

Human Rights and Governance Implications of the Water Crisis in the City of Cape Town

ROUNDTABLE DISCUSSION

On Tuesday, the 6th of March 2018, the Dullah Omar Institute (DOI) in cooperation with the Konrad-Adenauer-Stiftung (KAS) hosted a Roundtable Discussion on the topic "Human Rights and Governance Implications of the Water Crisis in the City of Cape Town" at the Pepper Club Hotel in Cape Town. The roundtable discussion with distinguished panelists from academia, civil society and the City of Cape Town provided the audience with a platform for a fruitful exchange about the impacts of the water crisis and the challenges it poses in terms of cooperative governance.

After the welcoming remarks by Prof. Ebenezer Durojaye from the DOI, and Mrs. Christina Teichmann, KAS Project Manager, Mrs. Gladys Mirugi-Mukuni of the Dullah Omar Institute gave an introduction and provided some background information on the topic.

The following panel discussion, which was facilitated by Prof. Jaap de Visser, director of the DOI, included the Deputy Mayor of the City of Cape Town, Alderman Ian Neilson, Prof. Nico Steytler, SARChI Chair in Multilevel Government and Member of the Dullah Omar Institute, Dr. Khulekani Moyo, Mandela Institute and Adv. Lloyd Lotz, Provincial Manager of the South African Human Rights Commission.

Human Rights implications of the water crisis in Cape Town

The main statement of the first speaker Dr. Khulekani Moyo was that the access to wa-

ter is a human right in South Africa, which is enshrined in the South African Constitution, Bill of Rights, Chapter 2, Section 27. This particular human right: "everyone has the right to have access to sufficient food and water" is a unique characteristic of the South African Constitution and cannot be found in the constitutions of other BRICS countries, such as India or Brazil. He further stated, that the government carries out the responsibility of providing citizens with standard access to water and that this responsibility also includes providing citizens with access to relevant information, such as the water level in dams, policies regarding water saving measures and restrictions, etc. Dr. Moyo pointed out in his presentation that while the right to access water is enshrined in the Constitution, the Constitutional Court in South Africa has until now shied away from clearly stating what exactly the right to access water comprises.

The City of Cape Town's strategy to address the water crisis

Alderman Ian Neilson, Deputy Mayor of Cape Town, informed the audience about the City's strategy to manage the water crisis. He addressed two crucial aspects of the water crisis, the supply and demand aspect. In terms of supply, Alderman Neilson pointed out that in the past the Western Cape region relied solely on surface water from the dams and that this solution worked quite well until a prolonged drought period set in. On the demand side he pointed out, that since 2011 the City's water consumption grew around 30% due to population



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growth. While the average pre-drought consumption was 200 liters per person per day, it has now come down to 124 liters per person per day. Since level 6 water restrictions have been introduced in February 2018, the target is to reduce the household consumption of the citizens of Cape Town to 50 liters per person per day. As a last point Deputy Mayor Neilson went into the debate of "Day Zero", the day when the taps in the City of Cape Town run dry. The concept of "Day Zero" was introduced to motivate people to save water and provide them with an idea of how long water supply can still be guaranteed taken the current consumption patterns into consideration. "Day Zero" is not a fixed date and has moved in the meanwhile from May 2018 to the 9th of July 2018 due to significant water savings by private households and the agricultural sector. The Deputy Mayor expressed his optimism that this year the City of Cape Town can avoid "Day Zero" since it halved its water consumption. But in a long term perspective the drought showed the need for diversification of the water supply system, such as the construction of desalination plants and more efficient wastewater plants.

sibilities of the three levels of government concerning the supply and management of water. The municipal level is responsible for the supply system, while national government is responsible for managing the dams. The provincial level on the other side monitors, supports and regulates the water supply- and management system and is in charge of disaster management. The national level is exclusively responsible for the huge water works, such as the dams in the Western Cape and concurrently regulates the supply system and the disaster management with the provincial level. Due to this overlap of tasks and responsibilities, the three spheres of government need to exercise these powers in a cooperative way, which in reality does not always work so well according to Prof. Steytler. A main reason for the failure of cooperative governance, especially in the case of the Western Cape, is the fact the Province and National Government are ruled by opposing political parties, which compete in the upcoming 2019 National Elections. The water crisis in Cape Town is therefore often instrumentalised by political parties as a playball for political purposes.

The role of the Human Rights Commission

The third speaker Adv. Lloyd Lotz from the South African Human Rights Commission (SAHRC) explained the role of the Commission in light of the water crisis. The SAHRC is a Chapter 9 institution with the mandate to monitor and protect human rights. With regard to the current water crisis, the Commission investigates complaints of citizens concerning insufficient availability of water for consumption. Mr. Lotz indicated that there will be no national hearing concerning the water crisis. Instead the Commission will take on a different approach and for now and is collecting all the complaints to acquire a more holistic view.

Water crisis and the blame-game

The last panelist Prof. Nico Steytler, SARChI Chair in Multilevel Government, based his presentation on the question "Who is responsible and to blame for the water crisis?" Prof. Steytler explained the various respon-

After the presentations, Prof de Visser opened the floor for questions from the audience. The participants were especially concerned about the protection of marginalized groups in case of "Day Zero". The representatives of the Human Rights Commission and the City of Cape Town however assured the audience that the protection of marginalized groups is a top priority.



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Impressum

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