



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

NATIONAL WATER POLICY REVIEW (NWPR)

Regional Consultations

September/October 2013

INTRODUCTION: OVERVIEW

- The mandate of the policy review is to determine any oversight in the current water policies to provide amendment to address these.
- All 'other' policy positions remain valid.
- There are currently four policy documents that underpin the review:
 - White Paper on Water Supply and Sanitation (1994),
 - White Paper on a National Water Policy for South Africa (1997),
 - White Paper on Basic Household Sanitation (2001) and the
 - Strategic Framework for Water Services (2003).
- A number of challenges have been identified that require a policy review, and consequent legislative amendment.
- Recommendations on revised or updated policy positions are provided
- Three overarching issues are discussed briefly below:

DEVELOPMENTAL WATER

- The NWRS has adopted a position of developmental water management:-
 - addresses linkages between water management and the developmental and transformational goals
 - requires the consideration of the entire water value chain - how water can contribute to achieving equitable development
 - focuses on those priority actions within the delivery capacity of the state and other role players that will have the greatest developmental impact.
- Based on this framework, and on experience of the previous fifteen years, the National Water Act and the Water Services Act will be combined into one, seamless piece of legislation governing the entire water chain

DEALING WITH THE WHOLE WATER VALUE CHAIN— FROM SOURCE TO UTILISATION TO SOURCE— IN A SEAMLESS FASHION

- There have been a number of challenges arising from two pieces of legislation that were not sufficiently integrated in approach
- Many of these issues do not require policy shifts or elaboration
- Having one piece of legislation will enable the water management institution to have a clearer understanding of legislative requirements across the entire value chain
- The Minister and DWA roles and responsibility are under review

ESTABLISHING A NATIONAL WATER STRATEGY

- Current NWRS refers to management, development, allocation, control and protection of water resources
- Strategic Framework for water services provides and approach for water supply and sanitation
- Results in inconsistencies in management of entire water value chain
- Will enable structured national approach to manage across value chain
- Clarify roles and responsibilities
- Agreed targets

WORK DONE THUS FAR

- 12 Policy positions developed
- Presented to Cabinet and was approved for public consultations
- Minister approved for gazetting
- Currently in public consultation phase

USE-IT OR LOSE-IT PRINCIPLE

- Policy Positions
 - Any authorised water use, including Existing Lawful Use (ELU), which is not utilised for a period specified by the Minister, should be reallocated to the public trust managed by the Minister as custodian of the nation's water resources

NO TRADING / *TRANSFERS* BETWEEN AUTHORISED WATER USERS

- Policy Positions
 - There shall be no form of temporary or permanent trading between authorised water users. It will be obligatory for any holder of an entitlement to use water which is no longer utilised to surrender such use to the public trust
 - This position strengthens the use-it or lose-it principle

PRIORITISING SOCIAL & ECONOMIC EQUITY IN THE REALLOCATION OF WATER

- Policy Positions
- The Minister has discretion to determine priority considerations for reallocation of water.
- Decision making in reallocation of water will have equity as the primary consideration.
- Priority will be given to water use authorisation applications that meet the equity requirement, as provided in the regulatory instruments.

MULTIPLE WATER USE APPROACH IN PLANNING INFRASTRUCTURE

- Policy Positions
 - A multiple water use approach, which incorporates all water uses in an area including water supply, must be adopted in planning of bulk water infrastructure. This approach will also have equity and transformation as a priority
 - A participatory planning approach will be adopted to avoid conflicts over allocations to different purposes or users

ACCESS TO BASIC WATER SUPPLY

- Policy Positions
- A basic water supply facility is defined as the infrastructure necessary to supply potable water to a formal connection at the boundary of a stand.
- A WSA should work progressively or incrementally towards providing higher levels of water supply to all households, including rural areas.

FREE BASIC WATER SERVICE FOR INDIGENT HOUSEHOLDS

- Policy Positions
- Free basic water supply will be provided to only indigent households.
- The free basic water supply applies to the provision of a minimum of 25 litres per person per day
- DWA will provide norms and standards for provision of free basic water supply to indigent households.

ECONOMIC REGULATION

- Policy Positions
- Economic regulation will be applied throughout the water value chain
- To avoid any conflict of interest, real or perceived, water use tariffs will be determined annually by DWA, in consultation with National Treasury
- Scope and functions of economic regulation will encompass the setting of the rules to control, monitor, enforce tariffs/charge; tariff/charge determination structures and service standards

ESTABLISHMENT AND FUNCTIONS OF REGIONAL WATER UTILITY

- Policy Positions
- The functions of the Regional Water Utility will be to plan, build, operate, support and maintain Regional Bulk Infrastructure.
- Regional Water Utility institutional arrangements will be appropriate to the area of operation
- The Minister may issue a directive for a Regional Water Utility to address water infrastructure development and/or maintenance needs in an area.

DISESTABLISHMENT OF ROLES AND FUNCTIONS OF WUAs

- Policy Positions
- A CMA, in consultation with the Minister, will determine the water institutional structures required to manage water within their jurisdiction.
- The Minister will specify a date by which WUAs and Irrigation Boards (IBs) will cease to exist, with the appropriate functions related to a state-owned water scheme being delegated to a CMA or Regional Water Utility.

WATER ALLOCATION DISPUTE RESOLUTION

- Policy Positions
- In line with NEMA, the process of speedily, cheaply and transparently resolving difference or disagreements will be mediation.
- The Minister may appoint an independent panel, based on the conditions that he/she deems necessary, to advise on a dispute/s.
- Where mediation does not resolve the matter, parties may refer the matter to arbitration

POWERS AND FUNCTION OF WATER SERVICES AUTHORITIES

- Policy Positions
- A WSA powers and functions will be determined by CoGTA, in concurrence with DWA.
- DWA will develop norms and standards for the technical component of the authorisation of a WSA.
- MOU will be signed by DWA and CoGTA

PUBLIC WATER INSTITUTIONS AND APPOINTMENT OF CHIEF EXECUTIVES

- Policy Position
- The appointment of members to the Board and the Chief Executives of a water institution will be aligned with best practice models, the Presidential Review Committee Report and the PFMA.
- The appointment of a Chief Executives will be by the Board of the water institution, in concurrence with Minister.

PROCESS GOING FOWARD

- External consultations
- Finalisation of the policy positions
- Finalisation of legislative review



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