

# **NATIONAL WATER POLICY REVIEW (NWPR) (AMENDED)**

## **INTRODUCTION**

- Policy review necessary to close gaps and deal with impediments and unintended consequences in the current water policy and legislation and to facilitate the water legislative review process.
- The three current policy documents underpinning our legislation are: White paper on Water Supply and Sanitation (1999); White paper on National Water Policy for South Africa (1997) and the Strategic Framework for Water Services (2003).
- A significant number of people (mainly the poor and previously disadvantaged) remain with limited access to water.
- Amendments aimed at attaining the objectives of equity, sustainability and access to water.
- Review will deal with the whole water value chain in a seamless way (from resource to consumption / productive use to resource)
- Lead to the promulgation of a single Water Act (replacing the current National Water Act: 1998 and Water Services Act: 1997)

## **12 KEY POLICY POSITIONS**

- Application of a “use-it or lose-it” principle with regard to water use
- Water trading between authorised water users
- Prioritising social and economic equity in the re-allocation of water
- Multiple water use approach in planning infrastructure
- Access to basic water supply
- Free basic water supply to indigent households
- Economic regulation
- Establishment of Regional Water Utilities
- Roles and functions of Water User Associations
- Appeal functions to be aligned with NEMA and other appeal mechanisms
- Powers and functions of Water Services Authorities
- Public Water Institutions and appointment of Boards and Chief Executives

## **APPLICATION OF A “USE-IT OR LOSE-IT” PRINCIPLE**

- 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
- Water will be re-allocated to address social and economic equity
- Timeframes and methodology to be mandated for ELU entitlements to be converted to licences

## **WATER TRADING BETWEEN AUTHORISED WATER USERS**

- Current policy and legislative provisions on trading of authorised water use inhibit the achievement of equity in allocation of water
- 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 (the State)
- This position strengthens the use-it or lose-it principle

## **SOCIAL AND ECONOMIC EQUITY IN THE REALLOCATION OF WATER**

- The Minister to have 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**

- In the past bulk raw water infrastructure was planned for specific sector needs (single purpose) to the exclusion of other users
- A multiple water use approach will be implemented, which incorporates all water uses in an area including water supply, supply, must be adopted in planning of bulk water infrastructure. This approach will also have equity and transformation as a priority
- This approach will deal with short and long term benefits including health, access to food, savings in time and cost, higher productivity and income (all of which contribute to poverty reduction)

## **ACCESS TO BASIC WATER SUPPLY**

- Reaffirming the rights enshrined in the Bill of Rights
- 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
- Water Services Authorities (Municipalities) 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**

- 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
- Norms and standards to be developed for the provision of free basic water supply to indigent households
- Minister may determine conditions for the provision of free basic services

## **ECONOMIC REGULATION**

- 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

## **FUNCTIONS OF REGIONAL WATER UTILITIES AND WATER USER ASSOCIATIONS**

- The functions of the Regional Water Utility will be to plan, build, operate, support and maintain Regional Bulk Infrastructure with institutional arrangements 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
- 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**

- 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

#### **WAY FORWARD**

- Finalize Legislative amendments
- Investigate option on the following policy issues:
  - Mechanisms for partnerships
  - Recognition of historical entitlement to water under customary law
  - Climate change
- Conduct a comprehensive review and consolidation of water policy