarification of theory and methodology, questioning of emerging insights – has taken place in the form of working meetings, starting with a two day workshop in May 2014. Following the principles of social learning, which embed knowledge activities and learning in existing practice, the theory takes as its point of departure the current action learning approach of Environmental Monitoring Group (EMG). It then enriches this by adding elements of activity theory, the main framing methodology for this project's fieldwork that will guide ongoing expansive learning, and supports this within a critical realist approach to ensure ongoing engagement with processes of transformation and transformative intent. These approaches were discussed in a workshop, which is reported on in deliverable 1.

### **1.3. Rationale and context for participation**

The participation of civil society is crucial to the functioning of the water sector; it is a fundamental part of the Integrated Water Resources Management (IWRM) approach, and it is part of building and maintaining a participatory democracy.

A good window onto how civil society is, and has been, participating in the South African water sector, is to look at its role in the NWRS2, adding, where needed, its involvement in other policy initiatives. It is important in general, but in particular for this project, that “policy” should be understood as the full policy cycle. It is an iterative cycle of six moments – that is, it could start at any point and is constantly being repeated – but for clarity sake we will assume that it starts with the setting of a policy agenda, as indeed it did in the early 1990s after the unbanning of the liberation movements in 1990. Agenda setting (1) usually takes place both in the public sphere (the media and civic organization contexts), as well as in specialised or expert policy and identified, active stakeholder circles. In South Africa this took the form of a large number of sectoral forums in the early 1990s, which produced, for example the South African Water Policy Principles, and the 1994 White Paper on Water policy (2). This is the second step in the policy cycle: translating agendas into clear tasks and objectives. These went through democratic discussion processes in parliament to be legislated into law (3), which is in turn used as the basis for building institutions (4), which are the basis for implementation (5) of the law and subsequent regulations and decisions under it. The whole society is implicated in the monitoring (6) of implementation, which may identify gaps and points of tension which, together with dynamic changes in the situation, lead actors in the policy space to set new agendas, thus renewing the policy cycle. See figure 1, below.



Figure 1: The full policy cycle.

The National Water Resources Strategy 2 (NWRS2), an important document that sets the strategic direction for water resources management in South Africa over the next 20 years, is an example of such a process. It is also an example of a repeating or iterative policy cycle, as it is legally required to be rewritten every 5 years. It however comes out of earlier process, since the basic approach to water resource management had been set in the early 1990s, in the Standing Committee on Water Supply and Sanitation SCOWSAS process, strongly influenced by the then, as now, internationally dominant framework of Integrated Water Resources Management. The first NWRS was published in 2004. The 2004 iteration dealt with a wide range of topics. It set out the framework for the NWRS in law and policy, gave an overview of the water situation, described the strategies needed for water resource management and the need for co-operation with other departments and water users.

However, it is sobering to note opinions that the NWRS1 was neither widely known or widely used as a guiding document (Fred van Zyl, DWA, personal communication in DWA workshop December 2012), thus limiting its influence on national thinking, planning and practice. It can be argued that it is important for the NWRS2 to be widely known and used – throughout all the phases of the policy cycle. There is little room for error in the management of our national water resources, and all stakeholders involved in the development of the NWRS2 agreed that water resources should now move to the centre of national decision

making. A growth in public awareness of our water resources and public participation in its careful management are crucial components of this strategic change.

SAWC and its allies in the water sector participated fully in the development of the NWRS2 through conducting its own research, identifying 10 key themes, and pursuing these in encounters with the DWA, the portfolio committee on water and producing a publication in which the process and outcomes of this process are recorded (EMG, 2014) One of the 10 themes on which the SAWC lobbied hard - the need to revitalise catchment forums, “give them teeth” and enable balanced and representative participation both in terms of historically disadvantaged groups and their issue agendas - has been taken up by DWA, and is being supported in another WRC research project.

The NWRS2 is underpinned by the vision of, amongst other things, 'a committed and dedicated water sector, actively co-operating and contributing towards sustainable water management' (Draft NWRS2, pg. vi, 2012). Civil society is one of the key role-players in this sector, and the effective and appropriate implementation of the NWRS2 requires a strong civil society.

Civil society can contribute powerfully to this strategic imperative. It moves and builds bridges between households, communities, the public sphere and other water users. It has 'eyes and ears on the ground', and is well placed to monitor developments on the ground, as illustrated in WRC Research Report K8/968/1, 'The Potential of Civil Society Organisations in monitoring and improving water quality.'

However, the role of civil society - especially in the monitoring of water resource management - is also only partially understood and in some places, contested. While civil society is a popular term, widely discussed in development and academic literature (see Hall, 1995) it is also 'one of the most used - and abused - concepts in current political thinking' (Kaviraj and Khilnani, 2001: introduction). One of the aims of this research is to explore and clarify the role(s) that civil society can play in the South African water sector. An arena in which this can be pursued, is strengthening the relationship between civil society and the Department of Water Affairs and local water governance structures, such as Catchment Forums which form part of the Upper Vaal (VEJA) case study. However, this is not the only such arena.

Moreover, civil society, broadly speaking, sometimes fails to play its role to the full extent, often due to lack of capacity and understanding of the contribution it could make. This research aims to both understand and facilitate a deeper and more meaningful contribution of civil society to the management and safe-guarding of South Africa's water resources, via

engagement with key issues covered by the NWRS2. In so doing, civil society will be strengthened, and key principles framing the NWRS2, such as equitability, democracy and sustainability will be furthered. How can capacity in civil society best be built? This is therefore a form of action research, where the goals of insight and transformation are intimately connected.

For that purpose, the case studies will be explored using, and developing further the insights generated in the Environmental Learning and Research Centre (ELRC) at Rhodes University's ongoing research programme into change oriented learning and sustainability practices, and the short 'social learning' course developed in the WRC research project entitled Change Oriented Learning and Water Management Practices (K5/2074/1). For this project, the ELRC has designed a certified course to assist participants to critically reflect on practice in context and identify the questions, contradictions and gaps in practice. Learning processes and tools are developed in response to the local context and in ways that are meaningful to the people engaged in or needing to engage in the everyday activities of, in this case, monitoring of implementation of the NWRS2. The project will also be an opportunity for the ELRC to adapt this course to the requirements of civil society. The course structure and principles can be applied to any learning context.

#### **1.4. Theories for a scientific assessment**

The report is required “to assess critically (and scientifically) civil society's involvement in key water policy documents within the context of legal requirements and democratic discourse”. According to the Oxford Dictionary, “assess” means to “evaluate or estimate the nature, ability, or quality of” or to “judge, gauge, rate, estimate, appraise, form an opinion of, check out, form an impression of, make up one's mind about, get the measure of, determine, weigh up, analyse”. The assessment in this report is in the form of a critical, reflexive and triangulated approach.

It is critical, in that it relates what is existing to an ideal – or a multiple number of possible roles and understandings of the role that SAWC could and should play. A critical analysis would also investigate the structural dynamics of what exists, seeking to make these more visible in order to transform them (e.g. the policy processes that are in place to facilitate implementation of the NWRS might be examined for their efficacy). This sense of “critical” derives from the institute for Social Research in Frankfurt, Germany (Romm, 2001), and has played a prominent role in theories and approaches that aim at improving society, as SAWC and civil society generally does, on the basis of its “emancipatory interest” (Romm: 2001: 141). An emancipatory interest favours a social justice orientation. For the assessment, the word “critical” is, in addition, used in the sense of setting up possible roles that SAWC could

be expected to play, and against which its activities and achievements can be assessed. These are developed in three discussions:

1. A discussion of historically important understandings of civil society and social movements (since the SAWC could be described as both, or as containing elements of both (Part 2)
2. An exploration of the legal and policy requirements for citizens' participation in the water sector, and on local government level in South Africa, within a broader discourse of democracy (Part 3)
3. A comparative survey of the roles, achievements and challenges of other civil society networks/movements in South Africa, including the Treatment Action Campaign (TAC) (Part 4).

The history, approach and achievements of SAWC can then be assessed against the possible roles it could be expected to play in the context of existing structural dynamics with emphasis also on how SAWC is engaging, or could engage with these – albeit by different actors within and without the caucus – in Part 5. Part 6 comes to conclusions on the basis of this analysis. Clearly this multiplicity of understandings and expectations requires the report to use some form of complexity thinking. This question will be addressed below.

The assessment is reflexive. It is aimed at producing not only a report accessible to readers outside a community of practice, but crucially to also enhance the self-understanding of the practice of such a community of practice or network (Wenger et al, 2011). A reflexive evaluation approach can be described as:

1. Responsive to context. In this report, the role of civil society/SAWC in the water sector is put in different contexts or frameworks, in order to understand in which contexts actions happened or decisions were made. On the other hand, SAWC history can also be used to illuminate the context, for example to contribute to an understanding of the civil society space in which SAWC and others operate.
2. Aimed at helping participants develop social change initiatives. Social change, and supporting social justice are at the heart of the current project and SAWC's activities in general.
3. Supporting participants to reflect on practice and change practice. This is also a central goal.
4. Theory-based. This project works with theory in two ways. SAWC history is assessed against an understanding – or range of understandings - of what the role of SAWC is, and the assessment changes the way these theories are understood. We are

working within a social learning framework, where knowledge comes from and returns to practice, changing the practice in return.

5. An agency-based evaluation by participants or members. SAWC members are not passive in the evaluation, their agency is assumed. Therefore this is not primarily an external evaluation, while still relying, as part of the methodology, on triangulation of different sources of information, in which opinion is also treated as evidence.

This approach goes back to the foundational work of Wenger et al (2011:7) who developed

“a conceptual foundation for promoting and assessing value creation in communities and networks. By value creation we mean the value of the learning enabled by community involvement and networking. Therefore we focus on the value that networks or communities create when they are used for social learning activities such as sharing information, tips and documents, learning from each other’s experience, helping each other with challenges, creating knowledge together, keeping up with the field, stimulating change, and offering new types of professional development opportunities.”

In this report, this reflection happens in Part 5, in which a history of the SAWC is constructed from existing materials produced collectively by the SAWC as part of its already existing tradition of self-reflection and reflexive change over time, as well as through interviews which include triangulation (of different perspectives within the caucus) as well as from outside the caucus – from actors that SAWC has interacted with, have observed SAWC and formed opinions about it and its role. The conclusions are documented in Part 6.

### **Theory of change**

However, SAWC is clearly a network with more ambitious aims and broader activities than learning: it is aimed at social change through interventions such as mobilising elements of civil society and lobbying decision makers, the reflection needs to be broadened to include an implicit or explicit theory of change (James, 2011; Reeler, 2007).

Theories of change have been implicit in the work of many philosophers, politicians and citizens. It can be traced, in Europe, to the insights of Giovanni Battista Vico (Wilson, 1974), namely that humans make society, and can therefore choose what type of society to create. Of course, many caveats have been imposed on this basic thought, famously Marx’s that humans make their own history, but not in circumstances of their choosing, and worked out in many debates around the relationship between social structure and social agency (see

Archer et al, 1998), in what remains a crucial question for civil society. This reflects three ways of thinking about change:

- A Voluntarist / Rational Choice Theory of Change (after Weber, 1978), where it is assumed that what people choose to do will occur without constraints
- A Determinist Theory of Change (after Durkheim, 1964), where it is assumed that people have no agency and are merely shaped and constrained by historical and structural factors
- A Morphogenic Theory of Change, after Bhaskar and Archer (see Archer et al, 1998), where it is understood that structural and historical factors shape people's agency or what they can do in any setting, but this does not determine what will be done. In other words, people are able to act and make decisions and choices, even though their actions will to some extent be constrained by historical and structural factors. Nevertheless, they can still bring about changes in such structures. In this process agents (individual and/or collective agents) exercise reflexivity as they go about acting. However, Archer explains that not all human engagement results in structural changes and she calls this 'morphostasis'. Here Bhaskar's description of power relations is also helpful as he explains that all people have Power 1 (agentive powers), but these may or may not be more or less constrained by Power 2 relations (oppressive structural and social powers). The ideal of emancipation is to 'free' oppressed agentive powers (Power 1) from oppressive structural, historical, cultural and/or social powers (Power 2) in the search of a better life for all. (Hartwig, 2007).

There are also theories of change that are more radical and that focus on rupture / radical breaks from the status quo / or revolution (after Zizek, see Zizek 2012) which reflect a more radical version of the Archer / Bhaskar theory of change, but nevertheless can still be explained via morphogenesis, even if more radical 'ruptures' result. One such theory, based on the work of Antonio Gramsci, applied to civil society and social movements argues that one may equally ask "why don't things change?", in order to reveal how hegemony can be challenged (Runciman, 2012).

Recently, theories of change have become popular in the NGO or funding world (James, 2011), as well as in government circles, in the form of "evidence based policy" (Tilley, 2000). However, this form of theorising change often tends to reflect a 'mixed range' of underlying theories of change. It often tends to be based on anticipatory logic or descriptions of anticipated change, rather than in-depth descriptions of structure-agency relations as outlined above, even although the above mentioned theories of change involving structure – agency relations are always implicit in some way or other in more descriptive or anticipatory forms of theorising or explaining change.

The South African post-apartheid transition to democracy is driven by an explicit theory of change, from apartheid to a free South Africa. One form is the trajectory of a two-stage transition (to a bourgeois democracy first and then to a socialist state), which had been developed during the liberation struggle. Another, explicit theory of change can be found in the description of the policy cycle (see figure 1, above). It depicts a narrow – unilinear – pathway that suggests that a social system can be changed by changes in policy, legislation, institutions and implementation. While it is useful to trace policy “impacts”, this approach is not always useful in understanding and acting in a world populated by complex, multiple lifeworlds and agendas, linear theories of change are not always useful.

### **Triangulation**

To conclude this discussion, the assessment of the civil society role in the water sector is strengthened by processes of triangulation and by an understanding of theories of change (as outlined above) to which the data can be related (i.e. methodological and theoretical triangulation). This triangulation relies on different types of data, on opinions by participants occupying different positions within the caucus, by people outside the caucus, who may be allies observing practices in the caucus, or participants in conversations – government officials who have been targets of SAWC lobbying, This method ensures that events are seen from different perspectives, and therefore in a more “holistic” way. This method also ensures that a critical realist account can be constructed in that what is said by actors involved in SAWC is also related to the realities of water security in South Africa, and to emancipatory interests of SAWC and its transformative intentions.

To anticipate the next sections, the assessment of the role of SAWC in the water sector takes place against an understanding of different perspectives on what such a role should and could be. This produces the following matrix for the assessment:

6. Considering SAWC as a social movement in terms of the theory developed in the UKZN Centre for Civil Society research programme that culminated in the publication of Ballard et al, 2006. This theoretical constellation (taken from three streams of pre-existing approaches to the study of social movements) focuses on three aspects of social movements, namely i) what resources, including knowledge, networks and repertoires of acting are available to members of the movement, ii) what self-identification or ideological definition is prevalent in the movement, and what are its dynamics and iii) that is the political or opportunity space in which the movement operates. Together these imply a theory of change, from a challenge present to a more desirable future.

7. The question of SAWC as a community of practice that learns together and shares information, including in a mode of regular self-reflection, of which this report is a further instance (Wenger, 2011), is considered under the question of resources, above, both as a repertoire of actions and as an internal impact.
8. Questions of policy influence are viewed through the lens of thinking about who exactly SAWC constituency is (Runciman, 2012), that is
  - The social movement community (the communities within which SAWC members are active, and whose issues members take up)
  - The social movement broadly (all those who participate in SAWC activities, however peripherally)
  - The social movement organisation (SAWC itself, how it is organised)
  - Individual activists (how individual activists see themselves, in other words, their organisational and ideological self-identification and understanding of their roles)
9. What is SAWC's participation in policy debates, and what impact does SAWC make on these? For questions of impact we use a typology developed for social movements in adapted form (based on Anciano, 2012), which can be formulated here as:
  - What does SAWC do to challenge the neoliberal hegemony in the South African water sector? (How does it relate to other players – e.g. strong opponents in government and big water users, including historical advantaged water users?)
  - Social movements have explicit and progressive political and economic agendas – and in this case SAWC strongly and explicitly identifies itself with social and environmental justice agendas
  - Is SAWC an agent of democracy, and does it hold the moral high ground?
10. This is set more broadly within understandings of what civil society does, should or could do, returning, against this background, to an understanding of the IWRM understanding of the role of civil society within the water sector, informed by discourses of participation and legislative requirements for participation, anchored in the South African constitution.

## **2. UNDERSTANDINGS OF CIVIL SOCIETY, FROM THE SCOTTISH ENLIGHTENMENT TO THE ARAB SPRING**

The oldest theory of civil society, deriving from the Scottish Enlightenment in the 18<sup>th</sup> century (see Oz-Salzberger 2001, and other writers in the collection *Civil Society, History and Possibilities*, Kaviraj and Khilnani, 2001) argued that “the whole of society should be civil”. This theory was interested in achieving a civil, polite and liveable society. It did not identify civil society as a space between households and the state, as is common now. But it did ask “what is the relationship between citizens, state & capital?”, at a time when capital existed in the form of relatively small merchant capital. It was applied more widely in Europe to ask whether there was space for political activity besides the space occupied by the monarchy and the clergy.

It could be argued that this sense still attaches to civil society understandings in the form of the notion of “public interest”, which is definitive for the idea of a public sphere, which is a public space in which people can argue about matters of state and their society (see Habermas, 1996, who traces the emergence of public space in Europe). There was a notion of solidarity in the public interest, which is still an aspect of today’s civil society, for example in climate change debates. Of course the question arises of what exactly is in the public interest, and who defines it. At the historical opening of a European public sphere, the answer to this question was very much that this would be the new rising bourgeoisie based in trade, outside of the landed gentry. First pamphlets and then newspapers created a space in which the affairs of state were discussed, leading to the emergence of a “public sphere” (Habermas, 1996). Merchants, writers, intellectuals, and “café society” followed the decisions of rulers like the Prussian king and his advisers, often from a position of more extensive knowledge, and with concerns about what these decisions meant for the economy.

This public sphere that was dominated by the elite, and made possible by a growing system of news gathering and the media, was a forerunner of today’s civil society, but also very different. Only later did a civil society theory develop as we know it now, in other words, arguing that it is the role of active citizens to push back the state and capital, after capital had become really powerful. This theory did not isolate “civil society” as a specific part of society, distinguished from government and capital. At this stage, civil society was the whole of society, not a sphere “between households and the government” as it later became. It also had no idea of what the eventual power of capital in society would be.

For the West, an early, fully fledged civil society movement in the modern sense can be traced to the movement to abolish slavery, which started in the 1780s complete with meetings, petitions, marches and lobbying of the British parliament – while slaves themselves were active in their own liberation (Hochschild, 2005).

Civil society practice and theory has gone through many twists and turns since then, but experienced a particular revival in the later 1980s and early 1990s, as the “iron curtain” tumbled and a number of East European societies went through dramatic changes. The original preoccupation with civil society theorists about the nature of power, came back into play as one party states again became “civil” and redeveloped a relative free public sphere (Keane, 1996). In the build-up to the Arab spring, questions were asked whether groups such as the Muslim Brotherhood should be understood as civil society – since they seemed to be playing a typical civil society role in opposing authoritarian power, but at the same time created a very circumscribed public sphere because they are “neo-traditional” (Zubaida, 2001). This question is a serious challenge for funders (see, for example the analysis of who to fund in Arab civil society after the Arab Spring by the Finnish Institute of International Affairs (Behr and Sittonen, 2013)). On the other hand, Bottici and Challand, (2013) who publish on a website dedicated to providing “information about the Arab world as it is”, welcome the arrival of a “combative civil society (which) is patently different from the professionalised, liberal civil society that Western political theory praised for a long time and that many Western donors sought to promote”, and argue that what we saw in the Arab Spring was “a civil society in revolt”. They argue that while modern social media was important as a means of organizing the uprisings, focusing on it obscures the driving forces behind it, namely the long standing organisation of trade unions, the rising prices of food, as well as “a new political language mixing social justice, dignity, and the end of fear in front of ruthless authoritarian regimes”.

This diversity of approaches raises the question of how far this concept can be stretched, and whether it can be fruitfully used in societies that have very different histories from Western Europe where this first developed. For example, activist scholars Camay and Gordon (2007), trace a history of South African civil society to its roots in kinship, neighbourliness and Ubuntu before colonialism. This remains an open debate.

The widely varying experiences – as well as the contexts that emerged when societies outside the West were analysed, lead us to the conclusion that civil society is a very flexible concept, but at the same time, remains very useful – perhaps because of its flexibility.

## **2.1. The Left critique of civil society as a neoliberal ally**

Civil society is a concept that is generally not welcomed by Marxist, and a critique of civil society as a neoliberal ally (doing the work that government should be doing, and contributing to the shrinking of the role of the state), is often heard. It relies on a different concept of civil society, which is traced back to Antonio Gramsci. Gramsci was an important

influence in the Marxist tradition, although he was a revisionist in the sense that he put great weight on the role of ideology (Femia, 2001; Gramsci, 1957, 1971). During the civil society secretariat's preparation for the World Summit on Sustainable Development in 2002, a version of Gramsci's theory was used to attack civil society as a "liberal formation" that is reactionary and working with capital to impose neoliberalism. In some cases this can be clearly seen in action: for example big aid organisations (international NGOs) who do align with and implement neoliberal policies, and in some of the compromises that smaller NGOs make in response to funding pressures (Munnik and Wilson, 2003).

Gramsci's theory was that elite segments come together to form a ruling bloc or government. Institutions of civil society defend the interests of this ruling bloc (for example the church, the arts, the educational establishment). Those who want to challenge the ruling bloc are diverted and confused by ideas of obedience, rarity and excellence, for example. An elite culture may disempower the working class by making them feel inferior, and inspiring them to aspire to the standards of living of the elite, even though their chances of achieving it are slim (for example, rewarding individual excellence, as we see in sport). Gramsci's ideas are important because he was a pioneer in analysing how ideology and especially hegemony (dominance) through ideas is engineered. While current developments, for example social movements and networks that combine NGOs and social movements critical of capital and for democracy and the working class, have called into question the validity of this description of civil society, for example where civil society actively opposes neoliberalism and globalisation, the theory enables questioning of the motives and effects of aid, charity work, big NGOs and the domination of the public sphere by the privileged in ways that bypass democratic structures.

## **2.2. IWRM, the role of civil society and the idea of a water sector**

SAWC is also bound up with and active in a space determined by theories of Integrated Water Resources Management (IWRM), and specifically its view of the existence and structure of a South African water sector (the "sector wide approach"). The early formalisation of IWRM (e.g. Dublin principles in 1992) coincided with the period of policy formation in the new South Africa. Many of these ideas of "water reform" were drawn into South African water policy. They landed in a vacuum, because before the 1990s, there was a very different "water sector": farmers, a department of irrigation, municipalities that provided water, fragmented provision in the homelands, although of course there was a commercial water sector providing engineering services, hardware, treatment chemicals etc.

The Dublin principles (from the Dublin conference in 1992) are (<http://www.dwaf.gov.za/iwrm/contents/about/principles.asp>):

1. Freshwater is a finite and vulnerable resource, essential to sustain life, development and the environment.
2. Water development and management should be based on a participatory approach, involving users, planners and policy makers at all levels.
3. Women play a central part in the provision, management and safeguarding of water.
4. Water has an economic value in all its competing uses and should be recognised as an economic good.

Two of the four principles call for participation – while the idea of water as an economic built in an ambivalence about participation, since the fate of “economic goods” is seldom decided democratically. The idea of participation has been theorised in different ways, and is subject to great controversy, as it involves power. The urban planning theorist and activist Sherry Arnstein provided a definition of a “ladder of participation” (Arnstein, 1969), namely:

1. manipulation
2. therapy
3. informing
4. consultation
5. placation
6. partnership
7. delegated power
8. citizen control.

This analysis has since been extended, for example to explore the differences in participation when people are invited to participate in a space created from above, and thus on the indulgence of the inviter, or whether people have created their own, autonomous spaces in which they are able to develop their own positions, demands and tactics (Miraftaab, 2004). In practice, this has been an important question for SAWC.

The need for participation in IWRM is often expressed in terms of the subsidiarity principle. Subsidiarity is an organizing principle of decentralisation, stating that a matter ought to be handled by the smallest, lowest, or least centralised authority capable of addressing that matter effectively.

An important part of IWRM thinking is that water resources are best managed when all users participate, which has given rise to the practical idea of a “water sector”. In terms of water as an industry – with engineering firms, water professionals organised in WISA, water officials

in government, trade journals and trade shows, – there has been a de facto water sector. However, according to IWRM this sector has stakeholders that need to confer with each other, understand and recognise each others' needs and co-operate, for IWRM to be successful. The government, in the shape of DWA, acts as the sector leader because it legislates, implements and indeed can change institutional structures (DWAF, 2006). This theory has found formal expression in the Masibambane Programme, and in the Water Sector Leadership Group, which is a summit forum for the whole sector, including business, water boards, and civil society. SAWC has participated in the WSLG. The WSLG can be used to share information, make decisions, hold officials to account & report on progress. These functions are also fulfilled elsewhere, for example in the Water Institute of Southern Africa (WISA) bi-annual meetings, although these are industry led.

IWRM has also had a strong institutional impact on water policy in South Africa, which has given rise to the idea of Catchment Management Agencies, and extensive research on participation, adaptive management, resilience, social-ecological systems etc. of which this research is also an outcome, in the way it is placed with the WRC.

This approach was very influential in the writing of SA National Water Policy and the National Water Act (DWAF, 2004: 13). The NWRS1 defines IWRM as “a process which promotes the co-ordinated development and management of water, land and related resources in order to maximise the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems” (DWAF, 2004: 13). It also reaffirms that “people must be at the centre of sustainable development and use of water resources”, again putting participation at the centre of water resource management.

While SAWC was not directly inspired by IWRM, its participation in the SA Water sector, the SA water policy and legislation, and its broader involvement in UN systems sustainable development and environmental management questions, all frame its participation on the basis of IWRM and related theories.

### **2.3. Agenda 21 and the UN system of major groups**

Why a *Water Caucus*? The tradition of civil society organised in the form of a *caucus* came partly out of the logic of the UN Major Groups, in particular in relation to the WSSD. A caucus in this tradition is a forum where independent organisations come together and discuss, without the caucus being an organisation on its own – it is rather facilitated and supported (often hosted or provided with secretarial support) by an alliance of otherwise independent organisations. But it has more permanence than a forum, unlike a forum a

caucus is often bound by a common set of values, or in a manifesto, as in the case of the SAWC (see below).

This logic is developed in Agenda 21 (UN, 1993) which was formulated and signed by heads of state at the Earth Summit in Rio in 1992, where chapters describe the need for the participation of, and the basis for that participation in terms of how specific groups relate to the planet, and what contributions they can make as groups. The identified major groups are:

1. Women
2. Children and youth
3. Indigenous people
4. Non governmental organisations
5. Local authorities
6. Workers and trade unions
7. Business and industry
8. The scientific and technological community
9. Farmers.

The major groups do not coincide with usual definitions of civil society. In particular, business and industry are sometimes seen as part of civil society (in IWRM), and sometimes as definitely not part of it (by the vast majority of civil society as a result of their positions on globalisation and the profit motive, although they often exempt small farmers and small businesses). There is much ambivalence about partnerships with business, for example in the promotion of renewable (non-fossil fuel and non-nuclear) energy. Also faith based organisations almost immediately claimed a strong role for themselves.

This logic has been used to organise the participation of some parts of civil society in UN events, for example climate change negotiations and the 2002 World Summit on Sustainable Development (WSSD), which was highly contested in terms of who civil society is, and what the relative weight of different organisations should be (see Munnik and Wilson, 2003, and the discussion on social movements below). While this tradition has had an influence on SAWC, including its networking internationally, for example to the International Freshwater Caucus, and its participation in UN events, SAWC was also strongly influenced by the South African forums tradition of the early 1990s.

#### **2.4. SA civil society and the forums tradition**

The South African forums tradition was particularly influential in the early days of policy making in democratic South Africa, or South Africa in transition. There were forums in every

policy sector: housing, health, water, environment etc., in which citizens and organisations were consulted and co-formulated policy for the new South Africa. There were also a host of local and provincial forums. In the water sector, such forums led to the early formulation (1994) White Paper on Water Principles, under the auspices of an organising committee located in the Development Bank of Southern Africa (DBSA). In the environment sector, CONNEPP (Consultative National Environmental Policy Process) was instrumental in the formulation of the National Environmental Management Act (NEMA) which provides framework legislation for environmental issues including water, energy and waste. Many environmental issues emerged and were debated in forums. CONNEPP also led to the formulation of section 24 of the Constitution, the environmental right. The Environmental Justice Network Forum (EJNF) assembled as big a constituency as possible (500 organisational members were claimed at one stage!) and had very big presence in CONNEPP. The forum tradition persists to today, for example in policing forums, catchment forums, wetland forums, etc. Forums are generally understood to be open access spaces, organised or hosted by a government institution, or with the intention to address or influence government (for example, as the regulator in wetland or catchment forums).

Many commentators observed that the practice and influence of forums waned as the policy making phase came to an end in the mid 1990s. This is often dated as the replacement of the Reconstruction and Development Programme (RDP), which was the election platform for the ANC's overwhelming victory in the first democratic elections in 1994, with the Growth Employment And Redistribution (GEAR) programme, which introduced both neoliberal measures such as cost recovery and a new, much less consultative style of policy making (Ballard, Habib and Valodia, 2006).

In practice, forums are involved in the monitoring and renewed agenda setting phases of the policy cycle (figure 1, above), and in some cases supporting implementation. While SAWC comes out of this period (see history below), it could be argued that it does not meet the criteria of an open forum. It is not a multistakeholder institution. In its founding documents, members of SAWC were only admitted on the basis of signing a manifesto of principles, which included opposition to the privatisation of water, for example. It was thus closer to a social movement.

## **2.5. Social movements**

Social movements operate in the civil society space, but are often taken to be different from civil society. Chatterjee (2010), for example, makes a sharp distinction between civil society which engages in the public interest, dominated by a well resourced elite, and social movements (which he calls "political society") which makes demands on government as a

collective, not based on individual rights. For others, social movements are only some of the many structures that operate in the space of civil society “between the household and the state”. In South Africa, this has included the ANC and other liberation movements (until their entry into government), the trade unions (Habib, 2006), the Treatment Action Campaign, the Soweto Electricity Crisis Committee, the Anti-Privatisation Forum, the Western Cape Anti-Eviction Campaign, the Homeless and Landless people’s movements, SA National Civics Organisation (SANCO), the Jubilee Campaign, the Women’s Movement and the Lesbian, Gay Bisexual, Transgender and Intersex Social Movement (Ballard, Habib and Valodia, 2006).

The flowering of social movements in post-apartheid South Africa, has given rise to an extensive body of scholarship on them. After the first wave of social movements responding to neo-liberal policies, three sets of theories are important to understand social movements (Ballard, Habib and Valodia, 2006).

1. What is the context, or the structure of opportunities and constraints in which movements “may or may not develop”? This approach pays attention to what issues spark social movements – for example water and electricity cut-offs in poor neighbourhoods as a result of neoliberal policies. But this also includes constitutional rights, such as access to information, right to a healthy environment and water, etc. It also calculates the openness or conversely, the threat of repression, and issues such as the responsiveness of political parties.
2. What resources do social movements have or make available? These can include networks, some the result of previous struggle, or of solidarity, financial resources and assets such as meeting places (or activities that allow for meetings, e.g. sports clubs or women’s associations). This includes traditions of organising, as well as discourses of rights or custom. It also includes repertoires of protest – e.g. public marches, strikes, access to the media or flinging excrement at decision makers (ANC Youth League in 2013; Ses’Khona in 2014).
3. How do participants understand or describe themselves, their agendas, and the world they are active in? Are people working class, eco-warriors, anti-globalisation or pro-poor? How do others see them and how do they deal with perceptions from outside?

Social movements are both campaigns (as the name Treatment Action Campaign shows), and institutions with members, leadership and assets under their control. They may be funded, or entirely volunteer or community based. Having resources enable social movements not only to act, but sometimes to be able to meet and build democratic practices as the experience of the Anti-Eviction Campaign showed (Oldfield and Stokke, 2006). On the

other hand, funders may interfere with strategic agendas, as in the case of the TAC (Friedman and Mottiar, 2006), while rendering them vulnerable to accusations by politicians of being foreign pawns.

The choice of working with the state – or against it – is sometimes made on ideological grounds, but sometimes on very practical ones. Many campaigns on government to take specific steps, either to provide a service (free basic water, sanitation, policing, antiretroviral medicine) or to perform a legal function (regulation of pollution) which the movement itself cannot do. So there are structural reasons for engagement with the state. However, social movements are also seriously concerned about being co-opted by the state, and even when working with the state, retain strategies of popular mobilisation, legal cases forcing the state to act, media criticism and direct action. Matters of tactics may shade into matters of principle, depending on the fundamental framing of the issues and self-identities of social movements, and their intellectual leadership.

A later wave of scholarship (see Dawson and Sinwell, 2012) took a more critical approach, in part because some of these social movements were floundering, in part a maturing in the study of social movements, and also because of a rising tide of social protests, often including better water and sanitation services as a demand, which were being explained in contrasting ways.

## **2.6. Conclusion**

Civil society and social movement concepts and theories are manifold and contradictory. A big theoretical question is how well they apply outside their place of origin, Western Europe. Another is that they divide along the lines of co-operation with or opposition to neo-liberalism. These divisions – among others – make it easier to contest civil society space, which is a consistent feature of this space. It could be confusing – even bewildering – for government officials who get caught up in these debates. However, this cluster of concepts remain useful to describe actually existing spaces, practices and institutions who play an important role in our democracy and in the water sector. For the purposes of this report, we remain aware of a multiplicity of concepts, and that participants in SAWC may indeed have different perspectives on what their own actions mean. Some expectations for the role of civil society come from outside – it creates the space for civil society to act in – but may not coincide with what activists themselves intend.

Heywood (2014), veteran of the anti-apartheid movement, the TAC, Section 27 and the Right to Know campaign, identifies the following five “facets of failure” in civil society, which gives a broad and practical view of civil society as it exists today:

1. Civil society is often un-strategic and un-coordinated: It is working on too many issues and resolving too few... there has been a blossoming of a million flowers. But they are on a million different stalks, sometimes blooming merrily in the same field, blithely oblivious to the flower that blooms from the clod next door.
2. Parts of civil society have been co-opted into propping up inefficient consultative institutions or programmes. There is not enough critical discernment, so time is wasted in endless processes that are offered-up as sop to participation but which often deliver nothing. If you want evidence of the lack of real conviction in many of these processes witness meetings where gilded civil (society) servants are lost in their iPhones, iPads and laptops.
3. Civil society organisations are denied hard managerial skills: Unlike the other powers, many NGOs and social movements have weak management and accountability systems. Achieving a balance between bureaucracy and spontaneity is not easy. Campaigns that institutionalise easily ossify. But campaigns do need to be sustained and this requires management systems. The failure to find activist managers means that complex organisations, full of potential, frequently collapse.
4. Civil society is dependent: when the trade union movement was built, its power - which continues to this day - came from the fact that low-paid workers drew from meager wage packets to invest in their own struggle. By contrast, civil society funds itself from governments and foundations that do not want radical change. Fitting in with donor cycles creates permanent insecurity, short-termism and allows minority agendas (even when they are ‘progressive’) to cherry pick how people should mobilise around majority concerns. Then the need to constantly replenish funds from these fair weather friends often takes the best activist leaders away from people and communities where change is needed.
5. Parts of Civil society are complicit: as organisations have grown they have been bought, taken over, their leaders moneyed and made risk-averse.

Heywood argues that civil society needs to have an understanding of politics, of what causes and perpetuates inequality.

The South African Water Caucus straddles the divide between an NGO-based civil society network (with the better resourced NGOs acting as secretariats, finding and sharing financial and intellectual resources), and the world of social movements. Different types of

organisations make up SAWC. They network into different constituencies, and also have differing self-understandings and issues definitions.

There is often strong leadership in social movements, access to material and intellectual resources, but removed from the base (Ballard et al, 2006). One of the achievements of the SAWC has been to avoid developing a leadership under a single person (although there are strong personalities in SAWC), or a narrow clique which sees itself as a vanguard (discussion, SAWC strategic planning, 2013).

The terrain of civil society and social movements is controversial because of a number of faultlines that run through it. Tactics and principled are often mixed in the question of whether to work with government – or not – and how. This depends on the fundamental stance of the social movement or civil society organisation to the government and its legitimacy. In practice, this is a complicated question as social movements are often layered, including funded NGOs as well as volunteer organisations at community level, as well as activist individuals. According to Oldfield: “The nature of the power that state and civil society actors and institutions draw on becomes an empirical question rather than a conceptual assumption (2004: 13)”, and the divide between opposition and engagement a false one.

Historically, SAWC has been at the core of this confrontation, as its participation in the WSSD showed: it was both on the side of the Social Movements Indaba march, as well as part of the negotiating NGOs in the official part of the WSSD. Behind the scenes –although at times also very publicly – the organising team for civil society participation was subject to intense contestations (see Munnik and Wilson 2003 for details).

### **3. REQUIREMENTS FOR PARTICIPATION, IN POLICY, LEGISLATION AND DISCOURSE ABOUT DEMOCRACY**

Since 1994, founding documents of the South African democracy require participation as a fundamental principle. Some SAWC members, for example the Centre for Environmental Rights, use this legislation to advance progressive struggles, while nationally and provincially SAWC uses some of the opportunities created through legislation. The following section explores what these are in both legal and broader policy terms.

#### **3.1. Participation requirements in the SA Constitution**

The South African constitution, in chapter 10, 195 (1) (e), (f) and (g) enshrines the principles that

(e) “people’s needs must be responded to, and the public must be encouraged to participate in policy-making, (f) Public administration must be accountable and (g) Transparency must be fostered by providing the public with timely, accessible and accurate information”.

An information piece on the official website of the South African parliament proclaims that: “(t)he Constitution... stresses the principles of accountability, transparency and openness. This has relevance for public participation in that it imposes a general obligation on government...” Participation is also embedded in the Bill of Rights (Chapter 2 of the Constitution), since it includes rights that enable the practice of citizenship, including freedom of expression, freedom of assembly, demonstration, picket and petition, freedom of access to information. Moreover, participation is embedded through voting for government and the requirement that the National Assembly and its committees must conduct its business in open session, that is, in public ([www.parliament.gov.za/live/content.php](http://www.parliament.gov.za/live/content.php)).

In his foreword to the Report on the Assessment of Public Participation, 2008, Public Service Commission, 2008, then Chairperson of the Public Service Commission argued: “Public participation plays a critical role in deepening democracy and promoting good governance. Citizens’ involvement in governance processes ensures that their experiential and grounded perspectives inform government on their needs and how these needs can best be addressed...” (Sangweni, 2008).

For members of the South African Water Caucus (SAWC), there are two main avenues of public participation apart from lobbying and participating in hearings in parliament itself, namely local government and the evolving system of water resources management.

### **3.2. Participation in local government**

Local government is an arguably more important place for participation than IWRM for most South Africans. This is because local government is responsible for water services, an issue generally of more importance to most people than the issue of water resources. Since 1994, water services and water resources were largely treated as separate domains, although current discussions, recorded in the NWRS2, indicate that they need to be brought together (catchment forums will be discussed later).

In any case, local government has been identified as the place where government and the people will interact closely (Everatt and Gwagwa, 2004; White Paper on Local Government, 1998), and be responsive to people's agendas.

In policy and legislation, the provision of sustainable services, the democratic participation of people in their own development, and lifting people from poverty are central expectations from rural local government, and are given as the reasons why the specific role of "developmental local government" has been given to local government. According to the Department of Cooperative Government and Traditional Affairs (COGTA) a functional municipality is one that not only narrowly meets the criteria of efficiency, but also realises the broader expectations of a developmental local government. The Local Government White Paper (1998) defines developmental local government as:

"local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives".

The Constitution supports community participation in Chapter 7 which deals with Local Government. The two essential points of the South African Constitution are that:

- people should participate in decision-making processes that affect them, and
- national government mandates are most effectively carried out by the lowest appropriate levels of government (Ashton et al, 2005).

The South African constitution (section 152) sets the following objectives for local government:

- to provide democratic and accountable government for local communities
- to ensure the provision of services to communities in a sustainable manner
- to promote social and economic development
- to promote a safe and healthy environment, and
- to encourage the involvement of communities and community organisations in the matters of local government.

The 1998 Local Government White Paper is clear that "Municipalities require active participation by citizens at four levels:

- As voters – to ensure maximum democratic accountability of the elected political leadership for the policies they are empowered to promote.

- As citizens who express, via different stakeholder associations, their views before, during and after the policy development process in order to ensure that policies reflect community preferences as far as possible.
- As consumers and end-users, who expect value-for-money, affordable services and courteous and responsive service.
- As organized partners involved in the mobilisation of resources for development via for-profit businesses, non-governmental organisations and community-based institutions.

Local government is regarded as the sphere of government closest to the people; the municipalities are at the coalface of deepening democracy and accelerating services delivery (Handbook for Municipal Councillors, 2006). For example, municipalities are required to develop Integrated Development Plans (IDPs) in accordance with Chapter 5 of the Municipality Systems Act of 2000. One of the core objectives of the IDP is to be a tool for democratic local government by ensuring that community participation is institutionalised, and citizens can play an important role in identifying their own development priorities.

#### Participation in National Water Resources management

The NWRS1 (2004) is eloquent on the topic of participation. Its overview starts with the 28 SA Water Policy Principles, which gave rise to the National Water Policy for South Africa (1997), and the National Water Act (1998). The preamble to the Water Act (1998) states that: “water is a natural resource that belongs to all people” with the Water Minister as the public trustee of the nation’s water resources (2004:11).

The principle of subsidiarity is also spelled out early on. The NWRS1 says:

“the responsibility and authority for water resource management will be progressively decentralised by the establishment of suitable regional and local institutions. These will have appropriate community, racial and gender participation to enable all interested persons to participate (2004:10).

The principle of subsidiarity is embodied in catchment strategies, which are the frameworks for catchment level management of water resources. The strategies are decided in deliberations among local stakeholders, although its principles and outcomes cannot be in conflict with national legislation. The resultant Catchment Management Agencies (CMAs) will have to establish co-operative relationships “with a range of stakeholders, including other water management institutions, water services institutions, provincial and local government authorities, communities, water users ranging from large industries to individual irrigators, and other interested parties” (2004: 14).

The NWRS1 also refers to the reaffirmation at the WSSD (in Johannesburg in 2002) that “people must be at the centre of the sustainable development and use of water resources”. Which people exactly? In its discussion of gender, the NWRS1 emphasises that imbalances between men and women, “in for instance their levels of education and the influence they are able to exercise... must be addressed in initiatives to capacitate the two groups to participate in decision-making. Poor black women are one of the most marginalised groups in South African society. Conscious efforts must therefore be made to involve them in water resources management processes and to ensure that the management of water contributes to meeting their needs” (2004:15).

Catchment management forums, which exist in some but not in all catchments, play some role in allowing citizens to participate in water resources management.

The NWRS itself is subject to participation requirements: “... each edition of the NWRS may be formally established only when the Minister is satisfied that everyone who wishes to comment on the proposed strategy has been afforded an opportunity to do so, that all comments have been given careful consideration and that all changes arising from this process have been incorporated in the revised strategy” (2004: 12).

### **3.3. Active citizens**

The growing literature on “active citizens” has taken the people-centred approach from its origins in development to an engagement with the questions of the relationship between citizens and the state. This is particularly useful for the debate on South African local government. Active citizenship means:

“that combination of rights and obligations that link individuals to the state, including paying taxes, obeying laws, and exercising the full range of political, civil and social rights. Active citizens use those rights to improve the quality of political or civic life, through involvement in the formal economy or formal politics, or through the sort of collective action that has historically allowed poor and excluded groups to make their voices heard. Ultimately, active citizenship means engaging with the political system to build an effective state, and assuming some degree of responsibility for the public domain (Green, 2008: 12 and 19, for Oxfam, quoted in Clarke and Missingham, 2009).

Clarke and Missingham argue that “active citizenship may be more effective at the local level where citizens make claims on “duty bearers” from a position as “rights holders” (2009: 956). The rights based approach develops this in more detail, investigating the relationship

between governments and citizens which are described in terms of rights and duties. As a result, citizens, as rights carriers, can confront government duty-holders (Filmer-Wilson, 2005).

Participatory democracy is superior to representative democracy in that it not only chooses who should govern, but how they should govern, argue Tadesse et al (2008) in a recent analysis of participation and service delivery protests in South Africa. To Tadesse et al, ongoing participatory processes are necessary because “there is no superior authority, which with superior knowledge will undertake, on its own, the necessary analysis and in one fell swoop provide the package required” to address poverty, service delivery and human security (Schneider, 1999: 7, quoted in Tadesse et al, 2008).

### **3.4. The reality of participation**

However in practice, Sangweni, Chair of the PSC, concluded: “The PSC’s research ... suggests ... that the understanding of consultation of most departments reflect a misalignment with what was intended... departments’ understanding of consultation includes information sharing, discussions and conferences... whereas... the public should be consulted about the level and quality of the public services they receive...”

SAWC experience (see below, Part 5) is generally similar. Why is this the case? There are questions about the attitude and agendas of officials. But there are also questions about what civil society does in invited spaces, that is spaces constructed for participation, from above (Miraftaab, 2004). There are two kinds of participation - the kind that is self evolving as in communities organise themselves around an issue and that which is designed as in ‘it is a legal imperative’ for the public to participate. The second may be designed to subvert public dissent, for example a public participation meeting may be held in a way that does not allow participation in the way it is organised, e.g. a difficult to reach venue, or an agenda that does not allow questions. Even “representivity” can be conflated with participation, for example just because a meeting had representative participants, it does not mean that real participation happened.

In a 2006 “Critical Review of participatory practice in IWRM”, for the Water Research Commission, Sisitka and Burt found that participatory practice in IWRM and CMA establishment in South Africa and other developing countries was shaped by:

- Power relations and governance structures (including the role of donors), resources and capacity available to implement CMA type approaches and international trends towards IWRM that involve participatory methodologies.

- Tensions between the need for centralised control of natural resources management and international trends towards decentralisation, which appear to result in a form of ‘deconcentration’, rather than fully embedded and adequately resourced decentralisation.
- A need to consider the particular characteristics and processes of local community participation. This includes a valuing of local knowledge, how communities express their needs for participation, the potential of community activism, and access mechanisms available to communities.
- Issues of representivity, which are central to participatory practice. The terrain of establishing valid representation is characterised by power relations, capacity development issues, and issues of inclusion and exclusion. In developing countries, there is a particular need to consider exclusions related to gender inequalities and relationships which have historical and cultural antecedents.

They pointed out that many South African citizens did not have a clear understanding of democracy and democratic practices when it comes to water:

“In the past most people were marginalised with regards to water management, and participation is seen as a potential answer to this. But people can only participate in a system they understand. As a result of a lack of education or limited education many people do not have the basic skills and information needed in order to participate in water resource management. The same applies to political education. For most people in South Africa, no matter what their status, democracy is a new system and South Africans are still developing their understanding of this system. A personal and group responsibility for water management that will lead to meaningful participation is something that needs to be encouraged and developed in almost every South African citizen, from rich white farmers to rural dwellers to the urban middle class to DWAF employees. One cannot therefore assume that participation will take place by simply calling a meeting or organising a group of people under the umbrella of a Catchment Forum. Providing the structures, systems and platforms is not enough. Making sure that a body is representative of all water users does not guarantee meaningful participation. It is however, the first step towards creating the environment for democratic governance and participation in water resource management” (2006:13).

In conclusion, there are strong and enduring foundations for the advancement of participatory practices in our constitution, as well as in parliamentary, local government and water resource management policy and legislation. A participatory democracy demands active citizens who not only vote every five years to decide *who* must make and implement policy, but participate in the policy making, its implementation and its monitoring. However,

such active citizenship is hamstrung by the realities of the past that has structured capacities and access to resources in our present. Participation cannot be assumed or simply given in law, it has to be supported and nurtured. This very task has been an important one for the South African Water Caucus.

#### **4. DEMOCRACY IN ACTION – WHAT CAN WE LEARN**

This section will describe civil society in action. It will go into the strategies and practice of civil society organisations in post-democratic South Africa, The aim of this exploration is to learn from what other civil society actors have been doing, their successes and failures and lessons, to contextualise and inform the action of the South African Water Caucus (whose strategies and practice will be explored in Part 5).

##### **4.1. Post-democratic civil society**

As mentioned in Part 2, the rise of new civil society formations post-1994 happened after a period of an ‘opposition vacuum’, due to the absorption of organisations and activists from the liberation struggle into the new government (Ballard *et al.*, 2005). For a few years after the transition, opposition to the state was seen as inappropriate, and activists were encouraged to move from “resistance to reconstruction” (Lumsden and Loftus, 2003: 19). However, this period was relatively brief, and by the late 1990’s a new wave of oppositional civic movements was developing. These formed largely in response to:

1. certain policies of the new government (e.g. COSATU’s opposition to the post-apartheid government replacing the Reconstruction and Development Programme (RDP) with the Growth Employment and Redistribution Strategy (GEAR), whereby neoliberalism and economic growth were promoted as the route to ending poverty and inequality);
2. lack of service delivery by government (e.g. TAC’s fight for access to affordable anti-retroviral medication for all South Africans); and
3. the repressive ways in which government interpreted and enforced some of its new policies (e.g. the Soweto Electricity Crisis Campaign (SECC) and the Anti-Eviction Campaign (AEC) which were attempts to organize poor and working class people to resist government cut offs of water and electricity and evictions due to non-payment of bills) (Ballard *et al.*2005).

“Many movements suggest that they draw from class-based ideologies, with notable self descriptions as: anti neo-liberal, anti-capital, anti-GEAR, anti-globalisation, anti-market and pro-poor, pro-human rights, socialist and Trotskyist” (Ibid: 12). Subsequent scholarship has questioned whether social movement members actually self-identify with such descriptions,

or whether this explicit naming of orientations is limited to a leadership level (Runciman, 2012; Walsh, 2012).

The growing South African environmental justice movement, which emerged in the late eighties and early nineties at the time of political transition to democracy and the Rio Earth Summit, shared all of these concerns and identities, and had direct overlaps and affiliations with most of these new movements. (for e.g. the Environmental Justice Networking Forum (EJNF) had relationships with AEC and SECC, the water and energy caucuses had relationships with and membership of trade unions, shared concern about service delivery e.g. of water and sanitation, land redistribution).

#### **4.2. The repertoire of civil society tactics**

The strategies of these post-apartheid movements include a 'repertoire' of tactics, and a spectrum of approaches to engagement with the state, ranging from collaborative to adversarial. One campaign or movement might try to collaborate constructively with government at one time, and strategically shift to more oppositional tactics at a different time, as the campaign shifts or as government's own agenda and openness to dialogue shifts.

This repertoire includes:

- Taking the state or private companies to court, for example VEJA (Vaal Environmental Justice Alliance) took ArcelorMittal South Africa to court in 2013 after the company refused to make their environmental records available (see <http://cer.org.za/news/joint-media-release-victory-vaal-community-court-orders-arcelormittal-sa-hand-documents> );
- the shaming of the state through pickets, personal stories of injustice, hunger strikes, and media exposés, for example 250 members of the TAC (Treatment Action Campaign) went on a hunger strike and lie-in at Chris Hani Baragwanath Hospital in 1998, to protest the lack of affordable treatment for HIV/AIDS (TAC 2010)
- using prominent personalities as champions for particular issues, for example Equal Education invited Archbishop Thabo Makgoba to participate in and be the spokesperson for an 'Eastern Cape Schools Solidarity Visit' in 2013 (see <https://www.equaleducation.org.za/article/2013-04-17-archbishop-thabo-makgoba-to-announce-eastern-cape-schools-solidarity-visit> );
- trying to engage decision makers in dialogues or other meaningful participatory processes, for example the Coalition for Environmental Justice hosted a dialogue with the City of Cape Town and local councillors in Makhaza, on leak fixing, in 2012 (see <http://vimeo.com/63819397>);

- commenting on policies and legislation through written submissions and parliamentary presentations, for example SAWC's engagement with the NWRS2 in 2012 and 2013;
- civil society monitoring of corporate compliance with the law and government's implementation of policies, for example groundWork's facilitation of bucket brigades, whereby citizens monitor air pollution in order to hold polluting companies and government regulators to account ( see <http://www.groundwork.org.za/specialreports/AirMonitoringReport2003.pdf> );
- the holding of commissions of inquiry, for example a coalition of civil society organisations, including the Social Justice Coalition, called for a Commission of Inquiry into policing in Khayelitsha in 2012, headed by Justice Kate O' Regan and Advocate Vusumzi Pikoli (see <http://safecommunities.sjc.org.za/wp-content/uploads/2013/08/History-of-the-Col.pdf> );
- trying to build broad based grassroots support for greater legitimacy and pressure on government, for example NUMSA's efforts from 2013 onwards to build alliances within the labour movement as well as with broader social movements and civil society (see <http://mg.co.za/article/2014-08-11-numsa-conference-builds-momentum-for-new-workers-party> );
- pilot projects and demonstrations to show how alternatives could work, for example TAC facilitated a pilot demonstration of HIV positive people in Khayelitsha embarking on the rigorous antiretroviral drug regimen, to show that it was possible and beneficial in poor communities (TAC 2010);
- education and awareness raising, for example groundWork's Environmental Justice School, ILRIG's (International Labour Research and Information Group) globalisation school, EMG's water and climate change school;
- peaceful and violent protest marches, for example the peaceful demonstration in solidarity with Gaza, attended by approximately 20 000 people in Cape Town on 9 August 2014 (see [http://groundup.org.za/photoessay/massive-cape-town-march-solidarity-gaza\\_2095](http://groundup.org.za/photoessay/massive-cape-town-march-solidarity-gaza_2095) ); and the Marikana miner strike which turned devastatingly violent in September 2012 (see [http://en.wikipedia.org/wiki/Marikana\\_miners'\\_strike](http://en.wikipedia.org/wiki/Marikana_miners'_strike) )
- threatening to take votes away from the ANC through abstention or support of opposition parties, for example Abahlali baseMjondolo in Kwazulu Natal encouraged its members to vote for the DA in the 2014 national elections, in response to the

ANC's treatment of informal settlement residents in Durban (see <http://groundup.org.za/content/why-abahlali-endorsed-da-sbu-zikode-speaks-groundup> ).

#### **4.3. Civil society in action: the TAC and the SJC**

One example of a single campaign traversing this spectrum of engagement tactics is the Treatment Action Campaign (TAC), which focused on securing affordable treatment for HIV positive South Africans, and is largely acknowledged as one of the most successful post apartheid NGOs in terms of their impact on government. Their tactics and methods evolved over time, in response to changing context. Upon reflection after over ten years of work, they described their approach as having four pillars: 'understanding and using the law, doing high-quality accurate research, mobilising people in communities, and dealing effectively with the media' (TAC 2010, pg. 109). In the beginning, the TAC grew out of work started by Zackie Achmat and others at the Belville Community Health Project, and started in 1998 as a small campaign within NAPWA (National Association of People living With HIV/AIDS), with the collecting of signatures for a petition calling for a mother-to-child transmission treatment programme (TAC, 2010). This was followed by a fast and lie-in of 250 people outside Chris Hani Baragwanath Hospital. Their pickets and press statements made the links between a local lack of affordable treatment and the global economy of HIV/AIDS treatment, including the negative role of the US government and pharmaceutical companies, rather than a focused and direct critique of the South African government. Quite soon, it became necessary for the TAC to split from NAPWA, which was more cautious and less willing to vocally oppose large drug companies, from whom they received funding. The TAC then helped to mobilise 5000 people for a march to the International AIDS conference in Durban, which got them more media attention. Early on, the TAC actually offered legal support to the SA government, to fight a court case against large pharmaceutical companies who were trying to prevent the state from selling generic medication. However, when Thabo Mbeki became President in 1999, heralding the beginning of an era of AIDS denialism, the TAC found themselves in direct opposition to the state, and had to resort to litigation against them. According to their report *Fighting for our Lives: a history of the Treatment Action Campaign* (TAC 2010), they resorted to the legal route only as a last resort, and tried to use it as an opportunity to build awareness and mobilise people:

'We operated as activists, then as human rights campaigners, and only then as lawyers... I realised that the law alone cannot fully transform our society, only people can. The most valuable and transformative legal challenges are those that mobilise and educate people so that communities use the law to give effect to their own voices and their own issues.' (Fatima Hassan, cited in TAC, 2010).

The TAC also consciously worked to build grassroots support and develop leadership beyond its largely middle class founding members: “We knew we had to become a movement based in communities to have any integrity or we’d be just another NGO” (Sipho Mthathi, cited in TAC, 2010). They did this by establishing community-based branches across the country, which were supported by six district offices – following a model used in the liberation struggle. The campaign is membership based, and as of 2010 the TAC had over 10 000 members. Another crucial part of the TAC’s work was first learning about the latest in HIV science, and then sharing this information broadly, through what they called ‘treatment literacy’. The understanding of how HIV acts in the body, and how the treatment of the disease works, was an extremely important tool, and helped to build a group of well informed activists who knew exactly what they were asking for from government, and could easily refute misinformation put out by AIDS denialists. This work of sharing information on HIV and its treatment also acted directly as a public health intervention, empowering people to look after their health better even as they struggled with government to provide the drugs they needed to save their lives. The TAC also partnered with *Medecins sans Frontieres* on a pilot project to administer ARVs (antiretrovirals) to HIV positive people in Khayelitsha, to demonstrate that with the right support and information people were capable of managing the demanding drug regimen, and that the drugs were very effective in treating their illness. This was an important source of evidence to counter those who said that ARVs would not work in Africa (TAC, 2010). Finally, the TAC became a prominent and highly recognisable movement in South Africa, particularly through their ‘HIV positive’ t-shirts, which all supporters of the campaign wore with pride, challenging the stigma of HIV/AIDS and standing in solidarity with all those affected. Nelson Mandela, amongst other global icons, was photographed wearing the t-shirt, and it became a powerful symbol of the campaign and of broader struggles for social justice.

The TAC is credited with contributing in large part to the turnaround from government endorsed HIV/AIDS denialism to a comprehensive national treatment plan. They used a broad repertoire of tactics, as described above. The TAC has also been fertile ground for several other currently active organisations – the Social Justice Coalition (SJC), Equal Education, Ndifuna ukwazi, Section 27 – which use similar approaches to the TAC. The Social Justice Coalition is of particular interest to the SAWC, since it has been very active on sanitation, and has contributed to getting water and sanitation services recognised as a significant political issue.

The SJC formed in 2008 out of the response to the xenophobic crisis of that year. The TAC had taken a lead in the humanitarian and political response to the crisis, in the face of non-responsive or badly responding government. As the crisis waned, it was clear that there was a need to look at the underlying causes of the crisis, and the SJC was then formed with a

particular focus on safety and how to improve safety in poor and working class communities ([www.sjc.org.za](http://www.sjc.org.za)). Sanitation soon emerged as an important safety concern, particularly for residents of informal settlements, because of the extreme danger associated with having to use a toilet far from home at night. The SJC followed the organisational model of the TAC, although with a localised focus on Khayelitsha in Cape Town. They have eleven branches, which elect people to form an executive council; every two years the members elect a secretariat consisting of a Chair, Deputy Chair, Treasurer, General Secretary and Deputy General Secretary. The General Secretary and Deputy General Secretary become full time staff, and there are other people employed as researchers, organisers, etc. The SJC also learnt from and replicated a lot of the TAC's strategies: building active leadership in communities so that the organisation is rooted in the poor communities whose interests are represented by the organisation; evidence and research based advocacy; productive engagement with government as far as possible; and using the law, as well as protest and civil disobedience when relationships with government deteriorate (Kramer, *pers. comm.*, 2014).

The SJC has had some success in getting local government (City of Cape Town) to be more responsive on issues relating to water and sanitation. According to Dustin Kramer, the Deputy General Secretary of SJC, there has been an increase in delivery of sanitation in terms of communal flush toilets in Khayelitsha, as well as an improved janitorial service to those communal toilets, as a result of the SJC's work (*pers. comm.* 2014). They have also run a Commission of Inquiry into policing in Khayelitsha, which has been 'a powerful process in terms of getting access to and understanding the state, and which could have serious systemic impact if the recommendations are implemented' (Dustin Kramer, *pers. comm.* 2014). Of particular interest to this project is the SJC's use of social audits, a citizen based monitoring methodology that was first developed in India. In a social audit, the people who experience a particular service carry out an audit on that service, by first looking at the official documents that describe the service (such as tender documents or service delivery agreements), and then looking in detail at what the service actually looks like on the ground. After a week-long physical audit, there is a public hearing where government officials are invited and communities present evidence. In 2013 the SJC carried out an audit on a contractor called Mshengu Chemical Toilets, who were contracted by the City of Cape Town to install and service chemical toilets in informal settlements in Khayelitsha. Through the social audit, it was found that the service was wholly inadequate, and furthermore that the City of Cape Town did not have a comprehensive plan for improving access to sanitation across the City. Based on the findings of their social audit, the SJC filed a complaint with the South African Human Rights Commission (SAHRC), and in July 2014 the SAHRC released their investigative report which found that the City of Cape Town's lack of sanitation plan was unreasonable and racially discriminatory and instructed the City to develop a comprehensive

plan for sanitation within six months (see full SAHRC investigative report here: <http://www.sjc.org.za/wp-content/uploads/2014/07/Investigative-Report-Western-Cape-Social-Justice-Coalition-9-July-2014.pdf>). This was hailed as a victory for all residents of informal settlements, and highlights another aspect of the SJC's activism, namely the strategic use of Chapter 9 institutions – public interest institutions created in chapter 9 of the South African constitution. For example, based on their Mshengu social audit, the SJC asked the Auditor General to investigate the contract between Mshengu and the City of Cape Town, the Public Protector to investigate maladministration and the SAHRC to investigate rights violations. These are important avenues available to post democratic civil society in South Africa, although their ability to actually enforce their findings remain to be seen in most cases.

These two examples of active and successful campaign based civil society organisations serve to illustrate the range of tactics and methods available to post democratic South African civil society. Lessons can be drawn from their experiences for the environmental justice movement in general, and the South African Water Caucus specifically.

#### **4.4. The environmental justice movement in action**

The emphasis by post-apartheid green activists on environmental justice, where people and the planet were seen as equally important and equally threatened by the capitalist status quo, was a departure from earlier supposedly 'green' traditions of conservation and resource protection in isolation from social concerns. For the environmental justice activists of the early nineties, the urgent issues on their agenda included mining, toxic waste (e.g. mercury, asbestos), rural livelihoods, water pollution, water access, desertification, food security, opposition to nuclear energy, waste management, air pollution, and ocean protection (Munnik and Wilson 2003: 13). For a long time environmental activists were treated with scepticism by others in civil society because of this perception from a prior time that the environmental movement was mostly about conservation, or "white people who care more about animals than people" (Munnik and Wilson 2003: 15). Over time more people understood that social justice is at the heart of environmental justice, and, as climate change has become more prominent in the public discourse there has been a greater awakening of the realisation that the destruction of the environment is the greatest threat facing all humanity – nevertheless that bias against environmental activists has persisted in some circles. There remains an ideological gap within the environmental movement between the more politically conservative 'resource managers' (who have no problem with market based approaches to protecting the environment) and proponents of 'environmental justice' (who are more fundamentally critical of the current global political economy) - they manage to work together sometimes but often end up at loggerheads (see Munnik and Wilson, 2003 for

e.g. of civil society politics at the time of the WSSD; and e.g. later in this section of SACAN and CJN!SA).

There have been several South African environmental networks or campaigns – EJNF (Environmental Justice Networking Forum), Green Coalition, Coalition for Environmental Justice (CEJ) SACAN (South African Climate Action Network), CJN!SA (Climate Justice Now! South Africa), the 1 million climate jobs campaign, SDCEA (South Durban Clean Environment Alliance) – that have evolved at different moments in time. Their strategies, and reflections on the obstacles to their success, are very relevant to understanding the SAWC.

EJNF was formed by environmental activists soon after the Rio conference of 1992, at a conference hosted by Earthlife Africa entitled ‘What does it mean to be Green?’ (see Hallows, 1993). This conference aimed to critique mainstream ideas of growth and development, and to highlight alternative approaches such as ‘sustainable development’, the new buzzword fresh from Rio. It brought the latest international green thinking into South African civil society, and established environmental justice as the key principle around which to organise. EJNF aimed to be a national network bringing together NGOs and CBOs with different skills, resources and knowledge to fight together for environmental justice. There was a national coordinator, and provincial organisation-based members. It was formed just in time to contribute to the development of new environmental laws for the country. They participated in CONNEPP, the Consultative National Environmental Policy Process, bringing important concepts to the fore, such as environmental justice, the precautionary principle, polluter pays – all of which were ultimately included in the NEMA (National Environmental Management Act) (Munnik and Wilson 2003). EJNF focused largely on national issues, because it was such a crucial time for national policy development, but retained links with international partners on specific issues like oil, pollution and waste. In the lead up to the WSSD in Johannesburg in 2002, EJNF also contributed to efforts to prepare South African civil society for the Summit (although this was a process fraught with tension and obstacles). Ultimately, the EJNF got mired in tensions between national and provincial offices. Such issues have dogged all of the environmental justice networks and caucuses that have formed in the intervening years, including the South African Water Caucus (although SAWC has always survived these times of crisis). Although EJNF ceased to exist, most of the activists and organisations who were involved continued to find ways to work together, either through new networks or just informally, coming together at critical moments, for example to comment on a new policy.

Another two examples of national environmental networks are SACAN and CJN!SA, which both focus on climate change. SACAN formed around the time of the WSSD in Johannesburg (2002), as a national network affiliated to CAN International, with a strong

focus on the UNFCCC (United Nations Framework Convention on Climate Change) negotiations. By the late 2000's, SACAN was a fairly prominent national network, well versed in the science of climate change, and recognized by government as 'the voice' of climate change-concerned civil society. However, SACAN was perceived by some in civil society as 'not radical enough', because it did not have an outright position against carbon trading (see Lohmann, 2006, for a discussion of how polluting corporations benefit from carbon trading). It based most of its advocacy and lobbying on the UNFCCC, and it was not perceived to be in touch with the concerns of poor and working class communities. In the build up to COP17 in Durban in 2011, CJN!SA was formed as an alternative climate network. CJN!SA was initially made up of people or organisations who split off from SACAN; CJN!SA positioned itself as more radical, more justice based, more representative of 'communities'. They did not view the Kyoto Protocol or the UNFCCC as legitimate, and called for an end to capitalism as the ultimate climate change response. In some provinces (e.g. Western Cape), the same people were members of SACAN and CJN!SA – but in Gauteng there was much more hostility and territoriality between members of the different networks. Both of these networks fizzled away after COP17, and for a while only existed online as a place for sharing information. Members of these networks just found at a certain point that the time consuming network meetings and processes for coming to shared positions were too onerous, and disproportionate to the benefits gained from belonging to the network; and that it was easier to 'network' and work together as organisations less formally, when the need arose. Leadership tensions and personality clashes also, inevitably, contributed to their slow demise.

Of particular interest to this project from the recent history of environmental justice activism are strategies that involved citizen monitoring of aspects of environmental health or government performance. A notable example is that of the 'Bucket Brigades' formed by Pietermaritzburg based NGO groundWork in the early 2000's. This project aimed to empower community members living in areas of high air pollution, to monitor their air quality and to hold polluting industries and the authorities accountable. Using simple technology – a sealed bucket containing a Teflon sampling bag, and a handheld pump – community members in highly polluted areas such as South Durban and Sasolburg were supported to take air samples, which were then tested at independent laboratories, and proved beyond a doubt that there were dangerously toxic levels of pollutants in the air, to which these communities are exposed. There are many important recommendations and lessons from this project that will be considered and incorporated into monitoring aspects of the NWRS2 (for e.g. <http://www.groundwork.org.za/specialreports/AirMonitoringReport2003.pdf>).

#### **4.5. New social movements of the poor**

There has been a surge of new social movements in the last decade that have expressed a strong resistance to the treatment and living conditions of poor and working class communities, particularly as enforced by local government in urban areas. These have crystallised around issues of basic service delivery, housing, informality, and inequality. Many of these movements have distanced themselves from political parties and formal NGOs (Magwaza 2014), who are seen as privileged and disconnected from the 'real issues', as speaking on behalf of other people, and as pocketing money that should be going directly to poor people. However, none of these movements are entirely independent, grassroots or community-based, and require support from "outsiders" in different forms in order to have any endurance.

"...social movements are not 'spontaneous grassroots uprisings of the poor' as they are sometimes romantically imagined, but are dependent to a large extent on a sufficient base of material and human resources, solidarity networks and often the external interventions of prominent personalities operating from within well resourced institutions" (Ballard et al. 2006)

Two contemporary examples of this kind of social movement are *Abahlali baseMjondolo* and *Ses'Khona*. They are fiercely independent (although *Ses'khona's* independence from the ANC has been called into question) and strident, and act as a voice for the poor and a conscience for society (Magwaza 2014).

There has also been a dramatic increase in service delivery protests since 2009, by community members where water and sanitation services are non-existent, inadequate, or polluted, where services are disrupted, relationships with authorities are bad, or inequalities glaringly obvious (Tapela, 2012). There seem to be few instances of this kind of protest having an impact until people are killed (e.g. the January 2014 protests in Madibeng) or formal organisations get involved (e.g. the Makhaza un-enclosed toilets where SJC and the SAHRC got involved).

Although SAWC is very concerned with these same issues of service delivery, and have community based constituents, it is not very prominent in this protest-focussed space. SAWC has been criticized for not saying or doing enough in solidarity with protesting communities; this is an aspect that could be strengthened (e.g. by releasing press statements, helping to amplify and draw attention to the 'facts' on the ground, budgeting for visits to affected communities).

## **5. HOW SAWC PLAYS ITS CIVIL SOCIETY ROLE**

This section explores the institutional history of SAWC, how it functions and how it is defined by active and passive members as well as by those outside the caucus. For example, why and how do people identify with the caucus as opposed to, or in addition to, their own member organisation or community struggles? It describes the organisational form of SAWC and how it adapts through time and circumstance. In some ways it is quite complex and difficult to understand from the outside in that connections remain between individuals and struggle sites, without any formal structures; and it is possible to activate these at certain times. It is truly a 'network' with nodes and links that come into being as and when necessary (see Capra Web of Life, 1997).

Functions of SAWC include mobilisation, information sharing, solidarity, education, lobbying, advocacy, recognition of local struggles, networking, raising public awareness, etc. It remains value driven and has consistently chosen to remain outside of formal political structures. Its strength lies partly in the breadth of knowledge, analysis and situation of members, for example: on-the-ground experience of water cut-offs to tracking and analysing water tariffs across municipalities; from rural food-growers to urban policy analysts.

Much effort goes into encouraging communication across geographic areas, knowledge systems, language, class, etc. – and more can be done. Having trust between members means it is possible to use this diversity as a strength and, for example, to present a sophisticated response to national policy by including both voices of direct experience and critical political analysis.

The range of issues SAWC has worked on is broad and has changed over time, yet there are recurring themes. This section provides an overview of these issues and why they have emerged in the caucus.

Throughout its history, SAWC has made strategic decisions on when and how to engage with government or other processes in the water sector. The efficacy of this engagement as well as other activities of SAWC are touched on in this section – the criteria for assessment being determined by the authors of written commentary, or those interviewed who pronounce it 'successful' or 'unsuccessful'. It is further elaborated in Part 6.

### **5.1. Defining the SAWC – a value based identity**

Like the elephant being described by the blind men, SAWC is hard to define. It has meaning for people in different ways, depending on how they are interacting with it. Each of these meanings is valid. For members, two aspects are pertinent. Firstly, many members *identify* with it. There is something about the caucus that makes them feel part of it, even if they

attend meetings only rarely; or if they last participated years ago. It has little to do with whether or not they have signed a formal membership form. Secondly, this identification links to perceived *shared values* and a sense that the caucus is on their side – it can be trusted to advance social justice and the concerns of the working class.

Beyond this, the integration of environmental issues and concern for the health and well-being of natural ecosystems has broadened participants' understanding of rights-based issues and has been an important part of SAWC's identity. It was one of the founding principles. Like other parts of the environmental justice movement, environment and development concerns are not separate or competing for SAWC members – the exclusion and exploitation of people and planet are seen as part and parcel of the same process.

The view from outside the caucus is not too different, perhaps with an added dimension. The caucus is seen to raise public interest issues, including for example the accountability of government, *and* it is seen as an important vehicle to draw civil society into consultation processes. This creates a tension, since it is clear that public participation is not viewed in the same way by DWA and members of the caucus (Sangweni, 2008). For government officials, consultation is too often seen as something to be ticked off on a list, and usually as a means of telling the public about something the DWA has already decided. At its worst, it is a gesture of show business – a performance to advance the brand of government, or a particular department, or Minister; pretence at caring, a hollow fulfilment of constitutional obligations through self-promotion. For SAWC participation is much deeper and demands that government officials *listen* to issues being raised, and then *do something* to respond to them. Many government officials are sympathetic to concerns raised by the caucus. In some ways, the caucus seems to hold true values that the some officials shared in the past, but are unable to express through existing institutions. And thus personal connections are formed, which is another characteristic of SAWC.

The shared values held by caucus members have a recorded history. They were developed during the formation of SAWC in the early 2000's and membership was confined to those organisations and individuals who supported the guiding principles. These principles form the main 'mandate' for those speaking on behalf of SAWC and any position developed by SAWC needs to be in line with the principles. This implies a discipline within the solidarity, which means that SAWC is an institution since it has rules – of which this is one good example. In the membership form (2006), the principles are captured as:

1. Access to water and sanitation are human rights. All people should have secure access to sufficient potable water to meet their basic human needs including water for productive use to sustain livelihoods.

2. Water management must be accountable to communities at a local level and communities must be provided with platforms to be involved in all decision-making. Information must be disseminated to ensure informed decisions are made.
3. The integrity of ecosystems is the basis for all life – both human and nature – and river ecosystems and groundwater resources must be maintained, rejuvenated and enhanced.
4. Large dams are destructive to humans and ecosystems. We therefore endorse a precautionary approach, with large dams being seen as a last resort to meeting water and energy needs. We call for the adoption and implementation of the World Commission on Dams guidelines into South African policy and legislation, including the right to prior and informed consent.
5. Water is a public necessity. The commodification and privatisation of water resources, water services and sanitation compromises the sustainability, equity and justice of access, and must be rejected.
6. Cost recovery should not be a barrier to people’s access to water or water services.

Over time, these principles have been used to guide and inform positions and campaigns. For example, they can be seen as the skeleton of SAWC’s submission on the NWRS2. A ‘way of working’ has also developed. This includes a bottom-up approach, the presentation of alternatives (not just pointing out problems), a national identity, the importance of building solidarity through shared learning from each other’s struggles, facilitation and acting as an intermediary, and organisational self-reflection.

“We have that community of spirit, of recognising that our greatest resource is our human resources” (Veotte, 2014).

## **5.2. SAWC’s role in history – impacts and influence**

From the beginning, SAWC developed three main national campaigns, which were on:

1. Dams,
2. Free Basic Water & water services, and
3. Plantations & catchment management.

However, other issues were not neglected. At meetings of the Caucus members would update each other on local or national struggles they were engaged in, which included mining, water quality, climate change, water privatisation, public participation, water pricing

and tariffs, institutional reform, and so on. And the three main campaigns were always growing and deepening. For example during the Biannual General Meeting (BGM) in 2008, SAWC members decided to have a focus group on dam affected communities. This was partly due to solidarity work that was happening in other countries, including a visit by SAWC members to Swaziland in 2007 where they met international dam activists, and where Liane Greeff from EMG (and as a member of SAWC) made a DVD on Maguga dam affected communities.

The list of policies, processes and forums that SAWC has engaged with is numerous. Those initiated from outside the caucus include Water for Growth and Development, Regulation Strategy for Water Services, NEPAD, Pricing Strategy, NWRS1 and NWRS2, Institutional Realignment, The Water Dialogues, World Summit on Sustainable Development (WSSD), Masibambane, Water Sector Leadership Group (WSLG), National Water Advisory Council (NWAC), Water Resources Regulation Strategy, drinking water quality (leading to blue/green drop), water services & Free Basic Water, World Commission on Dams, Integrated Development Plans (IDP) and municipal budgeting processes.

This is close to a comprehensive list of processes in the sector, which means that SAWC has been part of – or at least aware of – most major developments in water policy and implementation. The level of engagement in these processes has largely depended on capacity within SAWC, both in terms of understanding the content or process, and in terms of people available to contribute the necessary time to read documents, attend meetings and make inputs. Where possible, SAWC would use these processes to strengthen its internal capacity and organisational outreach. For example, SAWC members attended workshops as part of the Water for Growth and Development consultation process in Limpopo, Mpumalanga and Eastern Cape – and used the space to start the Eastern Cape water caucus in 2008. Through this same process SAWC constantly challenged the concept of ‘growth’ and insisted on the inclusion of ‘development’ (Ngcozela, *pers. comm.* 2014).

### **Successful water policy and process interventions by SAWC**

Because SAWC membership spans local communities to NGOs, it has legitimacy and leverage to act as an intermediary between government and specific local struggles. It can invite the power of the regulator. Three examples from the caucus history illustrate this. Acting as an intermediary, Hamedea Deedat, SAWC Steering Committee member at the time, was invited by DWA to go with them to Eastwood in Msunduzi where people were not getting FBW: “...can you come and facilitate this meeting because if we go with you we’d feel safe that at least if we come there, your comrades would recognise you...”, (Deedat, *pers. comm.* 2014). She participated in her capacity as Chair of the CSO regulations reference group.

This issue of limited access to FBW had been raised by the Caucus, including at a meeting with the national Minister of Water Affairs. Researcher and SAWC member Julie Smith helped document and analyse the problem. In brief, the Msunduzi municipality was charging people for their first 6 kilolitres of water as soon as they used a drop more than 6 kiloliters in a month. This meant that large households using a very modest 7 kiloliters per month received no free water whatsoever. Instead they were the subject of punitive debt collection. According to Deedat, the consequence of this visit by DWA was a change in Msunduzi's tariff system. However the change was not exactly what SAWC had in mind. FBW did become available to households using more than 6kl per month, but only if they registered as indigent (Smith, *pers. comm.* 2014). According to Smith (*pers. comm.* 2014): "This is not a victory because the indigent policy is so horrible and few people who actually require it are registered; most people do not want to sign up even if they desperately need subsidisation. Indigent households are often restricted and targeted by the municipality." The second tariff change demanded at the time was to increase the number of tariff blocks to make water affordable at low consumption levels (Smith, *pers. comm.* 2014). The proposal was to add three blocks between 7kl and 25kl (at the time, the only blocks were 0-6kl and 7kl+). The municipality responded by making the blocks 7kl-30kl; 31kl-60kl and 61kl+. The price of the 7kl-30kl block was not reduced at all (Smith 2014). This provides no relief to low income, low consumption households. Despite the cynical response by Msunduzi Municipality, Smith argues that the intervention was still useful as residents could see that DWA (national office) was genuinely concerned and listened to them, which made them feel heard (2014). However, it also showed that DWA really lacks teeth and is unable to regulate effectively.

A second example comes from rural Limpopo, where through SAWC, members met national portfolio committee members whom they could lobby; and because they had met the Minister and portfolio committee local decision makers agreed to meet them (Munnik, 2004).

A third example of using the regulator to advance community struggles took place in Cape Town where presentations to parliament by Western Cape water caucus members on problems linked to Cape Town's smart meter, the Water Management Device, resulted in a site inspection by a team led by DWA Regional Director Rashid Khan. Interestingly, DWA saw this as an opportunity to test legislation, in particular access to water as a human right within the Water Services Act (Sigwaza, *pers. comm.* 2014). "It was very interesting to find out that it's difficult to tackle the municipality because the Constitution does say that it is a progressive right; although it alludes to the issue of water as a human right, it says that it will be based on the municipalities' availability of resources, and it could be progressive" (Sigwaza, *pers. comm.* 2014). This intervention by SAWC, which invoked the regulator, resulted in a recommendation for deeper dialogue between the Provincial water

caucus, the City and DWA, although DWA believes some of the issues were addressed by the City (Sigwaza, *pers. comm.* 2014).

The issue of bottled water has been an area of growing concern for SAWC. It symbolises so much that goes against SAWC's founding principles – commodification, neglect of public water quality, unaffordable drinking water, plastic waste, class, status, and so on – that SAWC could not ignore it. Often, SAWC was confronted with the sight of bottled water at water sector meetings and other meetings that professed an interest in sustainability. In other words bottled water was being promoted as the water-of-choice by the very organisations responsible for ensuring that public water supplies are of good quality and accessible to all. SAWC could not let this go unchallenged; hence it is rare to have a water caucus member at a meeting where the issue of bottled water isn't raised. Two caucus members were invited to participate in a national process on drinking water quality, partly in relation to the 2010 Fifa world cup. There they insisted that all stadiums had taps, and that not only should the drinking water in those taps be up to Fifa standard, but all taps, in all municipalities, should meet acceptable public health standards (Deedat, 2014).

SAWC has also contributed to national (and international) spaces where policy and practice in the water sector is presented and discussed. For example, through close relations with DWA, and an understanding that civil society should not be 'left out', SAWC members were invited to present civil society perspectives at the 2<sup>nd</sup> Africa Water Week hosted by AMCOW and DWA.

Further in the past, SAWC and the organisations that helped bring it into being, were involved in the collective struggle around water services that led to legislation on Free Basic Water. They were also successful in facilitating the inclusion of community voices into the World Commission on Dams (WCD). SAWC then played an active role in the South African Initiative on the WCD, again ensuring that dam-affected communities were directly represented.

### **Pushing definitions of civil society and the right of all to be included**

Beyond engaging directly on water issues, SAWC has continuously used public space to challenge definitions of civil society and processes of public engagement, as well as the drive by government to turn citizens into 'customers' or 'consumers', thereby fundamentally changing the relationship between local government and people who live there. The caucus has been particularly vocal when faced with exclusion, or when government has tried to 'divide and rule' by including some members and excluding others. In SAWC formative days and towards the middle of the 2000s, the Anti-Privatisation Forum (APF) and affiliates, such

as the Coalition Against Water Privatisation were strong and active participants in the caucus. There was a great deal of internal debate regarding, for example whether SAWC should participate in The Water Dialogues, which was a multi-stakeholder process to explore the role of the private sector (SAWC decided to participate, but minority views were noted at the 2004 BGM). Nevertheless, when government tried to consult SAWC members but exclude 'ultra-leftists', SAWC insisted that it was all, or no one.

Exclusion has often linked to resources, where members have been unable to participate in government-initiated processes because no funds have been made available for transport. Exclusion has also happened where processes are deemed 'highly technical'. This makes it impossible for ordinary citizens to participate and reaffirms the belief held by many government officials that consultation is ineffective because the 'experts' know best. SAWC has challenged these notions too.

The challenge to Masibambane came about because SAWC was excluded from the millions of Rand channelled by the EU to DWA to support civil society capacity building. Initially, these funds were earmarked for organisations that were doing good local work, often grass-roots based, in helping to implement government priorities, particularly on water services delivery. They were not available to 'activist' organisations, advocating for change and challenging government. Thus began a struggle for the recognition of SAWC and the definition of 'civil society'. This was successful and meant that SAWC could access funds. A collegial relationship developed between the two civil society groupings – for example, each would inform the other about processes. The Implementing Agent (IA) for these funds was Mvula Trust, who was asked by the caucus to mentor a new IA from the Caucus. This never happened – no additional funds were made available to Mvula to enable it.

While the overt conversation in relation to Masibambane was about who represented civil society, there were also issues around money; who had access to it, how it was used and the level of transparency of decision making and allocation. DWA provided money to civil society groupings but there was no follow up or assessment of how those funds were used. Members of SAWC were distrustful of Mvula Trust. Then from 2010 to 2012, money was ostensibly made available to the caucus through a Masibambane contract with Cape Peninsula University of Technology (CPUT). A SAWC steering committee member had proposed this arrangement at the SAWC BGM in 2008, and it was agreed that she "old the water caucus space" in relation to this capacity building project, valued at approximately R1.2 million per year. She was then contracted to be Civil Society Coordinator by CPUT. However concerns over decision making and transparency of funds were not resolved, and promises of capacity building on rainwater harvesting and river health, were never fulfilled (Ngcozela, *pers. comm.* 2014). There are different interpretations of what went wrong,

including poor project management, lack of transparency with respect to project plans and budgets, poor communication, personality conflicts, inherent tensions in being accountable to both SAWC and Masibambane, internal weakness in SAWC coordination and to hold members accountable, etc. (Deedat, *pers. comm.* 2014, Sigwaza, *pers. comm.* 2014, Ngcozela, *pers. comm.* 2014). The result was that some community groups were left feeling used and angry. They had been consulted, visited, and promised training which never materialised; and no letter of explanation was forthcoming to the groups in Eastern Cape and Makhaza who had been excited to learn about rainwater harvesting and river health (Ngcozela, *pers. comm.* 2014).

Another tactic government has used at various times over the past decade to exclude SAWC and its members was to define civil society as those people (communities) *directly* affected, i.e. they didn't want to work with NGOs as intermediaries, but with 'direct community representation'. This tactic was used to keep SAWC off the NWAC in the late 2000s (Deedat, *pers. comm.* 2014), to delegitimise the Water Leaks Project initiated by the water caucus in the Western Cape, and to water-down conversations with the Regional office of DWA in the Western Cape. This was an echo of the struggle during the WSSD to claim political space for SAWC and not to be sidelined as a lackey of foreign donors working to destabilise an elected government.

This attack on the legitimacy of NGOs and networks to be considered part of civil society and representing the interests of poor or marginalised people was not ignored by SAWC, who used it to ask the difficult question of how 'communities' or those affected are represented in policy. Who translates the local issues to national debates and how open and honest is this process? In an internal discussion document on members' perceptions, some CBOs commented that they felt marginalised by the bigger NGOs (Jobela, 2006).

Ngcozela (*pers. comm.* 2014) provides useful historical context to this:

"Reading about the NGO-CBO tension took me back to when we started Ilitha Lomso (a community based organisation in Harare, Khayelitsha). We realised it was advantageous to link with a resourced organisation and started to build our own capacity as an organisation. When we knocked on EMG's doors in 1995, the Director just accepted us. She helped us to write a letter to Golden Arrow (she's was sitting in its foundation) and lent us a phone to call whoever we wanted to assist with our event, which was happening the next day. It was this kind of capacity to be able to do this – so twinning an NGO and CBO could help build the capacity of CBO to make its role as shock absorber for communities more prominent. I was Western Cape Provincial Coordinator at Environmental Justice Networking Forum (EJNF) and recognised that if we took out all the NGOs, then the CBOs wouldn't be able to take

any form of environmental justice forward. In other provinces, white NGOs were kicked out, and EJNF remained only with CBOs and organisations like SANCO with no environmental justice experience or administrative capacity. White people are associated with the DA, so race and politics always come into the Western Cape. From my point of view – environmental justice affects all of us, regardless of culture or where you stay, so partnering... joint actions and joint campaigns... worked best when we had EMG, WESSA and Ilrig. But those tensions remain that NGOs go out and seek money to work with communities maybe through CBOs. Moreover when CBOs are not looking at building their own capacity it is easy to blame someone else and say, for example that NGOs are using us. This came up at the SAWC coordinating committee meeting in Joburg last year – the need for a structured relationship between NGO and CBO, so that don't end up with accusations that are unfounded because of uncommunicated expectations.”

Yet one other way in which government officials have tried to exclude SAWC and other civil society organisations is to appeal to ‘election politics’. In Cape Town, when the dialogue on smart water meters between the City and Makhaza residents started to bear fruit (from the residents’ perspective) and to challenge City policies and practice, City officials said that they could no longer liaise directly with the caucus and its affiliates, but only through the Ward Councillor who had been elected to represent people living in that area. This approach was given more weight at the national Water and Sanitation Summit in August 2014, where the new Minister emphasised the importance of working through Ward Councillors. The experience of this in Cape Town is bad. Ward Councillors have political agendas that often have very little to do with residents’ concerns and act as gate-keepers between residents and City officials who are supposed to be delivering decent services.

### **SAWC as educator**

SAWC provides education and awareness and clarity for activism. It brings a wealth of information to the table about the state of water throughout the country, the crises on the ground, the heartbeat of the communities and their struggles and needs.

A DWA official cited water caucus success in campaigning on meters in Cape Town. In relation to the Phiri court case on whether prepayment meters were constitutional or the FBW sufficient, he said: “I didn’t need to read much about the case because I think the water caucus had created enough awareness and understanding inside and explaining the issue locally, even before it came to a court case. The whole campaign made clear, and in some detail, that what government thinks works doesn’t work.” He believed this awareness had been gained by many other officials, but that they would not admit it publically as they have

turf to defend. Johnny de Lange, the parliamentary portfolio committee chair during the NWRS2 hearings, also highlighted the importance of this role of SAWC in bringing real-life experiences of people on-the-ground to the attention of policy makers. He said that it was rare for parliamentarians to hear such perspectives.

SAWC is also a political educator. Some key members have been particularly helpful in keeping alive the power of language and the importance of using words that reflect the world we envisage, rather than the world of neo-liberalism. For example, during the development of the regulation strategy, SAWC insisted that DWA refer to people receiving water services as 'citizens' rather than 'customers' or 'consumers' (Sigwaza, *pers. comm.* 2014). Such arguments are not semantic, but raise awareness on how language constructs relationships and, in this case, how through the choice of a word, people's right to water is quickly shifted from an equal right for all, to a stronger right for those who have money; from a human right to a consumer right.

### **5.3. SAWC organisation and interfaces**

SAWC meets every two years at a biannual general meeting (BGM) where participants share their water struggles, key decisions are made and future campaigns are planned. Meetings are also held when a member organisation raises funds for a specific process or discussion. SAWC is not registered as an NPO, does not have a bank account and has never had dedicated funds, although money was raised through a member organisation to pay a coordinator for several years during the 2000s. The BGM is financed through money raised by member organisations.

SAWC has always functioned as a loose network. This has been a strategic choice but has not been without tension. In particular the lack of a coordinator and dedicated funds has been cited as hampering SAWC's work. The informal structure also places particular kinds of stresses on the relationship between weak and strong members, and on who represents SAWC in public meetings. However there are also strong advantages to being less formalised that include decentralised power, no struggle for the control of resources, and an ability to respond quickly and appropriately to emerging issues. The strong pressure to remain decentralised comes partly from many members' experience of the structure and eventual collapse of EJNF. This shows that active members of civil society draw from past struggles and 're-form' in ways that show internal learning and are appropriate to current contexts and capacities.

Two other SAWC strategic choices worth examining are: i) the importance of engaging with government, for example through participation in forums such as WSLG and annual

meetings with the Minister of Water Affairs, whilst recognising its limitations and ii) a decision (partly in response to misgivings over the amount of effort put into national engagement with limited visible outcomes) to ‘provincialise’, i.e. to strengthen and support local struggles through building the capacity of the Provincial caucuses. This decision was taken at the 2011 BGM in Coffee Bay. Subsequently three NGO members were tasked with supporting development in three provinces each: EMG to support Western, Eastern and Northern Cape; Geosphere to support Mpumalanga, Limpopo and KwaZulu Natal; and VEJA to support Gauteng, Free State and North West.

### **Responding to context**

SAWC’s formation and identity was responsive to context. In particular, the campaign on water services, Free Basic Water and cut-offs and member organisations active on this, was a direct response to government’s embracing of neoliberalism and its reach into the water sector.

“Moving from the apartheid welfare state to a neoliberal liberation government has had ironic consequences. While access to water has been extended to millions, cost recovery principles have put these out of reach of millions of poor South Africans. The figures on provision of water services have been seriously questioned by analysts in the sector...Water cut-offs in various cities and towns have led to mobilisation of social movements like the SECC, Orange Farm Crisis Committee (also members of the water caucus).” (Munnik and Phalane, 2004).

“...we’re doing what Margaret Thatcher wouldn’t even dream of doing in terms of commodification of everything...for instance the prepayment meters were outlawed in Britain...very much in-lawed in our country with constitutional backing, god forbid.” (Rudin, *pers. comm.* 2014).

Early on, the water caucus allied itself with the South African Municipal Workers Union (SAMWU), a member organisation, and won a victory against prepayment meters in Cape Town. The ANC mayor (Nomaindia Mfeketo) agreed to a moratorium on their installation. But the relationship with the City remained strained, and a few years later the carefully constructed Water Leaks Project, initiated by the Western Cape water caucus was “hijacked and messed up completely” by the City (Veotte, *pers. comm.* 2014). “The caucus really wanted to ensure that when we fixed leaks in certain areas that we would leave behind some skills within the community to ensure sustainability.” (Veotte, *pers. comm.* 2014). This effort was sabotaged in two ways. Firstly money earmarked by DWA to support the implementation of the initiative was channelled through the City and never reached the caucus, and secondly the City attached conditions to the fixing of leaks, namely the

installation of a Water Management Device (WMD) and an agreement to use no more than 6kl (later 10.5kl) per month for the first year. The caucus once again transformed its struggle on water services in Cape Town to respond to this new context. It has engaged in research, education, mobilisation, and campaigning around the devices, leaks, bills reading and massive municipal bills. In fact, this new campaign that called for a moratorium on WMDs was cited by DWA officials as a successful example of SAWC engagement for two reasons. It invoked the national regulator (DWA) to investigate concerns that a municipality was depriving its residents of free basic water (Sigwaza, *pers. comm.* 2014), and it educated government officials on the problems experienced by households in relation to 'smart meters' (Brutus, *pers. comm.* 2014).

### **A national caucus with international links**

Linking local struggles together at a national level has been critical for the caucus and the sector. It brings collective struggles to the centre and provides an opportunity to learn from what is actually happening where people live. Those working on, for example water services, are enriched by hearing about struggles about acid mine drainage (AMD) or timber plantations; and vice versa. Likewise, sharing stories internationally is empowering. As one SAWC member recounts:

“When I attended the World Summit [on Sustainable Development] my thinking was based on the local community. But afterwards you realise you don't have to fight for local issues only, but you also have to look at other people who are affected, like in China, Uganda, Nigeria. It has made me feel strong. We got advice from other people and we can go for the problem and challenge it.” (Vukile Manzana in Munnik 2004: 31)

There have been three main international processes that SAWC has concerned itself with. The first was the WSSD, which in a sense gave it birth. The second was the World Commission on Dams, and follow up processes and networks, including the Dams and Development project housed by the UNDP and international allies such as NAWISA (which SAWC helped to establish, Africa Rivers Network (which EMG as a member of SAWC also helped to establish), and the International Rivers Network. The third process was the Private Sector Participation (PSP) review, which led to The Water Dialogues. The Water Dialogues operated in five countries and had an international steering group, in which SAWC member EMG was active. In South Africa, SAWC was represented directly on the multi-stakeholder committee, as were two of its members, EMG and SAMWU, and helped to guide the research and dialogue process around nine national case studies. The presence of SAWC and member organisations provided a critical voice in the process that would otherwise have been absent. And, in turn, the dialogues influenced SAWC thinking and tactics. While SAWC

remains opposed to privatisation, insights were gained into the extent of municipal dysfunction and the critical need for interventions there, regardless of the role being played by the private sector.

Internal politics also played out internationally. For example, SAWC decided not to affiliate to ANEW, an African network focussed on water services and sanitation, because it was seen to be sympathetic to privatisation. It was during the time of our privatisation struggles and in many African countries, water is privatised more than in South Africa (Ngcozela, *pers. comm.* 2014). Nevertheless, some SAWC members joined ANEW and found it useful for information sharing.

SAWC also has relationships with some international CSOs that share its values, e.g. the anti-water privatisation movement (Council of Canadians/ Blue Planet), International Rivers Network, Africa Rivers Network, and others. SAWC operated and made contributions to the global debates much more in the past (for example in relation to big dams) than they do at present. There have been shifts in the NGO/CSO spaces internationally and in South Africa that have led to decisions (sometimes strategic, sometimes pragmatic) to keep a tighter focus on local issues, operate at a smaller scale, etc. It is important to understand the strategic advantage of working with international CSOs, to determine whether SAWC should try to enhance this aspect of their work.

### **A self-reflecting organisation**

SAWC members, government officials and parliamentarians agreed that the fact that SAWC exists is a key strength – the sector would be weaker without it. It brings a much needed critical voice. “Even though we don’t have a very loud voice, there is no other voice.” (Veotte, *pers. comm.* 2014). This is probably the main reason that SAWC has kept going over the past twelve years: SAWC is needed; and knows that it is needed.

SAWC has a healthy history of self-reflection. During the years, through BGMs and other specialised meetings, it has continued to examine both the reason for staying alive, and the form best suited to play its role. For example, in 2007, SAWC members organised and participated in a national workshop “reflecting on strategies and tactics for civil society organisations active in water services”. This took four case studies where different strategies of engagement had been used, and sought firstly to understand what was happening within the case study – to share struggles; and secondly to understand what the case studies could teach us about how civil society interventions are making a difference, and what the gaps and contradictions were. The case studies chosen were The Water Dialogues, Pre-Paid Water Metres: The Case of Phiri, Masibambane, and Citizen’s Voice (EMG, 2007).

SAWC has also had deep internal debates on the form of the network. The demise of EJNF, RDSN (rural development services network) and other key networks was instructive. Activists who had watched these networks collapse advised against centralising and resourcing a large office. However, some kind of central coordination was seen to be needed and things worked better when funds were available to pay a dedicated coordinator.

The question of engagement with government was always a heated point of discussion. Although most members argued it was critical to engage with government, some raised a word of caution. Rudin (*pers. comm.* 2014) argues that seeing the *fact* of engagement (e.g. meeting with the DWA Minister) as a measure of success hides a weakness that these meetings often don't lead to any tangible changes. At a meeting with Minister, it was clear that DWA never actually *listened* or acted on information that civil society brought (Rudin, *pers. comm.* 2014). This view is contradicted by Deedat (*pers. comm.* 2014) who cited a regulatory visit to Msunduzi to investigate FBW provision being a direct result of SAWC raising this issue with the authorities. And there are other examples, but the fact remains that many of the concerns raised by SAWC through meetings and consultation processes fall onto deaf ears, or into unexamined filing cabinets.

### **SAWC members and allies**

The caucus is strong because it is able to activate individuals who have organisations behind them. The organisation with the largest membership is trade union SAMWU, with a membership of 160 000 workers. SAMWU was a member of the SAWC steering committee from its inception until the 2013 BGM, which they were unable to attend due to internal struggles. The logic was clear for SAMWU to work with others in civil society and to align itself with the caucus.

“One can simplify it by saying that you have municipal workers working for the municipality, but that same worker is also living in the community. Therefore they have a deeper understanding of the struggles and the needs of the community. We have learnt from our past struggles that as the trade union you cannot stand there as an island. It was the trade unions with civil society groupings, right down to street committees that managed to overthrow the previous regime.” (Veotte, *pers. comm.* 2014)

For SAMWU, their primary interest was to fight privatisation, and this resonated with citizen groups faced with water cut-offs, poor services and unaffordable water. Participation in The Water Dialogues, an international process on private sector participation in water services was a logical next step, which deepened the dialogue and learning.

This collaboration between trade union and civic movement, and the strong critique of government policy was a contested space. SAMWU is a member of Cosatu, the trade union federation which is in a tripartite alliance with the ANC and SACP (South African Communist Party). Even Cosatu recognised the importance of working with others in civil society but from early on they were selective and “wouldn’t work with NGOs that said anything nasty about government...and that tension of course remains.” (Rudin *pers. comm.*, 2014). In the mid-2000s, the Advisor to the Minister of Water Affairs was so angry with SAMWU’s claim that water had been privatised, that he refused to talk to an old comrade when they found themselves seated next to each other on a flight. He wasn’t open to a conversation on how one understands privatisation (Rudin, *pers. comm.* 2014).

Aside from organised labour, SAWC has consistently had NGO, CBO and individual membership. These have included organisations working nationally, or even internationally, locally, in rural areas, in urban areas representing dam-affected communities, protecting rivers and wetlands, and so on. Many members see the caucus as a local network, and have not actively participated in national processes. SAWC does not have members from outside South Africa, however throughout its history it has maintained links with like-minded organisations working in other countries.

#### **5.4. NWRS2 campaign**

The NWRS2 campaign emerged naturally from the history of SAWC and all the issues it had worked on to-date. The form was perhaps unique to the circumstances, but the fact of engagement and the concerns raised had deep roots.

SAWC involvement with the NWRS started in 2004 when the first draft of the NWRS was developed. It held consultations with members in Cape Town, Durban and Johannesburg and submitted extensive comments on the draft version of the NWRS to the then Department of Water Affairs and Forestry (DWAF). As an exercise in monitoring the effectiveness of public participation, the SAWC, through EMG, then commissioned an activist consultant to review the comments it had submitted and the extent to which they were reflected in the final version of NWRS1. The results showed that the impacts were disappointing (McDaid, *pers. comm.* 2014; Greeff, *pers. comm.* 2014).

SAWC identified three reasons to engage in the NWRS2 drafting process. The first was to influence policy-makers and what is in the text. The second was to bring progressive perspectives to the public discourse. And the third was to deepen its own understanding of the issues and to strengthen its internal functioning and networking.

SAWC recognises that engaging with policy text is hard – the language is alienating and the scale is very different from day-to-day lived realities. Water policy is also developed in a broader context, which means you can't take the words at face value, but have to understand how they will be interpreted or ignored by government officials, industrial groups, farmers and citizens.

SAWC tackled these challenges by recognising that it was engaging in a broader paradigm that undermines human-centred development, social justice and ecological integrity, and that comments on water policy need to be understood in that context. It then highlighted two principles, enshrined in law, that if implemented would make a big difference. These are the protection of the ecological and human reserve, and polluter pays. Numerous issues that SAWC has been involved with over the years were linked to the NWRS2 and discussed at the national meeting in August 2012, and through subsequent meetings in the provincial caucuses. These were consolidated into eleven issues that were written into a formal submission to DWA, as well as presented on to the parliamentary portfolio committee and to the Water Sector Leadership Group. In EMG's civil society guide, these eleven issues were grouped into five interrelated categories:

1. Access to local water for domestic consumption, food growing and the ecological reserve. This included comments on water conservation and demand management, productive water, communities without water living next to large dams, rainwater harvesting and protection of the ecological reserve.
2. Institutions and participation. This included clear and detailed recommendations on

#### **Timeline of SAWC engagement with NWRS2**

March 2012	Background discussion document prepared for SAWC internally
June-Dec 2012	Ongoing liaison with DWA, especially on Catchment Management Forums
June 2012	Task team established by SAWC to convene national meeting
Aug 2012	Draft summary of NWRS2 published (doesn't include key technical strategies, e.g. on climate change and desalination)
16-17 Aug 2012	SAWC national meeting to brief ourselves and prepare preliminary responses; DWA officials attended (task team mandated to continue coordinating SAWC input and process)
Aug 2012	Draft NWRS2 published in full, including technical strategies, and put on DWA official website
Aug-Dec 2012	Provincial caucus consultations (both internal to SAWC and with regional DWA offices)
16-17 Oct 2012	SAWC presentation to Water Sector Leadership Group
24 Oct 2012	SAWC submission and presentation to Parliament; some SAWC members also made their own organisational submissions
3 Dec 2012	DWA national consultative meeting for civil society; key SAWC participants absent due to poor organising by DWA's civil society support programme
28 Jan 2013	Final SAWC submission to DWA and Parliament (34 pages long)
Feb 2013	SAWC internal reflection on what we learnt
Mar 2013	DWA acknowledges receipt of our comments

catchment management forums and participation, as well as comments on gender, countering the dominant voice of big water users, institutional restructuring and the reinstatement of meetings between SAWC and the Minister of Water.

3. Industrial power and abuse. This included impacts on water quality, acid-mine drainage, industrial timber plantations and timber processing, fracking, bottled water and the enforcement of the polluter pays principle.
4. Climate change.
5. Access to information, licensing, monitoring and enforcement, including citizen monitoring.

At the 2013 SAWC BGM, many participants said that participating in the NWRS2 process and the SAWC submission were a highlight of its work from the past two years. It is something SAWC should continue to do, and learn how to do better.

After SAWC's final submission, the NWRS2 task team reflected on what had been learnt, which is that (EMG, 2014: 12):

- “Engaging with the DWA is not easy – for example, there was no initiative from them to involve us; documents and funding for participation weren't readily available; it was difficult to know who the right people to speak to were.
- The DWA programme to support civil society (hosted by CPUT) was not effective and almost undermined initiatives that the SAWC had already undertaken.
- Linking policy analysis (content) with provincial representation (accountability) strengthened our organisation and our submission.
- There are important parts of the NWRS2 that we don't have skills and/or time to engage on, for example we know institutional reform will have wide-ranging impacts, but we don't know what these will be for us.
- It is difficult to see how policy will translate into changes on-the-ground, and how people's grassroots struggles can be reflected effectively in policy.
- We are one of the only organisations bringing public interest and eco-people-centred views to the debate (for example, during the Parliamentary hearings on the NWRS2, we raised unique perspectives that stood in contrast to the interests of big water users such as farmer associations and industry).
- Cooperation with NGOs that have expertise in certain areas strengthens our work. For example the Centre for Environmental Rights' (CER's) work on licensing and compliance, the Environmental Monitoring Group's (EMG's) work on urban water demand management, Timberwatch and Geosphere's work on timber plantations,

and World Wildlife Fund's (WWF's) work on grasslands and wetlands. Some of these NGOs are SAWC members.

- There are possibilities emerging from this process, including building more structured engagement with the DWA on, for example, the catchment management forums.”

SAWC engagement with NWRS2 was done in an organised, collective, considered, quality way, which is important (Rudin, *pers. comm.* 2014). Inside DWA, things were more chaotic and it was difficult for outsiders to find out what was going on. Even DWA officials found it stressful. According to a Western Cape official who was drawn in because he has a history of working with public participation (although his official role does not include participation), the NWRS2 was internally complicated and confusing, even for those inside DWA. Coming together to meet (e.g. on NWRS2) helps the caucus in two ways. Firstly, putting everything together in form of a presentation or booklet and secondly it builds or sustains national links and gives encouragement to people who might otherwise feel very isolated.

#### **5.5. SAWC as seen by others: allies, government, industry**

“I know that it's a voluntary organisation consisting of activist people who are passionate about water issues” (Sigwaza, *pers. comm.* 2014).

“The water caucus always had a lot of credibility; an ability to mobilise people who it has continuing and active links with...areas where voices aren't usually heard from.” (Brutus, *pers. comm.* 2014).

These two quotations both point to the fact that SAWC is seen to be a genuine organisation that raises legitimate issues by people who care. More than that, SAWC plays an important role in the sector that can't be fulfilled by government or other players. It provides independent regulation and reminds government that water isn't just a technical issue. SAWC works on equity issues, and climate change (which is also an equity issue). It also promotes the accountability of government – making IDPs and budgets more transparent and readable.

One interviewee noted that the caucus has fun! And that people would stop following it if it was too dry and grinding or irrelevant or if it talked down to people. SAWC has done a good job of developing a system to ensure people feel there is space to learn and grow (Brutus, *pers. comm.* 2014). Using tools like mapping, cartoons, etc. has really “enriched my appreciation of what can be done and that often isn't done because government starts going for the glossy big picture of the minister on the front page – you know, big

infrastructure” (Brutus, *pers. comm.* 2014). SAWC is a reminder of people’s activism against apartheid and that we must work with what we have – there is power in this and it is appropriate not to go big and glossy, especially in this time of self-enrichment. SAWC also allows for personal connection but does not come across as crusading. This is evident in, for example EMG’s book “Water and climate change: an exploration for the concerned and curious” (Wilson, 2011). It is not written to build a profile or promote a particular individual. There’s an authenticity about it which is very precious (Brutus, *pers. comm.* 2014).

SAWC’s role in the sector is critical in holding government to account, educating and bringing fresh perspectives to policy discussions. It pricks the consciousness of government to make information available (although often the information can’t be found even within government). SAWC could also help with “aftercare”. For example once DWA has installed rainwater tanks, SAWC could help make sure they are used and maintained, and alert government to any problems. The importance of SAWC’s role in the sector in bringing grass-roots voices to decision makers has been affirmed by parliament, the SA Human Rights Commission and government officials at both local and national levels.

However, participation is not always embraced by authorities. One interviewee stated that government didn’t like participation in the past and still doesn’t like it. DWA officials are engineers and scientists who think they should just be allowed to get on with job. This view is supported by an analysis of post-democracy environmental policy making, in which it was identified that water was one of most technical of policy processes (Peart and Wilson, 1998). Money is not set aside for processes; public participation often comes in the form of a “show” for the Minister, which is all about the looks and conforming to a brand, and nothing about the content of level of engagement.

However, there is another stream within DWA that supports participation:

“People [in the Department] have gone through the experience of working with civil society and they know that you need to consult the people. I think there is this consciousness within the department that we need to strengthen. And we learned it through the Water Caucus, through making mistakes and all of those things.” (Sigwaza, *pers. comm.* 2014)

Sigwaza argues that consultation is important because DWA needs to understand the views of ordinary people, “...because sometimes if we are in government we think that this is how it is, and yet we do not understand the perspective of other people. So it is important that we listen to the people who are using the service on a daily basis, as to how they experience it; not to think for them” (Sigwaza, *pers. comm.* 2014).

Both SAWC and DWA have noted that consultation seems to be weaker or stronger, depending who the Minister is, and what her or his views are. This is worrying as it means that public participation is *de facto* “discretionary” despite legislative requirements. A Minister who sees it as important will make funds and time available to consult, and require senior members of DWA to report on it. Without this interest, participation can revert to something to tick off on a list, no matter how poorly it is done. Until the late 2000s, SAWC held regular meetings with the Minister of Water Affairs, who would make funds available for members from various provinces to attend. Even when there were disagreements, SAWC members found value in talking to Ministers who were easy to engage. Minister Sonjica, for example, would “sit down and talk with us, and listen without being arrogant or angry (Ngcozela, *pers. comm.* 2014).

SAWC strengths include shaping policy. “It has been very useful in thinking through things and providing feedback on policy issues. I think I would say around the policy development, policy environment, and also consultation” (Sigwaza, *pers. comm.* 2014).

SAWC has also effectively allied itself with academics and universities. Bringing in academic rigour, for example in the development of a survey on Cape Town’s water management devices, provides legitimacy to the research findings, as well as another forum in which to raise critical issues. There are academics, researchers and students who use or want to use SAWC networks to make their research more legitimate and relevant.

Going forward, it is critical that SAWC continues to function and becomes stronger. It can play an active role in CMAs, especially by demystifying them for ordinary people. With strong civil society, tragedies like the recent babies dying in Bloemhof wouldn’t happen. Authorities would be forced to respond to the problems that civil society is raising, thereby preventing these kinds of tragedies that are preventable.

## **6. CONCLUSION: AN ASSESSMENT OF THE ROLE OF CIVIL SOCIETY IN THE SA WATER SECTOR**

This section provides an initial assessment of the role of civil society – as exemplified by SAWC – in the South African water sector. It is based on the following composite approach, explored above.

It assesses SAWC as a social movement in terms of the theory developed in the UKZN Centre for Civil Society research programme that culminated in the publication of Ballard et

al, 2006. This theoretical constellation (taken from three streams of pre-existing approaches to the study of social movements) focuses on three aspects of social movements, namely

- what resources, including knowledge, networks and repertoires of acting are available to members of the movement. The question of SAWC as a community of practice that learns together and shares information, including in a mode of regular self-reflection, of which this report is a further instance (Wenger et al, 2011) is considered under the question of resources, above, both as a repertoire of actions and as an internal impact;
- what self-identification or ideological definition is prevalent in the movement, and what are its dynamics; and
- what is the political or opportunity space in which the movement operates. Together these imply a theory of change, from a challenged present to a more desirable future.

Questions of policy influence are viewed through the lens of thinking about who exactly the SAWC constituency is (Runciman, 2012). This lens focuses attention on:

- The social movement community (the communities within which SAWC members are active, and whose issues members take up)
- The social movement broadly (all those who participate in SAWC activities, however peripherally)
- The social movement organisation (SAWC itself, how it is organised)
- Individual activists (how individual activists see themselves, in other words, their organisational and ideological self-identification and understanding of their roles).

Attention then turns to what is SAWC's participation in policy debates, and what impact does SAWC make on these? For questions of impact we use a typology developed for social movements in adapted form (based on Anciano, 2012), which can be formulated here as:

- What does SAWC do to challenge the neoliberal hegemony in the South African water sector? (How does it relate to other players – e.g. strong opponents in government and big water users, including historical advantaged water users?)
- Social movements have explicit and progressive political and economic agendas – and in this case SAWC strongly and explicitly identifies itself with social and environmental justice agendas
- Is SAWC an agent of democracy, and does it hold the moral high ground?

Finally, these questions are assessed more broadly within understandings of what civil society does, should or could do, returning, against this background, to an understanding of

the IWRM understanding of the role of civil society within the water sector, informed by discourses of participation and legislative requirements for participation, anchored in the South African constitution.

### **6.1. The existence of SAWC over nearly 14 years**

The South African Water Caucus has existed since 2001 – a period of nearly fourteen years now. This is an achievement in itself, as other prominent organisations like the EJNF and SANGOCO have all but disappeared, while others like the APF have waned in strength.

SAWC is an institution in that it has rules (founding principles). It also functions as a network, a lobby group, a community of practice, has diverse members, with members playing different roles, including a secretariat and support role by funded NGOs, who also play international and national level information roles, connected to international NGO/civil society movement – and it is a social movement.

A key to the survival of any civil society organisation or social movement is its ability to bring and keep together resources, including knowledge, networks, funding, and resources like meeting venues, transport, leadership, members and participants. SAWC relies on the marshalling the resources of members in all these fields.

An important aspect of SAWC's longevity is its approach of a decentralised leadership and funding and resourcing model. SAWC members, who had for example been involved in the EJNF, have specifically avoided a centralised model both to avoid struggles to “capture the centre” and to allow free flow of thinking, knowledge formation and sharing. This has also allowed members to continue with autonomous organising and campaigning. SAWC is both strengthened and constrained by its loose structure – there is no real leadership position at present for people to fight over, but the need for a full time coordinator is often expressed. It has wide membership, including the participation of stable resourced NGO members, and community based activists who mostly engage via the provincial caucuses. It therefore holds multiple world-views, experiences and scales under one umbrella.

### **6.2. Creating and sharing knowledge in a community of practice**

Particularly important for the work of the caucus is its ability to understand the effects of policy on the ground, and the dynamics of changing policy and practice on national, provincial and local level. To do this, SAWC meetings, the SAWC list-serve and SAWC policy interventions bring together two types of knowledge, local knowledge from direct experience and attempts to deal with local water challenges, and a policy knowledge, carried by some

members and organisations but developed together in interaction (like that of a community of practice as contemplated by Wenger (2011)).

SAWC achieves that within the framework of its orientation towards social and environmental justice, as originally expressed in its founding principles. This enables an analysis and a making sense of on the ground observations, in terms of national policy and its critique of these policies within the national political economy.

### **6.3. Resources and networking**

Although resources are often equated to funding, and funding is important, resources are much more than that.

To the extent that civil society organisations rely on outside funding, as opposed to trade unions who survive on membership dues, they are vulnerable to changes in funding regimes, which can be worsened by internal inabilities to administer and report on funding (Heywood, 2014). This can have far reaching effects. For example a lack of funding can stop leadership from different areas from meeting to make decisions together, and thus directly undermine internal democracy, as happened in the case of the Anti-Eviction Campaign in the Western Cape (see Oldfield and Stokke, 2006). In SAWC, a national co-ordinator fulfilled a very useful role – although not without contestation – and the debate about whether to resurrect this, and how to fund it, continues. Resources from government to enable this, or even to enable participation in national policy events and catchment forums are also ongoing. SAWC's experience in this area, and its development of cheaper and practical solutions (such as travelling by bus or taxi and how to account for such expenditures) will be practically useful e.g. in the current DWS initiative to revitalise and extend catchment forums.

In SAWC, the load of vital functions like organisation, documentation, communication and fundraising is spread over a number of strong organisations. The ideal has been to have one such organisation in each province to function as national or provincial secretariats. This solution also leads to tensions, as some members work in professionalised NGOs, while others are on the ground, work at low salaries or as volunteers, often as unemployed or semi-unemployed in their own communities. Unequal distribution of resources extends to differences of language, challenges in dealing with technical issues from engineering to economics in national debates. SAWC has worked hard to find practical means to meet these challenges, and has built up considerable experience (e.g. in The Water Dialogues, the Dams Affected People and other campaigns), with the result that it can field powerful and articulate delegations, from very different backgrounds. One approach that SAWC uses and

that could be followed by others working with civil society in the water sector is to hold preparatory meetings the day before a multistakeholder meeting, in which agendas and lobby points can be sharpened (not imposed but based on people's own experiences and agendas). Such work must happen in a spirit of respect and solidarity in order to work.

Specific skills and types of knowledge are brought in by members, for example the ability of VEJA and Earthlife Africa to support growth of provincial water caucuses in Free State and Northwest, also ability of CER to do legal work. Trade union presence – of SAMWU – has been a strong plus, as it enabled working, in some cases, within municipal processes, at least understand these better but sometimes act on them. SAMWU has also contributed practical skills, for example leak fixing, as well as contacts in the City of Cape Town.

Combined resources enable SAWC to mobilise a broader voice of civil society, trade unions and CBOs on the one hand, then academics and sympathetic consultants and their expertise (e.g. on water issues related to mining, water quality testing and fracking) on the other.

#### **6.4. Identity and self-framing**

A crucial strength in social movements results from self-identification and ideological framing. As has been shown in earlier parts of this report, identification with SAWC as an organisation and its values is a strong part of the existence of the caucus as a network of diverse partners. SAWC has created a strong but flexible self-identification that has responded to its environments and currents in it, as much as to the lived experiences of its members – and their observations and understanding of communities as well as water sector activities around them.

In its early days SAWC accepted a set of principles, underlain by social justice and ecological value base, that was explicitly anti-neo liberal: defined in opposition to government policies of privatisation, of demand management in the form of cut-offs and flow limiting devices, but also other threats to the water commons, such as industrial and mining pollution. It has developed an international analysis (through exposures to international anti-dams movement, the international fresh water caucus, various climate change processes – and broad civil society responses to them) and a knowledge of international civil society knowledge debates.

Although SAWC is composed of agents with multiple perspectives, these principles have enabled SAWC to work with a strong transformative agenda – for example expressing impatience with slow progress on the reallocation of water.

SAWC has engaged at the local level with local government over cut-offs and flow restrictions, but also on research and at the policy level. The Water Dialogues as a project, but also ongoing interaction with a range of local governments, built a strong understanding of local government water dynamics. SAWC has used that understanding to defend communities vulnerable to cut-offs and other water restrictions.

This self-identification with resistance, in common with a global movement against neo-liberal policies, has led to ongoing debates – as in the rest of the environmental justice sector – about engaging with government versus confronting it. Generally, an uneasy balance between both has been adopted, but SAWC has been strongly involved (like TAC in health) in the details of water policy. However, SAWC has not followed an approach of developing a mass base, and a strong public profile approach in the mass media, generally restricting its activities to the water sector, with the important exception of the strongly related climate change issues. To adopt a stronger public profile, it would need institutional changes, because it would have to then rely on stronger central organisation, which would be in tensions with its current and time-honoured decentralised model.

#### **6.5. Political space for civil society in the water sector**

A strong determinant of social movement success is the political space that is available for civil society actors to organise and express themselves in. The basic contours of this space have been laid by a series of constitutional, legal and policy decisions which have created a public space within which participation, access to information and the right to organise have been available, discussed above. However, in practice, participation, especially in invited spaces, has been subject to the whim and abilities of individual officials and politicians. More disturbingly, protests around water and related issues have been met with increasingly violent responses.

As a multistakeholder space, the water sector, for example the platform provided by the Water Sector Leadership Group, contains very strong forces or players in it, e.g. the big water users (Eskom, Sasol, others in the country water partnership) who, in the view of SAWC, have privileged access to policy making (as witnessed in the NWRS2 process) and exert a strong neoliberal policy influence, for example in arguing for exemptions from environmental legislation and offsets for damage caused, as well as stalling on discharge charges.

Government, despite constitutional requirements for participation, remains deeply ambivalent about the role of civil society, since the ruling ANC is reluctant to cede civil society space to new social movements and prefers to keep that space occupied by its

alliance partners, as explicitly stated during the WSSD (Munnik and Wilson, 2003). This means that SAWC has to both establish its right to participate (and make that actual in often difficult practical circumstances through lack of support or reluctant support from government) and also face strong opponents in policy battles.

However, SAWC is not in a simple oppositional role in the triangle between civil society, the market and government. SAWC connects to strong elements in government agenda – that is a transformation agenda, of which there are some signs in the NWRS2, to a worldwide but scattered movement for social and environmental justice.

Moreover, SAWC's base is in poor urban and rural communities that struggle with harsh water conditions on the ground, much as these may have been improved since the dawn of democracy in 1994. These communities become stronger as democratic experience grows, ANC hegemony changes to a multiparty logic and politics in public space diversifies.

These tensions in the constitution of a political space for civil society, come to the fore when government officials, for example, argue that poor communities should be directly represented, excluding SAWC. This is seen by SAWC as an attempt to divide it internally and deny these communities an informed and effective voice bolstered by SAWC solidarity.

SAWC shares core values with most of the prominent post apartheid civil society 'movements' – it both gains from and contributes to a broader struggle to hold government to its social contract.

## **6.6. SAWC plays a watchdog and lobbying role**

Together, all these elements have enabled SAWC to play an active watchdog and lobbying role. It gives voice to a broad spectrum of experiences and analysis from civil society in policy spaces, including parliament and official DWS policy processes.

It remains consistently active in the water sector public sphere through a SAWC list-serve of near instant exchanges of experiences, comment on those, linkages to international water (and climate, energy and related fields). The SAWC list-serve often spills over into the more broadly (or multistakeholder based) Bubbles list-serve. SAWC has participated in the Water Sector Leadership Group, the apex organisation for the sector.

SAWC's record shows that it has managed to participate in all important policy process in the SA water sector after the past 13 years. This includes the NWRS2 where 10 issues brought forward, related to 3 core issues (plus that of citizen and civil society participation).

It is currently participating in catchment forums. Its strongest participation is in the Upper Vaal, where it demonstrates, as a national exception, what informed civil society, based in historically disadvantaged communities, can achieve in such forums. This includes access to information and extracting accountability from industrial polluters.

### **6.7. SAWC's Impact**

But what has been the impact? What is SAWC's participation in policy debates, and what impact does SAWC make on these? What does SAWC do to challenge the neoliberal hegemony in the South African water sector? How does it relate to other players – e.g. strong opponents in government and big water users, including historical advantaged water users? Does SAWC strongly and explicitly identify itself with social and environmental justice agendas? Is SAWC an agent of democracy, and does it hold the moral high ground?

SAWC is one of a range of organisations in civil society that has resisted the impacts of neoliberal government policies since 1996, and works to replace them with policies that are more socially and environmentally just. It has explicit and progressive political and economic agendas. It acts and speaks in the public interest and in this sense, so far, SAWC has not achieved – or particularly geared itself towards mass mobilisation, and has preferred to rather fill its role as a player and voice in the water sector, orienting itself towards policy influence, networking and education.

In this role, SAWC has succeeded in battling for and keeping open a civil society space in the water sector. It has strengthened this by playing a central role in supporting The Water Dialogues which produced a detailed and persuasive understanding of the nature and problems in local government water services delivery. This is no mean feat, as there are real obstacles to civil society influence. SAWC like other SA social movements, come up against the history which shaped and is shaping opportunity space, which is in constant tension between democratic reforms and rights, requirements for public participation in constitution, in policy generally and in water sector specifically and the enduring presence of historical South African civil society in the shape of liberation movements unwilling to leave civil society space and still contesting it. The result is a 'democracy' that is reluctant to allow a new civil society to take its space. It is also a contestation for ANC hegemony, and as part of and result of that, comes up against the internal and factional battles of the ANC (see Langa and Von Holdt, 2012).

### **6.8. Deepening the reflection through the case studies in this project**

Going forward in this project, the case studies have been selected to allow SAWC, within this project, to probe deeper into specific issues, and also explore how to strengthen its impact, as these social learning case studies are also intended to exert policy influence in specific areas:

5. The water conservation and demand management in the context of climate change case study defends poor communities against being singled out unfairly to reduce their water consumption
6. The case study on plantations, ecosystems and water resists decision making to return water factory areas to plantations, instead of allowing them to function for river health and use by traditional healers, a group that is not currently prominent in water resources management, but arguably should be
7. Access to productive water for poor communities and small farmers tests and promotes a key aspect of the transformation agenda in the water sector, that has many allies in government
8. The civil society monitoring of water quality takes place in the space of catchment forums and local government, and presents a test case for the real potential of citizens participation in water resources management.

Together, these add up to an interesting test of the boundaries of civil society influence in the water sector.

## **7. REFERENCES**

Archer, M., Bhaskar, R., Collier, A. Lawson T., and Norrie, A. 1998. Critical realism, Essential readings. Routledge.

Arnstein, S. 1969. A Ladder of Citizen Participation. *Journal of the American Planning Association*, 35: 4, 216- 224.

Ashton, P; MJ Patrick, HM MacKay and AvB Weaver (2005). Integrating biodiversity concepts with good governance to support water resources management in South Africa. (<http://www.wrc.org.za/downloads/watersa/2005/Oct-05/1884.pdf>)

Ballard, R., Habib, A.,and Valodia, I., 2006. *Voices of Protest. Social Movements in Post-Apartheid South Africa.* University of Kwazulu-Natal Press.

Ballard, R., Habib, A., Valodia, I., and Zuern, E., 2005. Globalisation, marginalisation and contemporary social movements in South Africa. *African Affairs*, 104 (417), pg. 615 – 634.

Behr, T., and Aaretti Siitonen,A., 2013. Building bridges or digging trenches? Civil Society engagement after the Arab Spring. Finnish Institute of International Affairs.

Bottici, C., and Challand, B. 2013. [Civil Society in Revolt: From the Arab Spring to Occupy Wall Street](http://www.jadaliyya.com/pages/index/8073/civil-society-in-revolt_from-the-arab-spring-to-oc), [http://www.jadaliyya.com/pages/index/8073/civil-society-in-revolt\\_from-the-arab-spring-to-oc](http://www.jadaliyya.com/pages/index/8073/civil-society-in-revolt_from-the-arab-spring-to-oc)

Burt, J and Lotz-Sistika, H., 2013. Change Oriented Learning and Water Management Practices (K5/2074/1).

Camay, P. and Gordon, A. 2007. Race, Repression and Resistance. A Brief History of South African Civil Society to 1994. CORE.

Capra, Fritjof, 1996. The Web of Life: A new scientific understanding of living systems. Anchor Books, New York.

Chatterjee, P., 2011. Lineages of Political Society. Studies in Postcolonial Democracy. Columbia University Press.

Clarke, M. and Missingham, B., 2009. Introduction. Development in Practice, Volume 19, Number 8, November 2009.

Dawson, M, and Sinwell, L., 2012. Contesting Transformation. Popular Resistance in Twenty-First-Century South Africa. Pluto Press.

Department of Co-operative Governance and Traditional Affairs (COGTA). 1998. White Paper on Developmental Local Government

Department of Water Affairs and Forestry, 2006. Sector Wide Approach for Water Services. Moving forward through collaboration.

Department of Water Affairs, 2004. National Water Resource Strategy (NWRS1).

Department of Water Affairs, 2012. Draft National Water Resources Strategy 2. Available at <http://www.dwaf.gov.za/nwrs/NWRS2012.aspx>.

Durkheim, E., 1964. The Division of Labour in Society (translated by Simpson G., first published in 1893). Free Press, Collier MacMillan.

EMG, 2007. Reflecting on strategies and tactics: proceedings from national workshop for civil society organisations active in water services.

EMG, 2014. A civil society guide to the NWRS2

Everatt, D and Gwagwa, L. 2005. Community Driven Development in South Africa, 1990 – 2004. World Bank Africa Region, Working Paper Series No. 92

Femia, J., 2001. Civil society and the Marxist tradition. In Kaviraj, S. and Khilnani, S., (eds). Civil Society. History and Possibilities. Cambridge University Press.

- Filmer-Wilson, E., 2005. The Human Rights-Based Approach to Development: The right to water. *Netherlands Quarterly of Human Rights*, Volume 23 (2), 213-141, Netherlands Institute of Human rights.
- Gramsci, A. 1957. *The Modern Prince and other writing*. International Publishers
- Gramsci, A. 1971. *Selections from Prison Notebooks*. (Edited and Translated by Quintin Hoare and Geoffrey Smith). Lawrence and Wishart, London.
- Green, D: 2008. *From Poverty to Power. How Active Citizens and Effective States Can Change the World*. Oxfam International.
- Habermas, J: (1996): *The structural Transformation of the Public Sphere*, MIT press.
- Hall, John (ed), 1995. *Civil Society, Theory, History, Comparison*. Polity Press.
- Hallowes, D. (ed), 1993. *Hidden Faces. Environment, Development, Justice: South Africa and the Global Context*. Earthlife Africa.
- Hartwig, M, 2007. *Dictionary of critical realism*. Routledge. London.
- Heywood, M., 2014. *Analysis: Quo Vadis, civil society?* Daily Maverick.
- Hochschild, A. 2005. *Bury the Chains. Prophets and Rebels in the Fight to Free an Empire's Slaves*. MacMillan. London.
- James, C. 2011. Theory of change review, Comic Relief. <http://mande.co.uk/blog/wp-content/uploads/2012/03/2012-Comic-Relief-Theory-of-Change-Review-FINAL.pdf>
- Jobela, Nov 2006, *The SAWC: members' perceptions on participation and effectiveness* (internal discussion document).
- Kaviraj, S. and Khilnani, S., (eds) 2001. *Civil Society. History and Possibilities*. Cambridge University Press.
- Keane, J. 1998. *Civil Society. Old Images, New Visions*. Polity Press.
- Langa, M. and Von Holdt, K. 2012. *Insurgent Citizenship, Class Formation and the Dual Nature of a Community Protest: A Case Study of 'Kungcatsha'*. In Dawson, M, and Sinwell, L., 2012. *Contesting Transformation. Popular Resistance in Twenty-First-Century South Africa*. Pluto Press.
- Lohmann, L. 2006: *Carbon Trading. A critical conversation on climate change, privatisation and power*. Development Dialogue no. 48, September 2006, The Cornerhouse.
- Lotz-Sisitka, H. and Burt, J., 2006. *Critical Review of participatory practice in IWRM*. Water Research Commission.

Lotz-Sisitka, H., & Burt, J. 2006. A Critical review of participatory practice in Integrated Water Resource Management. WRC Report, 1434/1/06

Magwaza, M., 2014. Social Movements of the Poor. Southern African Catholic Bishops' Conference Parliamentary Liaison Office, Briefing Paper 354.

Miraftaab, 2004: Invited and Invented Spaces of Participation: Neoliberal Citizenship and Feminists' Expanded Notion of Politics. Wagadu Volume 1, Spring 2004.

Munnik, V. and Phalane, M. 2004. The SA Water Caucus, global justice and rural issues. Lessons from and for civil society. CCS Grant Report: 1 – 42.

Munnik, V and Wilson, J. 2003: The World Comes to One Country (WSSD). Heinrich Boell Foundation.

Munnik, V, Molose V et al, 2011. The Potential of Civil Society Organisations in monitoring and improving water quality. WRC project K8/968/1

Oldfield, S. and Stokke, K., 2006. Building Unity in Diversity: Social Movement Activism in the Western Cape Anti-Eviction Campaign, in Ballard et al, 2006.

Oldfield, S., 2005. Moving Beyond Polemics: Civil Society Politics in South Africa. Critical Dialogue, 2 (1): 12 – 19.

Peart, R and Wilson, J. 1998. Environmental Policy Making in the new South Africa. The SA Journal of Environmental Law and Policy. Vol 5(2); 237-267.

Reeler, D, 2007. A Three-fold Theory of Social Change and Implications for Practice, Planning, Monitoring and Evaluation. [www.hivos.nl/.../1/.../2007.Doug.Reeler.Theory.Of.Social.Change.pdf](http://www.hivos.nl/.../1/.../2007.Doug.Reeler.Theory.Of.Social.Change.pdf)

Republic of South Africa 1998. National Water Act

Republic of South Africa, 1996. The Constitution Act No 108 of 1996

Republic of South Africa, 1997. National Water Policy for South Africa

Republic of South Africa, 1997. Water Services Act, No. 108 of 1997.

Romm, N., 2001. Critical theory and development. Critical theoretical concerns in relation to development: Habermas, modernity and democratization, in Coetzee, J.K. Graaff, J., Hendricks, F., and Wood, G.: Development. Theory, Policy and Practice. Oxford University Press. Oxford.

Runciman, C., 2012. Resisting Privatisation: Exploring Contradictory Consciousness and Activism in the Anti-Privatisation Forum, in Dawson, M., and Sinwell, L., Contesting Transformation. Popular Resistance in Twenty-First-Century South Africa

SALGA 2006. Handbook for Municipal Council: Councilors Induction Programme. GTZ

Sangweni, S., 2008. Report on the Assessment of Public Participation, 2008. Public Service Commission.

South African Parliament, [www.parliament.gov.za/live/content.php](http://www.parliament.gov.za/live/content.php).

Strydom H., 2012a. Information Collection: participant observation, in De Vos, A.S., Strydom, H., Fouche, C.B. and Delport, C. S. L. Research at Grassroots for the social sciences and human service professions. Van Schaik Publishers.

Strydom, H., 2012b. Participatory Action Research, De Vos, A.S., Strydom, H., Fouche, C.B. and Delport, C. S. L. Research at Grassroots for the social sciences and human service professions. Van Schaik Publishers.

Tadesse, E., Ameck, G., Christensen, C., Masiko, P., Matlhakola M., Shilaho, W., Smith, R, 2006. The People Shall Govern. A research report on public participation in policy processes. Centre for the Study of Violence and Reconciliation (CSV) and Action for Conflict Transformation (ACTION). Johannesburg.

Tapela, B., 2011. Social water scarcity and water use. WRC Report No. 1940/1/11.

The Dublin Statement. International Conference on Water and the Environment: Development issues for the 21st century. 26- 31 January 1992, Dublin, Ireland.

Tilley, N. 2000. Realistic Evaluation: An Overview. Presented at the Founding Conference of the Danish Evaluation Society, September 2000 [http://evidence-basedmanagement.com/wp-content/uploads/2011/11/nick\\_tilley.pdf](http://evidence-basedmanagement.com/wp-content/uploads/2011/11/nick_tilley.pdf)

Treatment Action Campaign, 2010. Fighting for our lives: The history of the Treatment Action Campaign, 1998 – 2010. Published by the Treatment Action Campaign. 120 pages. Available at <http://www.tac.org.za/files/10yearbook/files/tac%2010%20year%20draft5.pdf>.

Walsh, 2012. Managing Crisis and Desire in South Africa. In Dawson, M, and Sinwell, L., 2012. Contesting Transformation. Popular Resistance in Twenty-First-Century South Africa. Pluto Press.

Water SA (Online) vol.34 no.6 Pretoria 2008

Weber, M., 1978. Economy and Society: An Outline of Interpretive Sociology. University of California Press.

Wenger, E., Trayner, B and De Laat, M., 2011. Promoting and assessing value creation in communities and networks: a conceptual framework. Ruud de Moor Centrum, Open Universiteit. Rapport 18.

Wilson, J (ed). 2011. Water and climate change: an exploration for the concerned and curious. EMG.

[www.sjc.org.za](http://www.sjc.org.za)

Zizek, S. 2012. *Less Than Nothing: Hegel and the Shadow of Dialectical Materialism*. Verso.

Zubaida, S., 2001. *Community and democracy in the Middle East*, in Kaviraj, S. and Khilnani, S., (eds). *Civil Society. History and Possibilities*. Cambridge University Press

## **Interviews**

Brutus, Tony, 2014. Personal Communication. Interview conducted by Jessica Wilson on 2 July 2014.

Deedat, Hamed, 2014. Personal Communication. Interview conducted by Jessica Wilson on 7 July 2014.

Greeff, L, Personal Communication, August 2014.

Kramer, D., 2014. Personal Communication. Interview conducted by Taryn Pereira (EMG) on 3 July 2014.

McDaid, L, Personal Communication, August 2014.

Ngcozela, Thabang, 2014. Personal Communication. Interview conducted by Jessica Wilson on 11 August 2014.

Rudin, Jeff, 2014. Personal Communication. Interview conducted by Jessica Wilson on 1 July 2014.

Sigwaza, Thoko, 2014. Personal Communication. Interview conducted by Jessica Wilson on 4 August 2014.

Smith, Julie, 2014. Personal Communication. Email correspondence with Jessica Wilson on 29 August 2014.

Veotte, Lance, 2014. Personal Communication. Interview conducted by Jessica Wilson on 30 June 2014.