CHIEF DIRECTORATE: WATER USE

WATER ALLOCATION REFORM

STRATEGY

September 2008
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LIST OF ABBREVIATIONS

CDWU = Chief Directorate: Water Use
CMA = Catchment Management Agency
CMS = Catchment Management Strategy
DWAF = Department of Water Affairs and Forestry
GA = General Authorisation
ISPs = Internal Strategic Perspectives
NWA = National Water Act
NWRS = National Water Resources Strategy
WAR = Water Allocation Reform
WARS = Water Allocation Reform Strategy
WMA = Water Management Area

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EXECUTIVE SUMMARY

Water, like all other resources in this country is historically allocated unequally. Thus the National Water Act, Act No. 38 of 1998 (the NWA) and subsequently the National Water Resources Strategy (NWRS) in line with the constitutional imperative provides for the correction of such imbalances. The provisions of Chapter 9 of the constitution provide the constitutional mandate for government to take measures to address previous discrimination with all its inequalities.

The NWA stipulates that equity, sustainability and efficiency are the guiding principles of water resources management in South Africa. However, since the promulgation and implementation of the NWA, one principle that has not received the desired attention is equity, resulting in perpetuation of the status quo. This is a picture that the Water Allocation Reform (WAR) seeks to change. This Water Allocation Reform Strategy (WARS) serves as the strategic link between policy intent and the practical implementation of the provisions of the NWA providing the implementation targets towards the realization of the NWA.

Preceding the development of WARS, the Department of Water Affairs and Forestry (DWAF) prepared a draft position paper on WAR in South Africa. Subsequently, the position paper, the Broad-Based Black Empowerment (BBBEE) guidelines for water use and the WARS were workshopped intensively with internal and external stakeholders to ensure their commitment and buy-in.

The strategic objective for WARS is to redress past imbalances in the allocation of water. The WARS stipulates national targets, which are inclusive of black women and are to be progressively achieved by the year 2024. In terms of these targets 60% of allocable water should be in the hands of black people of which half should be in black women’s hands. The reasoning behind setting up targets is to ensure that resources are channelled or focused to meeting the objectives of the WAR programme.

The WAR Strategy will be implemented using various long-term and short-term mechanisms in a two-phase approach. Phase A, will be the review and integration of the institutional arrangement to ensure water allocation is undertaken to account for the external factors such as land reform processes and the land claims. The second phase of the strategy is the development and implementation of the water allocation action plans within the context of Catchment Management Strategy (CMS) where all DWAF’s internal processes and initiatives are aligned to achieve the targets set for 2024.

In order to monitor performance in implementing the WARS, performance indicators have been identified. These indicators will assist DWAF in monitoring and controlling the implementation process to achieve the objectives of WARS. Risks associated with failure to implement the WAR Strategy effectively are identified, analysed and presented as part of this document.

A basic outline of the resources required to implement the strategy is provided in the document. The outline covers the resource requirements along with estimated timeframes for the completion of each component of the strategy.

In short, the constitution, the NWA and NWRS have laid down the foundation for water allocation reform. The Water Allocation Reform Strategy seeks to ensure the realisation of the transformation mandate contained in the above policies.
1. INTRODUCTION

1.1 Background

Historically in South Africa, water for production purposes was largely allocated unequally for the benefit of the minority without consideration for equity, efficiency and sustainability. Exacerbating this skewedness was the issue of land ownership inequity and the riparian water rights.

Assessment and analysis of issues:

Among other factors, the current situation is depicted by:

- a large number of authorisations in the hands of Whites,
- most water use applications received are from whites without any demonstration/indications of how they are to contribute to redress and equity
- most of the resources are getting depleted if not already depleted (refer to the NWRS)
- the difficulties experienced by blacks to participate in water resource management and to use water for productive purposes.
- trading of water use entitlements between parties without any regulatory mechanisms to ensure that trading happens within the context of redress and equity.

In view of the foregoing, there was an urgent need to review the legislative environment in which water allocation was being conducted before 1994. The historical background and the current situation necessitate a structured and targeted approach to WAR.

1.2 Legislative framework for water allocation reform

The processes that gave impetus to water allocation reform have been going on for quite some time. Some of the key milestones in these processes are as follows:

- The Bill of rights in the Constitution of South Africa, particularly Section 24 and 27.
- The Water Law Review Process, which culminated in the “White Paper on National Water Policy for South Africa (April 1997)”. This White Paper, amongst other things identified the need to draft a new water law, which is consistent with the Constitution and the provisions of the Bill of Rights.
- Promulgation of NWA in August 1998. The NWA stipulates the principles of equity, sustainability and efficiency, as the guiding principles in correcting the imbalances in the management of water resources in South Africa.
- The approval of the NWRS in September 2004 to guide the management of the water resources of the country within the provisions of the NWA. The NWRS provided guidelines for the Water Allocation Reform (WAR) Programme.
- The launching the Draft Position Paper on Water Allocation Reform in April 2005 by the Minister of Water Affairs and Forestry.
1.3 Permissible water use

Chapter 4 of the NWA defines the general provisions, requirements and conditions for permissible water use. While Section 21 of the NWA specifically, lists all the “water uses” Section 22 of the NWA defines the permissible water uses which include:

1. **Schedule 1 use** - small volumes of water for household use only. No application for a licence needs to be made.
2. **General Authorisations** - larger volumes of water may be generally authorised for a specific type of water use or category of water user. These users need to register their use but do not need a licence.
3. **Existing Lawful Use** – this allows water use that was lawfully used before the NWA came into effect to continue until it can be converted into a licence using compulsory licensing.
4. **Licensed Water Use** – Licences are issued under the NWA, and require approval of an application by the Department of Water Affairs and Forestry or the Catchment Management Agency.

Chapter 4 of the NWA is therefore of major significance to WAR, as it lays the basis for regulating water use.

In order to promote the beneficial use of water in the interest of all South Africans, the NWA further defines a water allocation approach, which should promote equity, address poverty, generate economic growth and create jobs. The National Water Resource Strategy advocates the prioritization that underlies water allocation or reallocation. Figure 1.1 illustrates the water allocation prioritization as outlined in the NWRS.

**Figure 1.1**: Nation’s Water resources/rights and allocations.

The water availability situation in the 19 WMAs differs but the main prevailing situation is that in most of the WMAs, the water requirements exceed the allocable water. The allocable...
water is the “Water available for allocation after meeting the requirements of the Reserve, International Obligations, and strategic use”.

Since the promulgation and implementation of the NWA, the DWAF has developed strategies and implementation programmes for ensuring sustainability and efficiency in utilizing the water resources. Although all these initiatives have taken place there has been no meaningful transformation in the water allocation and thus the imperatives to develop a comprehensive WAR strategy to ensure equity.

1.4 An assessment of the water available for allocation

The Internal Strategic Perspectives (ISPs) prepared by DWAF for the 19 WMAs as presented in the NWRS indicate that in a number of the catchments the allocable water is much less than the water requirements at the required level of reliability of supply of the different user sectors. The situation is further aggravated by the deteriorating water quality. This is resulting in the increase of competition for the available water. The need to ensure redress in water allocation and achieve the equity objectives will therefore exacerbate the situation and increase the competition for water between existing and emerging users if this is not carefully managed.

In short, the NWA is founded on the principle that the National Government has overall responsibility for and authority over water resource management, including the equitable allocation and beneficial use of water in the public interest. It is imperative therefore that there is a strategy for water allocation reform.
2. STRATEGIC OBJECTIVES FOR WATER ALLOCATION REFORM

2.1 Overview
The purpose of the WARS is to give effect to the legislative imperative to achieve redress and equity as stipulated in the NWA.

The overall impact of this reform should be water allocation that promotes equitable social and economic development in the WMA with a special focus on women and Blacks.

2.2 Strategic intent of water allocation with respect to redress
The need for targets arises out of the realisation that there is nothing against which to measure success or failure of the WAR programme. Targets are essential in ensuring that resources are channelled towards the achievement of the strategic goals. They serve as milestone indicators of progress towards the attainment of these goals.

2.2.1 National targets in respect of blacks
In due recognition of the challenges facing the Blacks beneficiaries of the WAR process, specific mechanisms to enable and empower the Blacks to access and exercise the new water license opportunities, are identified.

A number of factors were considered in determining what realistic targets must be achieved in the allocation of water to blacks. These factors include the demographic profile of the country; the current level of water already in black hands; the potential for more water that can end in black hands due to the land claims and the land reform programmes. Based on these measures, 60% of allocable water should be allocated to black people in the long term, which is to be achieved progressively by 2024 as illustrated in Table 2.1:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TARGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>30%</td>
</tr>
<tr>
<td>2019</td>
<td>45%</td>
</tr>
<tr>
<td>2024</td>
<td>60%</td>
</tr>
</tbody>
</table>

2.2.2 National targets in respect of women
By 2024, half of the 60% allocable water attributable to Blacks as mentioned above, should be allocated to women. In ensuring the achievement of this target, the rolling five yearly strategic targets are set out in Table 2.2:
Table 2.2: National targets for water allocation in respect of women

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TARGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>30%</td>
</tr>
<tr>
<td>2019</td>
<td>40%</td>
</tr>
<tr>
<td>2024</td>
<td>50%</td>
</tr>
</tbody>
</table>

In order to achieve the above targets, the criteria for water allocation as detailed in Appendix B should be followed.
3. STRATEGIC OPTIONS FOR WATER ALLOCATION REFORM

In order to develop a comprehensive strategy for water allocation reform, it was imperative to first understand the key water allocation issues as presented in Annexure A (redressing imbalances (race and gender); Broad-Based Black Economic Empowerment; capacity development; local, provincial and national planning initiatives; fair, reasonable and consistent; phased attainment of developmental and environmental objectives; water quality considerations; reduction of administrative burden) needed to be addressed and aligned with the strategic guidelines already identified in the Water Allocation Reform Position Paper. These issues have informed the development of strategic options and action plans for undertaking water allocation reform to achieve the objectives of the strategy.

The link between land rights and water rights had long been established in South Africa on what became known as the Riparian Principle. It is unavoidable that any reform process that seeks redress on water entitlements is inextricably linked to the land reform process in South Africa. This is a logical starting point for setting water allocation reform targets at the national level.

3.1 WAR strategic mechanisms

There are several strategic mechanisms and approaches by which the WARS will achieve the set targets. Some of the mechanisms include but are not limited to the following:

- Set-Asides
- General authorizations
- Strategic alignment with other national initiatives
- Compulsory Licensing
- Development Support
- Partnerships
- Business enterprises using water as a productive asset

3.1.1 Setting-Asides

Water may be set-aside in a catchment, specifically for allocation to Blacks. In stressed catchments, water that becomes available, for example, from water conservation, water demand management and illegal water use recovered during the verification and validation process will be set aside for Blacks. Individual licences or general authorisations will then be issued to applicants from this group.

3.1.2 General Authorisation

General Authorisation (GA), in terms of the NWA, may be gazetted for specific catchments for allocation of water resources to Blacks and women. This will facilitate the uptake of water by designated groups to ensure the achievement of the set targets. The GAs also reduce administrative burden.
3.1.3 Compulsory licensing

Compulsory licensing in terms of Sections 43-48 of the NWA is a mechanism through which all the water use authorisations in an area are reconsidered in order to amongst others achieve a fair allocation of water from a resource that is under stress.

3.1.4 Partnerships

Meaningful partnership initiatives when encouraged and implemented through a scorecard basis may be used to facilitate water allocation reform. Partnership initiatives may be encouraged through various forms of incentives including but not limited to the following:

- Joint venture initiatives
- Public Private Partnerships

3.1.5 Development support

Several members of the targeted beneficiaries of water allocation reform do not have the financial means to participate meaningfully in economic activities based on water as a productive resource. To facilitate the reform while still ensuring viable economic activities in various sectors, financial subsidies should be made available to beneficiaries of the water allocation reform in the following manner:

- Financial support
- Funding of the infrastructure
- Other financial subsidies
- Grant funding
- Technical support
- Voluntary Donations

3.1.6 Business enterprises using water as a productive asset

Initiatives and programmes may be used to attract the targeted beneficiaries of the water allocation reform to consider, develop, and enter into business enterprises, which use water as a productive asset. In the past black people have not been active participants of such business enterprises.

3.1.7 Strategic alignment with other national initiatives

There are several other government initiatives that may be used to facilitate water allocation reform. Some of these initiatives include the land reform programme and Special Purpose Vehicle (SPV) of Department of Agriculture. To ensure that these initiatives provide strategic support to the water allocation reform program, there has to be strategic alignment.
3.2 Scheduling of mechanisms

This section provides the scheduling of some mechanisms with respect to implementation in the short, medium, and long term. Short-term mechanisms are those that will be implemented during the financial year 2009/10, medium term are those for 2010/11, and long term are for 2011/12 and beyond. Tables 3.1 to 3.3 provide a list of the mechanisms, timelines and programmes:

**Table 3.1: Short-Term Mechanisms**

<table>
<thead>
<tr>
<th>Short term mechanisms</th>
<th>Timelines</th>
<th>Programme approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set aside 50% of allocable water for Blacks in catchment areas where by the time of implementation of this strategy there is still allocable water.</td>
<td>2009/10 financial year</td>
<td>Through Ministerial declaration and subsequent implementation by DWAF</td>
</tr>
<tr>
<td>Voluntary donation and/or surrender</td>
<td>2009/10 financial year</td>
<td>Mobilization of current water users and private sector</td>
</tr>
<tr>
<td>Empowerment programme for Blacks to attract them to water usage for poverty alleviation and job creation.</td>
<td>2009/10 financial year</td>
<td>Mobilization of potential users of water who are black</td>
</tr>
<tr>
<td>In stressed catchment areas any water becoming available will be set aside until 50% of allocable water is available for Blacks</td>
<td>2009/10 financial year</td>
<td>Through Ministerial declaration, and subsequent implementation by DWAF</td>
</tr>
</tbody>
</table>

**Table 3.2: Medium -Term Mechanisms**

<table>
<thead>
<tr>
<th>Medium term mechanisms</th>
<th>Implementation</th>
<th>Programme approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>In stressed catchment areas set aside some amount of water that becomes available through several approaches such as augmentation schemes, water conservation and demand management, and Illegal water use to make available for Blacks.</td>
<td>2010/11 financial year</td>
<td>To develop and publish Ministerial declarations.</td>
</tr>
<tr>
<td>General Authorisation- approval of application for general authorisation should ensure that the provisions of Section 27(1) b of the NWA have been taken into consideration.</td>
<td>2010/11 financial year</td>
<td>To develop and publish Ministerial declarations.</td>
</tr>
<tr>
<td>All the mechanisms used in the short term</td>
<td>2010/11 financial year</td>
<td>Defining and refining short, medium to long term mechanisms and approaches</td>
</tr>
<tr>
<td>Review of the NWA so as to enable accelerated pace in implementation</td>
<td>2009/2010 financial year</td>
<td>Consideration of all legal implications. Reduce possible misinterpretations and impediments</td>
</tr>
</tbody>
</table>

**Table 3.3: Long Term Mechanisms**
3.3 Two phase approach to implementation

The WAR Strategy will be implemented in two phases, Phase A and Phase B.

**Phase A:** The purpose of this phase is to:

- Review and align the water allocation projects and all related processes so that there is synergy amongst all the various initiatives that have been undertaken by DWAF both nationally and regionally and other initiatives by other Government Departments which relate to and have impact on the WAR. The relevant structures that are to enable the implementation of the WARS are also to be reviewed.

- Setting water allocation reform targets at water management areas. This will entail determining the reserve, resource class, and resource quality for each water management area and then setting water management area targets and timeframes in line with the national targets.

- Establishing an enabling stakeholder management environment for the implementation of the strategy. This will include the review or putting in place cooperative governance arrangements with relevant government spheres and state agencies that have a role in or impacted by water allocation reform. In addition, to review or put in place relevant stakeholder forums that are impacted by water allocation reform.

**Phase B:** The purpose of this phase will be the actual execution of the water reallocation on the basis of the effective implementation of Phase A so that the plans at water management areas will give effect to the targets in this national strategy.

Of immediate implementation is the emphasis on the requirement to meet redress and equity as required in Section 27 (1) (b) of the NWA. Implementation is guided by the BBBEE guideline in instances where the applicant does not meet the requirements of their sector charter.
4. STRATEGY COST ESTIMATES AND RISKS

4.1 Costing the strategy

Water allocation reform strategy cost estimates include only the activities of the projects as shown in Table 4.1.

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>DWAF RESOURCES</th>
<th>PROJECT DURATION</th>
<th>COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Validation &amp; Verification</td>
<td>8-10 months</td>
<td>18-24 months</td>
<td>R1500-3500 / user</td>
</tr>
<tr>
<td>WC/DM</td>
<td>12 months</td>
<td>1-3 years</td>
<td>R 1.5-2 M</td>
</tr>
<tr>
<td>Improved Yields &amp; Operations</td>
<td>12 months</td>
<td>2-5 years</td>
<td>R 5-10 M</td>
</tr>
<tr>
<td>Development of a Catchment Assessment Report</td>
<td>1 person month</td>
<td>6-18 months</td>
<td>R500K</td>
</tr>
<tr>
<td>Development of a Catchment Allocation Plan</td>
<td>6 months</td>
<td>6-10 months</td>
<td>R500K</td>
</tr>
<tr>
<td>Development of a Framework for Allocation</td>
<td>12 months</td>
<td>18-24 months</td>
<td>R 1.5 M</td>
</tr>
</tbody>
</table>

4.2 Risks

The risks associated with failure to implement the WAR Strategy effectively have been identified and analysed. The identified risks include:

- Political
- Economic
- Potential resistance to the WAR process by Existing Legal Users (ELU)
- Lack of uptake / response by HDIs.
- Performance
- Failure in Implementation processes
- Lack of Foresight

For details and analysis refer to Annexure B.
ANNEXURES

ANNEXURE A: THE WATER ALLOCATION REFORM STRATEGY FRAMEWORK

ANNEXURE A1: The WARS development cycle
ANNEXURE A2: Criteria for Allocation
ANNEXURE A3: Key water allocation issues
  A3.1 Redressing imbalances (race and gender)
  A3.2 Broad-Based Black Economic Empowerment
  A3.3 Capacity development
  A3.4 Local, provincial and national planning initiatives
  A3.5 Fair, reasonable and consistent
  A3.6 Developmental and environmental objectives
  A3.7 Reduction of administrative burden

ANNEXURE B: RISK ASSESSMENT
ANNEXURE A: The water allocation reform strategy framework

The development cycle entails the following steps 1) where are we, 2) where do we want to be, 3) what actions are required and how resources will be allocated and 4) how do we ensure goals are achieved. A need to understand the water allocation strategic objectives in the context of the NWA and the National Water Resource Strategy (NWRS) is a major imperative in the development of the WAR strategy. This provides a framework from which the water allocation issues with respect to the need for redress and achieving equity objectives in water allocation for beneficial use by emerging users. The development of the WARS was carried out based on characteristics that are critical to the design of successful strategies as adopted from “A Guide to the formulation of the National Water Resources Strategy”. Further, Annexures A1, A2 and A3 outline the WARS development cycle, allocation criteria and key water allocation issues respectively.

ANNEXURE A1: The WARS development cycle

The WARS development cycle has followed the following steps:

- **Assessment of water allocation issues**: The strategy has identified key water allocation issues that are to promote equitable economic growth and poverty eradication. This has been undertaken briefly in the context of water availability and the increasing competition between existing users, while balancing the need for environmental sustainability with the competing demands to ensure economic growth and poverty eradication. The strategy has evaluated the identified issues taking into account the changing external environment.

- **Defined water allocation objectives/targets**: The strategy defines water allocation objectives and targets to be met/achieved through the implementation plans.

- **Evaluating options and presenting the choices**: In order to meet the WAR strategic objectives a number of options have been evaluated and the risks associated with each of the options identified and evaluated.

- **Business plan**: Detailed action plans have to be developed per water management area (or region) so as to give effect to the WARS. It is important that the plan of action indicates tasks, activities, timelines, performance measures and resources required to implement the strategy.

- **Implementation and control**: The implementation of the business plan needs to be monitored against the stated performance measures and control measures taken where necessary.

ANNEXURE A2: Criteria for Allocation

Appropriate means of resource allocation are necessary to achieve redress in water allocation while ensuring optimal use of the resource. In developing the WARS, several criteria have been identified that can be used to measure whether, during implementation, the objectives of water allocation reform are being achieved. The criteria are to ensure that redress and equity is achieved as outlined in the BBBEE guideline.
In order to ensure that the set targets for BBBEE in water use allocation are met, the following preference methods shall be applied:-

**A2.1** DWAF shall proactively make available allocable water that shall be reserved for allocation to Black people after considering all the requirements set-out in Section 27 of the NWA. To this end, Regional Heads shall from time to time identify water for allocation to Black people within the catchments under their management.

**A2.2** The compulsory licensing process shall be actively pursued to make available allocable water in catchments where water resources are over allocated, i.e. where catchment are water stressed. Where compulsory licensing has been declared, a portion of the allocable water shall be reserved for allocation to black people after consideration of the requirements in Section 27 of NWA.

**A2.3** In instances of unsolicited applications for water allocation, applicants will be required to comply with the relevant transformation charter BBBEE scorecard for their respective industry sector. Where no industry sector charter scorecard exists, the DWAF scorecard, as contained in the BBBEE guideline should be used.

In developing the WAR strategy, it is important that the allocation process allows for flexibility. _Flexibility_ in the allocation reform can ensure that the resource can be shifted from use to use, place to place, as demand changes, thus allowing to equate objectives of redress and equity over many uses.

**ANNEXURE A3: Key water allocation issues**

The key water allocation issues presented here are outlined in the Position Paper.

**A3.1 Redressing imbalances (race and gender)**

The implementation of the water allocation reform strategy should intensify efforts to address the results of past race and gender imbalances with respect to water use.

**A3.2 Broad-Based Black Economic Empowerment**

The WARS should facilitate and contribute to the Broad-Based Black Economic Empowerment. The process should ensure that there are mechanisms to promote access to water by black and women owned enterprises.

**A3.3 Capacity development**

To achieve the effective implementation of the WARS, there should be functional capacity development programmes. These programmes should promote the use of water to improve livelihoods as well as productive and responsible use of water by all users. Further these programmes should assist blacks and women to participate actively and equitably in the management of water resources.
A3.4  Local, provincial and national planning initiatives

The WARS must respond effectively to local, provincial and national planning initiatives, while not losing sight of South Africa’s international obligations and regional SADC initiatives.

A3.5  Fair, reasonable and consistent

The WARS should be executed in a fair, reasonable and consistent manner ensuring that there is no arbitrarily curtailing of existing lawful uses. This will ensure that processes of reallocation are undertaken in a manner that minimizes the extent of disruption to local, regional and national economy.

A3.6  Developmental and environmental objectives

The WARS should take cognisance of protection of water resources as outlined in the NWA by promoting the phased attainment of both developmental and environmental objectives. The implementation of the strategy must ensure that the requirements of the Reserve, Class, and Resource Quality Objectives (water quality and quantity) are considered.

A3.7  Reduction of administrative burden

In the execution of the WARS, mechanisms that reduce the administrative burden of authorizing water use should be encouraged/promoted.
## ANNEXURE B: Risk assessment

### Table B1: Risk Assessment

<table>
<thead>
<tr>
<th>CLASSIFICATION OF THE RISK</th>
<th>ACTUAL RISK</th>
<th>LIKELY CONSEQUENCES</th>
<th>DEGREE OF RISK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Risk</td>
<td>The single biggest risk is the failure to fulfil the Water Allocation Reform mandate given to the National Minister in terms of the National Water Act (Act No.36 of 1998)</td>
<td>Loss of faith in government by the electoral constituency of the ruling government. Aggrieved citizens may resort to alternative remedies as witnessed elsewhere in the Southern African regional states.</td>
<td>HIGH</td>
</tr>
<tr>
<td>Economic Risk</td>
<td>Failure to implement WAR effectively may give rise to Political Risks and expose the country to lower ratings by the international and regional Economic Risk Assessment agencies such as Standards and Poor’s and Moody’s Investor Service.</td>
<td>Foreign direct investment agencies may rate South Africa poorly leading to flight of foreign capital, lower levels of competitiveness and subsequent job losses and economic decline.</td>
<td>HIGH</td>
</tr>
<tr>
<td>Potential resistance to the WAR process by Existing Legal Users (ELU)</td>
<td>Where Stakeholder Consultation processes have been completed no significant resistance was observed.</td>
<td>There may be issues and concerns that may not have surfaced in these two provinces. Stakeholder Consultation is a legal imperative that must be seen to have been done. Failure to consult may give rise to objections at Cabinet level, as happened in the past.</td>
<td>MEDIUM</td>
</tr>
<tr>
<td>Lack of uptake/ response by by HDIs.</td>
<td>The targeted beneficiaries may not be well informed about the benefits accruing from the WAR process due to lack of information or relative incapacity to comprehend the full effects and potential impacts of WAR. Lack of resources to enable uptake by HDIs.</td>
<td>Continued racial inequities in water use and water use rights allocation. Failure to realise the benefits of the WAR process. Continued perceptions of government’s failure to meet targets set in the RDP and the WAR Strategy.</td>
<td>HIGH</td>
</tr>
<tr>
<td>CLASSIFICATION OF THE RISK</td>
<td>ACTUAL RISK</td>
<td>LIKELY CONSEQUENCES</td>
<td>DEGREE OF RISK</td>
</tr>
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<tr>
<td>Performance Risk</td>
<td>Failure by the civil servants to implement the WAR directives given after parliamentary approval of related legislation and ministerial mandates have been given</td>
<td>Beneficiary constituencies may perceive this failure as lack of political will on the part of government. Delays may be experienced (as in the Land Reform process) and this may lead to social instability amongst the farming communities as experienced in the past.</td>
<td>HIGH</td>
</tr>
<tr>
<td>Failure in Implementation Processes</td>
<td>Key to the effective implementation of WAR is the role of the Water Management Areas. Transfer of knowledge and experience will be required to capacitate them to fulfil their roles in the WAR implementation process.</td>
<td>Failure to capacitate the WMAs may lead to performance failures mentioned above. Insufficient allocation of resources to enable them to function effectively may lead to their loss of credibility and the subsequent loss of credibility of the WAR Strategy by local stakeholders.</td>
<td>Medium</td>
</tr>
<tr>
<td>Lack of Foresight</td>
<td>South Africa is part of a broader continental initiative on Foresight for the development of the continent of Africa. DWAF may need to align WAR strategy processes with these initiatives.</td>
<td>Water scarcity is likely to be the next cause of conflict between and within many African states in the foreseeable future.</td>
<td>High</td>
</tr>
</tbody>
</table>