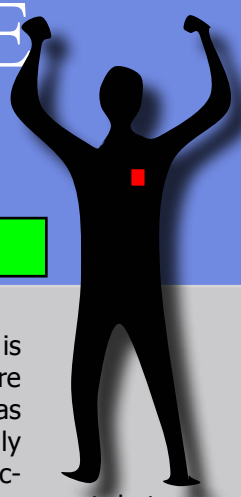


RESOURCE GOVERNANCE

WHY IS IT IMPORTANT?



Rights

RESPONSIBILITY

AUTHORITY

BENEFITS

What is governance?

Definitions of governance vary widely, and depend upon the context in which the term is used and what is being referred to. Generally it includes the aspects of power, processes, rights and responsibilities that are associated with making and enforcing rules that guide our society. Governance is also often thought of as the same as government – and indeed governments are engaged with governance, but they are not the only institutions and actors involved in the process of governance. For example, it can involve community structures, traditional authorities, civil society and government. Also, governance is often taken to mean management, but we regard management as only one aspect of governance. In the context of this document we are concerned with governance of natural resources on communal land.

New laws and policies

A number of laws apply to specific natural resources and their management such as water, trees, biodiversity, land, etc. The key laws relevant to this work are: The National Environmental Management Act (NEMA), the National Water Act (NWA), and the Conservation of Agricultural Resources Act (CARA).

Working with these laws calls for learning to do things in new and different ways such as collaborating across levels and structures, and seeking integration and cooperation from different groups. It is unclear where, in the state, responsibility and authorities lie regarding natural resource governance and management. It is clear that the state has a role, but this is often limited, e.g. to protected species. Given this and extremely limited capacity local communities must be involved in governance – but the silence around this is notable in its absence in the policies above and this is concerning. The work explained here hopes to make a contribution in this regard.

A number of new and important laws apply to governance in democratic South Africa. Unfortunately the main policies that relate to the governance of natural resources on communal land do not focus specifically on the issue. The key laws for governance on communal lands are:

The TGLFA, **Traditional Governance and Leadership Framework Act** - a new law, still being implemented, which recognises traditional authorities, but also requires them to transform to become more democratic and gender equitable, setting up Traditional Councils to replace Traditional Authorities

The CLRA - **Communal Land Rights Act** still to be implemented. It aims to transfer ownership of land from the state to the community. Communities need to write down their "community rules", and to elect a Land Administration Committee who will be responsible for implementing these rules. This can be, but does not have to, the Traditional Council – people in each area can choose for themselves.



WHAT ARE NATURAL RESOURCES AND WHY ARE THEY IMPORTANT?

Natural resources: soil, plants, rivers and wetlands are all natural resources. Unfortunately many of them are degrading... this has serious consequences for all...now, and in the future. Poor people are the most vulnerable to resource degradation. Individual resource users, such as farmers, can do something to try to improve the health of their resources through how they farm, but other aspects need better governance. It is not just about improving practices... Sustainable resource management must consider: rights, authority, responsibilities and benefits!

IMPORTANT ASPECTS OF WISE AND EFFECTIVE RESOURCE GOVERNANCE

RIGHTS

who, what & where?

Who has what rights and where in the village do they apply? The rights people have in relation to natural resources depends on the kind of land being referred to and for what it is being used. In our research it was clear that understanding rights depended on 'where' in the village we were referring to – did we mean 'my home', 'my field', 'the wetland' or 'the communal land'. Also, there are changes in laws and in customs, so rights are also changing and people do not always know what their rights are or how they can assert them. And we need to remember that not everyone always agrees on who has what rights. Some examples of rights from the village of Craigieburn are:

Right to use the land and resources, and to benefit from it.

Rights to bequeath land, and to exclude others

Right to be secure on the land

Right to participate in decision making

Right to allocate usufruct (allowing someone else to benefit under certain conditions)

Key questions

How clear are community members and authorities on people's rights regarding land and natural resources?

Are people rights being asserted on the one hand and defended on the other? If not, why not?



AUTHORITY

who & why?

Authority refers to a claim of legitimacy – this is the justification and right to exercise power in a certain way. Power is assigned to an authority in order that they are able to carry out their responsibilities. And this power can be assigned in different ways depending on the values and social system. But remember, power can be exercised by people who do not have authority assigned to them.

Authority should to be exercised for wise and effective governance not for corrupt purposes or personal enrichment. Also responsibilities are sometimes given to, or assumed by, people without the necessary authority (or power) to carry these out which can lead to poor and weak governance.

Key questions

- Do those with responsibility have the necessary authority to carry them out?
- If structures who are given authority do not exercise it, how can we rectify the situation?
- How can we support the development of wise and effective governance where there is confusion and a lack of clarity?
- If different laws, policies and programmes are setting up different structures of authority without reference to each other, how can wise and effective governance be developed?

COSTS & BENEFITS

Who, what, where & when?

We have the right to benefit from resources on our land. This aspect asks us to consider **who** is deriving **what** benefits, and also is carrying what costs, from land and resource use. **Where** the benefits and the costs are derived, and **when** are other important aspects. But remember that benefits to one group can be a cost to another group (e.g cattle and crops). A community may give the right to develop and benefit from their land to someone else, usufruct rights (e.g. to build a lodge, or a mine and factory). Commercial exploitation needs to be well thought through so that the costs and benefits are derived within a sustainable and equitable framework. It is important to remember that where a lot of money is involved conflict can arise. There are always short and longer term costs benefits to think about.

Key questions

- What support does a governance system require to be able to balance the costs and benefits
- Can a commercial mining enterprise be a model of balancing social and environmental costs and benefits
- What will land reform and its attendant structures and assigned authorities mean for governance that balances costs and benefits



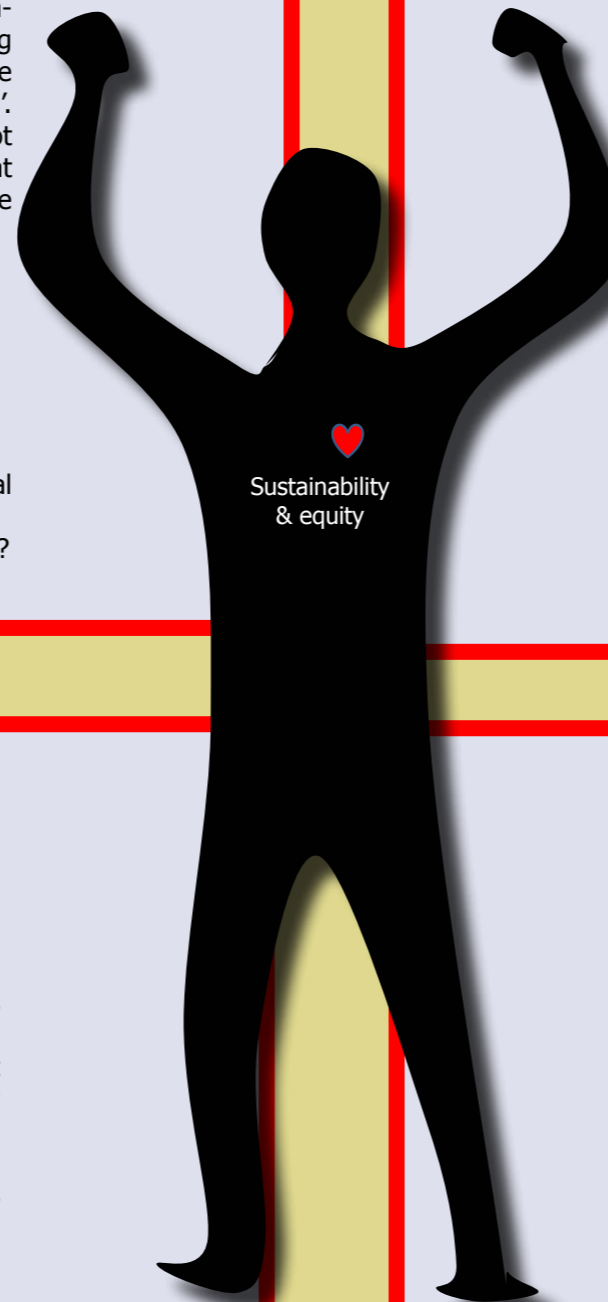
RESPONSIBILITY

by whom & for what?

Who has what responsibility for which natural resources? We have responsibility in how resources are allocated amongst people, how they are used, and how they are looked after for future generations. Responsibility can be delegated by an authority. With change in laws, policies, procedures and in customs, responsibilities can change. Also there might be overlaps in responsibilities. Overlapping responsibilities can lead to problems not being taken up by anyone, and so the problem ends up not being addressed at all. The result is degradation and abuse of the resources. Remember that responsibility and authority are not the same thing.

Key questions

- Who is carrying out their responsibilities?
- How well are they doing so – in other words is it wise and effective ?
- Who is not carrying out their responsibilities?
- Why is this – are these good reasons or excuses?
 - What situation does that lead to?



Governance of natural resources is complex, because:

- different natural resources co-exist in the same place and are governed by different policies and structures;
- the boundaries for governance of different resources do not match up exactly leading to overlap of rights, responsibilities and authority;
- the governance by a structure of a specific resource (e.g. land) impacts on the governance of another linked resource (e.g. trees). This is usually not adequately recognized so, for example, land reform has implications for natural resource governance;
- there are many changes that have, and continue to take place, that affect rights, responsibilities, authority and the benefits related to natural resources;
- there is not one structure with authority over all the others, and so they need to interact and communicate in order to get things done;
- plural legal systems (i.e. more than one) are a reality, and this means that power, authority and rights derive from different legal and cultural systems.



Where is Craigieburn?

Craigieburn is a small rural village located in the Bushbuckridge Municipality, which lies in the eastern region of South Africa. The municipality is partially located in the Sand River Catchment. The catchment is extremely vulnerable in terms of water security. Specifically, the upper reaches of the catchment are critical in that they contribute significantly to water production for the whole catchment. However, poor management practices have resulted in continued environmental degradation, evident in the reduction in runoff, loss of soil and invasion of riparian zones and wetlands by invasive plants. A number of important wetlands occur in the upper catchment in what are densely populated communal lands. Initial work with wetland users from the village of Craigieburn indicated that the function and integrity of these wetlands are being progressively eroded putting many vulnerable livelihoods at risk.



This is a visual summary of a project carried out in the Craigieburn Wetlands of the Sand River Catchment, South Africa. The findings are drawn from an action research project conducted by the Association for Water and Rural Development (AWARD) and funded by IDRC, LEAP and WWF. More information can be obtained from: www.award.org.za

The objective of the project is to facilitate the development of wise and effective governance of natural resources of Craigieburn and to share the learning with a wide group of policy makers and practitioners.

