

STEP 2: Planning

TOOL: Specimen Terms of Reference

For service providers

Institutional arrangements and stakeholder participation

**Service Contract
Terms of Reference
For the Implementation Phase in
Umvoti & Umzimkulu WMA**

**Project Output 3 & 4
Institutional Aspects & Stakeholder Participation**

Sample Terms of Reference

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ABBREVIATIONS

CBO	Community Based Organisations
CDO	Community Development Organisations
CMA	Catchment Management Agency
CMC	Catchment Management Committee
CMS	Catchment Management Strategy
DWAF	Department of Water Affairs and Forestry
Danida	Danish International Development Agency
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
IWRM	Integrated Water Resources Management
LFA	Logical Framework Approach
NWRS	National Water Resources Strategy
PDI	Previously Disadvantaged Individuals
PPM	LFA Project Planning Matrix
RO	DWAF Regional Office

EXECUTIVE SUMMARY

Output 3 of the DWAF/Danida deals with the institutional aspects of Integrated Water Resources Management [IWRM]. During its Inception Phase it became clear that project would have to pay particular attention to the participation, empowerment and inclusion of previously marginalized groups in order to address the first strand of the National Water Act namely: **equity** and its inherent intention to **redress the inequities** of South Africa's recent past and which fully recognises the role of water in **alleviating poverty** among these groups. In late 2001 the project commissioned a review of the participation of Previously Disadvantaged Individuals participation as active stakeholders in the Catchment Management Agency [CMA] establishment process. A number of the Recommendations of the review are of particular importance to the future institutional framework for IWRM and the sustainability of CMAs. Recommendations relevant to Output 3 and that require particular attention during the project implementation phase are:

Recommendation 1 DWAF needs to have a clear focus on PDI needs and especially those of the rural poor in relation to the CMA establishment process and IWRM. Moreover, for the purposes of using the CMAs as a vehicle for IWRM, structures should be put in place to ensure that poverty alleviation is appropriately addressed.

Recommendation 3 The current structure of forums to support the CMA process should be strictly monitored to determine whether this is the most appropriate mechanism to respond to the needs of PDIs, especially the rural poor

These Terms of Reference deal specifically with the above Recommendations but the activities to be undertaken will be closely linked to those to be undertaken under project Output 4 [Stakeholder awareness] and Output 5 [Capacity building] that have been designed to respond to the following Recommendations of the review:

Recommendation 4 In order to ensure stakeholder "buy in" especially PDIs and rural poor, participatory design mechanisms need to be introduced and/or strengthened. This process should also ensure that in the design and subsequent implementation phase, linkages to other water initiatives and those of other Government Departments relating to poverty alleviation should be strengthened [*This relates to Cooperative Governance and institutional roles and linkages*]

Recommendation 5 DWAF and key external stakeholders need to be capacitated in the area of designing, implementing, monitoring and evaluating developmental projects, in order that they can, among others, set clear verifiable indicators for monitoring purposes [*Sustainability*]

1. BACKGROUND AND CONTEXT

The DWAF-Danida IWRM project intends to give effect to the policies and legislation contained within South Africa's National Water Act and the White Paper on a National Water Policy for South Africa. The objective of the IWRM project is "*Integrated Water Resource Management established in three selected WMA's*

South Africa's National Water Resources Policy is based on three central principles:-

- The equitable use of the resource, which is critical given the previous inequitable access to the resource
- The efficient use of the resource, which is critical given the need for economic growth in the country, and
- The sustainable use of the resource, which is critical to balance the increasing demands for use of the resource with its long-term use for future generations

The Danida funded project aims at supporting the implementation of pilot programmes within the framework of establishing Catchment Management Agencies (CMAs) as part of the institutional infrastructure to support IWRM in each of the nineteen Water Management Areas (WMAs) in South Africa. Appropriate groundwater resource policies and water conservation and demand management form an integral part of the pilot initiatives supported by Danida. Three WMAs have been selected for the pilot activities that should result in introduction of Integrated Water Resources Management principles and lead towards the establishment of CMAs for each selected Area within the lifetime of the project. The first phase of the project involved adapting existing and developing new guidelines to reflect the particular characteristics of the three project WMAs. The second phase involves testing these guidelines through project implementation in these WMAs. The ultimate aim is to develop a set of operational manuals that will be based on the project implementation experiences and will incorporate the necessary tools for local policy makers and practitioners involved in the establishment of IWRM in other WMAs of the country.

The link between integrated water resources management and socio-economic development is emphasized in the National Water Act. The Act also emphasizes the need for local stakeholder participation in order to work together towards a model of water management that will work towards the distribution of the multiple benefits of water with local communities and society as a whole. Thus water management does not just deal with technical issues but also the socio-economic issues that will lead to poverty eradication

During the Inception Phase it became clear that the project would have to pay particular attention to the participation, empowerment and inclusion of previously marginalized groups in order to address the first strand of the National Water Act namely: **equity** and its inherent intention to **redress the inequities** of South Africa's recent past and which fully recognises the role of water in **alleviating poverty** among these groups. In particular appropriate institutional arrangements would have to be made, and through associated capacity building and empowerment that their active and effective participation in these structures takes place.

As part of phase one of the project, a document that synthesised the experiences related to institutional roles and functions in the three project WMAs was prepared. In addition to this three separate documents that set out in more specific terms the institutional roles and functions in the these WMAs. As part of the project implementation phase the institutional roles and linkages described in these documents will have to be monitored and recommendations for any necessary adjustments will have to be documented.

The project has developed a guideline for stakeholder participation in IWRM. These have to be tested and adapted to the local situation of Umvoti Uzinkulu WMA These will be tested in those water forums that have been identified as requiring strengthening. The Service Provider will coordinate with the Catchment Management section of the DWAF office in Durban on the final selection of these. The preliminary forums are as follows: LIST LOCATIONS

2. JUSTIFICATION

In late 2001 the project commissioned a review of the participation of Previously Disadvantaged Individuals participation as active stakeholders in the Catchment Management Agency [CMA] establishment process. The review was undertaken using the criteria of *Relevance, Efficiency, Effectiveness, Impact; and Sustainability*. In overall terms the review found that

With respect to *Relevance* the review found, among others, that,:

- Processes adopted to identify the real, as distinct from perceived, problems or needs in relation to the establishment of WUAs and /or forums in relation to the CMA establishment process, particularly in relation to addressing equity are inadequate. PDIs and the rural poor in all three areas were not consulted on the process design and approach, on whether they had alternative suggestions to establishing forums, whether they agreed in principle that workshops are appropriate, etc.
- Mechanisms for identifying the correct beneficiaries i.e. stakeholders and the mechanisms of consultation that will lead to the incorporation of the needs of the rural poor in the initial project [i.e. forum-consultation] design are in general not practiced. There is a tendency to consider domestic water users under traditional groupings such as urban or rural, whereas finer resolution is required in such processes. Local government is sometimes viewed as representing the domestic users that are served by them and therefore local government presence at meetings etc should cover that stakeholder group.
- There appears to have been limited effort in the design phase to ensure the establishment and further development of linkages with existing local (rural) initiatives such as local water committees as these seem to be well represented and active in addressing local issues

With respect to *Efficiency* the review found, among others, that:

- Many PDIs cite the cost of attending meetings as an inhibiting factor. In some cases costs are reimbursed but not with uniformity, and in some cases there is no reimbursement. This issue needs to be addressed and a consistent policy adopted.
- It is not clear as to how far the costs are justified by the benefits they generated in comparison with other similar initiatives. This has to be viewed in the context of the appropriateness of the current forum structure to address the needs of the rural poor and whether the use of CBOs and NGOs would be a more cost effective approach.
- Indicators of efficiency appropriate to empowerment and inclusion of the rural poor needs have not been established either at national or WMA level.
- There are strong reservations as to whether the current structure of forums based on sub-catchments is the appropriate model for addressing the needs of the low volume users of water i.e. primarily the rural poor.

In terms of *Effectiveness* the review team found, among others, that:

- Active participation stakeholders, in particular PDIs especially black women and the rural poor, in broad terms remain low.
- The institutional framework being proposed or established in their present form do not adequately address the needs of PDIs and the rural poor
- In broad terms there is limited evidence that the situation will improve and will ultimately lead to incremental improvements of their representation, active participation and contribution to decision making processes.
- Information dissemination between those involved in the forum and CMA establishment process and those who are not remain weak. Communication between forum or team members is also not taking place effectively. The roles and responsibilities of forum members in general have not been clearly set out
- Issues of particular importance to PDIs, especially the rural poor, and that would contribute to poverty alleviation are frequently excluded from discussions as these have been regarded as not relevant to the CMA establishment process.
- The process is viewed as being consultant driven with the establishment of the CMA being of paramount importance and PDI stakeholders being left behind as they do not fully understand the process.

In terms of *Impact* the review found, among others, that

- There is limited evidence to suggest that the planned overall objectives (three points of the National Water Act) in particular equity can be expected to be achieved in the processes that have been adopted to date
- The planned institutional arrangements associated with the CMA establishment cannot be expected to enhance economic and social development within the WMAs given that this issue has not been specifically addressed.
- In broad terms PDIs and rural communities feel alienated from the process through lack of participating or being able to participate, and through feeling that their issues are not being addressed.

In terms of *Sustainability* the review found that:

- PDIs, and especially the rural poor have limited ownership of the objectives and achievements to date. This is primarily because these stakeholders were not consulted on the objectives from the outset.
- In terms of socio-cultural factors: the initiatives are viewed as not being in tune with local perceptions of needs and ways of producing and sharing benefits; (tradition, culture) nor gender issues.
- It appears that cross cutting issues such as gender equity, poverty alleviation and good governance are not being adequately addressed. Co-operative governance involving other government departments is also lacking.

3. RELATED ONGOING AND PLANNED PROJECT ACTIVITIES

DWAF is supporting the proposal development process for CMA establishment. This involves the services of consultants preparing the technical content of the proposals and the consultative process with the project development working group in Umvoti-Umzimkulu and the Consultative Liaison Committee in Crocodile West Marico

Under project Output 5 a programme for empowering and capacitating forum members has commenced. In addition a programme to capacitate intermediaries (champions), CBOs and CDOs has commenced.

A further activity under project Output 5 is a modular programme *Participatory Developmental Project Cycle Management for IWRM*. This programme brings together key stakeholders in the WMA and provides theory and the opportunity to develop integrated projects that, among others, will contribute to poverty alleviation through socio-economic development.

4. IMPLEMENTATION STRATEGY

In order to ensure the integration of issues related to institutional arrangements with those of stakeholder awareness, empowerment and capacity building linkages will be established between the three project outputs during the implementation phase. To this end, the WMA specific service provider will appoint a person to work closely with the relevant DWAF official and the service providers for Outputs 5.

The core activities of Output 3 will further build upon the documentation related to WMA specific institutional roles and linkages prepared during phase one of the project and monitor the functioning of these linkages. In particular, issues raised from the PDI stakeholder participation review will be addressed namely:

- What can be done to improve the current forum structure to ensure active engagement of PDIs both in the CMA development process and beyond?
- How sustainable are the forums in their current form to meet the needs of PDIs and the rural poor?
- How can poverty alleviation issues be fully integrated into IWRM and the associated functioning local CMA? This will involve the proposal and testing of suitable structures that reflect local needs.
- How can the use of existing structures e.g. water committees (IDPs?) be made to effect sustainable linkages between community, forums and CMAs?
- How can cooperative governance be improved to ensure that poverty alleviation issues are addressed and incorporated in to introducing IWRM and the associated operation of the specific CMA in question?

The activities under Output 5 will *ideally* support those to be undertaken under Output 3 in the following manner.

- Forum members participating in capacity building/empowerment could be required to provide inputs, possibly as “mini-projects” to validate
- Stakeholders involved in the Participatory Developmental Project Cycle Management for IWRM, will be encouraged to develop programmes/projects and activities with the objective of alleviating poverty through active cooperative governance.
- Conversely, depending on the timing of the contract, the participants from the Participatory Developmental Project Cycle Management for IWRM, through the project work already undertaken may be in apposition to provide inputs to the work related institutional roles and linkages.

As part of the interaction between the *Participatory Developmental Project Cycle Management for IWRM*, the service provider for WP3-Output 3 will arrange to meet the participants at each of the modules and make a presentation of the work in progress.

The Service Provider may be from time to time be asked to arrange meetings for the participants of the *Participatory Developmental Project Cycle Management for IWRM programme*. Such meetings may be for example arranging meetings with stakeholders of the projects that are being developed by the participants.

5. OBJECTIVES, OUTPUTS AND ACTIVITIES

5.1 The Overall Project Objective

The overall [i.e. immediate] objective of the DWAF/Danida IWRM Project is as follows: Integrated Water Resource Management established and being implemented in three selected WMAs (Crocodile West - Marico; Olifants-Doorn; and Mvoti to Mzimkhulu).

5.2 Immediate Objective [Overall Project Output 3]

Institutional arrangements for IWRM, that are appropriate to the needs of PDIs, promote cooperative governance in relation to water and the Government's commitment to poverty alleviation, are established & tested [for the CMA] in the selected WMA.

5.3 Output 1: Appropriate forum structures for low volume users in place and tested

5.3.1 Indicators to Output 1

- a) Mechanisms for identifying the correct beneficiaries i.e. stakeholders and the mechanisms of consultation that will lead to the incorporation of the needs of the rural poor in the initial project [i.e. forum-consultation] design are established and tested
- b) Linkages with existing local (rural) initiatives such as local water committees that are well represented and active in addressing local issues established and tested
- c) Processes to identify the real problems or needs in the forum establishment process, in particular in relation to addressing equity in established and tested

5.4 Output 2: Cost no longer a limiting factor for PDIs to participate in consultation process

5.4.1 Indicators to Output 2

- a) Indicators of efficiency appropriate to empowerment and inclusion of the rural poor needs established
- b) Guidelines for costing consultative processes with PDIs and rural poor established
- c) Analysis of appropriateness of the current forum structure to address the needs of the rural poor and to determine whether the use of CBOs and NGOs would be a more cost effective approach.

5.5 Output 3: PDIs, and especially the rural poor have ownership of the objectives and achievements I

5.5.1 Indicators to Output 3

- a) PDI stakeholders fully understand the process
- b) PDIs and rural communities integrated into the process
- c) High levels of active participation stakeholders, in particular PDIs especially black women and the rural poor
- d) Initiatives are viewed as being in tune with local perceptions of needs and ways of producing and sharing benefits; (tradition, culture) nor gender issues

5.6 Output 4: Socio-economic development specifically addressed in IWRM and CMA establishment

5.6.1 Indicators to Output 4

- a) Effective and efficient co-operative governance involving other government departments in dealing with issues related to the rural poor and water
- b) Cross cutting issues such as gender equity, poverty alleviation and good governance are being addressed.

5.7 Output 5: Effective information dissemination between those involved in the forum and CMA establishment process and their constituents

5.7.1 Indicators to Output 5

- a) The roles and responsibilities of forum members clearly set out
- b) Effective communication between forum members and local committees and similar structures

5.8 Output 6: Tools available for stakeholder participation on IWRM issues

5.8.1 Indicators to Output 6

- a) Guidelines tested and adapted for use in Umvoti Umzimkulu WMA

6. TENTATIVE INPUTS AND ADMINISTRATIVE ARRANGEMENTS

This is a service contract and as such not all of the activities described above may be implemented. The DWAF Durban office may wish to change emphasis within the scope of the above planned activities.

A rolling monthly workplan will be prepared in collaboration with the DWAF Durban Office.

The Service Provider will be expected to prepare a monthly progress report and meet regularly with the DWAF Durban Office and the DWAF Danida Institutional and Capacity Building Adviser. The latter will be at an interval of 4-5 weeks

The Service Provider will have to respect the monitoring requirements set out in the following Annexes.

ANNEX I

Monitoring the project environment

This questionnaire should be distributed to stakeholders with the invitations

DWAF/DANCED Integrated Water Resources Management Project

Question 1

How would you describe your awareness of the approaches to implementing the Integrated Water Resources Management as part of the National Water Act (1998) (Tick only one box)

1. This is the first time I have heard of it	
2. I am aware of it but don't have the details	
3. I have taken time to understand it, but am not fully familiar with it	
4. I could easily describe the strategy to another interested person	
5. Other (please explain below)	

Question 2

How would you describe the awareness of the approaches being developed to promote Integrated Water Resources Management that are being developed by the project (Tick only one box)

1. This is the first time I have heard of it	
2. I am aware of it but don't have the details	
3. I have taken time to understand it, but am not fully familiar with it	
4. I could easily describe the strategy to another interested person	
5. Other (please explain below)	

Question 3

What is your perception of the DWAF/DANCED project in relation to the CMA establishment process (Tick only one box)

1. This is the first time I have heard of it	
2. I am aware of the project details but cannot understand the process	
3. It is a separate project not related to the CMA process	
4. It is integrated into ongoing DWAF CMA establishment processes	
5. Other (please explain below)	

Question 4

How would you describe your view of the importance of the project, and especially the concept of Integrated Water Resources Management and the management of water resources locally (Tick only one box)

1. It is one of the most important water sector initiatives in the country	
2. Other community issues are more important	
3. The concept is only relevant in well established communities	
4. An initiative of this kind is long overdue and very urgent	
5. Other (please explain below)	

Question 5

What is your perception of the water forums that have been formed in connection with the CMA establishment process (Tick only one box)

1. I am not sufficiently informed to answer	
2. I am not clear what the role of the forums are	
3. The forum does not sufficiently represent my communities interests	
4. This is a good initiative to represent our interests locally	
5. Other (please explain)	

Question 6

Which of the following statements best describe your current view of the likely impact of implementing Integrated Water Resources Management in your Water Management Area (Tick only one box) Please briefly explain

1. The problems are too big, but the project process will build awareness	
2. The concept is good but the measurable outcomes will take time	
3. The concept is good but effective implementation will be difficult	
4. The impacts will be mixed but there is a chance of success in some places	
5. The idea will eventually be dropped	

Question 7.

To what extent do you feel that the participative process takes into the cultural and tradition ways of managing water in your community (Tick one box only)

1. I am not in a position to answer	
2. We are not provided with the opportunity to discuss this issue	
3. The issues are discussed but I do not feel anything will happen	
4. The issues are discussed and taken into consideration	
5. Other (please explain)	

Question 8

To what extent do you feel that you are prepared prior to taking part in project meetings (Tick one box only) Explain further if you wish

1. I receive no briefing	
2. The information is too much for me to read before taking part	
3. I am not able to grasp the technical issues	
4. I feel that the information is adequate and provides a good background	
5. Other (please explain)	

Question 9

Please describe your view of the performance of the project to date (Tick one box only)
 Explain further if you wish

1. I am not sufficiently informed of the activities to comment	
2. The team is very active and producing good results	
3. There are aspects that must be improved	
4. I am not comfortable with the performance so far	
5. Other	

Question 10

Do you think that Integrated Water Resources Management will lead to improvements in your communities?

1. It will change the way I think about managing water locally	
2. It will have only a limited affect	
3. It will change some of the ways we look at managing water	
4. It will have considerable impact on the way we manage water	
5. Other	

ANNEX II

Tools 5: Periodic monitoring guidelines

The purpose of Tool 5 is to monitor PDI participation in meetings.

Name	
Forum	
Meeting Date	

1= Very satisfied

2= More or less satisfied

3= Not satisfied

	1	2	3
1. Do you think you were properly informed of why you should attend the meeting	1	2	3
2. Were there any preparatory meetings before the main forum and/or reference group meeting	YES	NO	
3. Did you receive sufficient information and documents prior to the meeting			
4. Were the documents in a format you could understand			
5. Do you feel that meeting arrangements suited your needs in terms of schedule, time of day and distance			
6. Do you feel that issues relating to your community and/or forum were appropriately addressed			
7. Are poverty issues addressed			
8. Are economic development issues addressed			
9. Are gender issues addressed			
10. Did you ask questions at the meeting			
11. If yes, do you think you were addressed properly			
12. Do you feel the meetings have been dominated by other interest groups			
13. Has language been a problem in understanding what goes on in the meetings			
14. Do you think there has been an improvement in your understanding of the CMA processes and IWRM since the last meeting			
15. Have you informed members in your community about issues discussed at the meetings	YES	No	
How?			

Information and Capacity Building Needs

1. How do you consider the level of information on IWRM and the CMA process to be in your forum area		
2. Do you think you need to have further capacity building. If yes mark the boxes below	YES	NO
3.1 Understanding legislation		
3.2. Understanding institutional issues		
3.3. Understanding the water cycle		
3.4 Other		
Any other suggestions/comments you may have		