



water & forestry

Department:
Water Affairs & Forestry
REPUBLIC OF SOUTH AFRICA

Operational Policy: Using Water for Recreational Purposes

VERSION 1.1

Prepared by

Directorate Water Abstraction and Instream Use, Sub-directorate Environment and Recreation

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ACKNOWLEDGEMENTS

Various stakeholders, both from the Department of Water Affairs and Forestry (DWAFF) and other Government departments, together with representatives from the private sector; communities; sporting and recreational organisations; and interested individuals contributed to the compilation of this Policy and their participation and enthusiasm are sincerely appreciated (refer Appendix A for a stakeholder participation list).

POLICY ABSTRACT

- Subject:** Using water for recreational purposes
- Purpose:** Defining government's overall and DWAF's particular responsibility regarding this water use and establishing the fundamental principles, policy, objectives and strategies for regulating the use of water for recreational purposes.
- Authority:** Sections 3 and 4 of the National Water Act, 1998 (Act No. 36 of 1998).
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EXECUTIVE SUMMARY

This is an operational policy for guiding regulation and implementation regarding the use of water for recreational purposes. It builds forth on the Policy Framework for Using Water for Recreational Purposes, approved in July of 2003 by the Water Resource Functional Management Committee of Department of Water Affairs and Forestry (DWAF).

Various stakeholders, both from DWAF and other Government departments, together with representatives from the private sector; communities; sporting and recreational organisations; and interested individuals contributed to the compilation of this Policy and their participation and enthusiasm are sincerely appreciated.

The overall purpose of this document is to assist the reader in understanding the legislative provisions of the National Water Act (Act No. 36 of 1998)[NWA] by clarifying the requirements of the Act in respect of water use and in particular the use of water for recreational purposes.

Despite the importance of water in recreation and related developments, the use of water for recreational purposes in South Africa still largely reflects the inequities of South Africa's Apartheid past and is generally perceived to be an élitist past time. Only by addressing these inequities in a co-ordinated and systematic manner can the situation be rectified and all stakeholder benefit equitably from this use of water.

This use of water has been included as a formal use of water in South African legislation - Section 21(k) of the NWA. Thus, as a water use, subject to the provisions and objectives of the NWA, this use can now legitimately contribute to the redressing of inequities.

The NWA does not define nor provide an understanding of what the use of water for recreational purposes entails. However, according to Sport and Recreation South Africa, recreation is defined as "*a process of voluntary participation in a wide variety of activities that are undertaken during leisure times and contributes to the improvement of general health, well being and skills of both the individual and society*".

The use of water for recreational purposes thus includes all recreational activities and exploits which requires water or the water surface of water resources for successful completion, albeit for *inter alia* sport, culture, or tourism, or ranging from *de minimis* (personal use) to commercial in extent and intent.

Due to the wide spectrum and supply of water resources abundant opportunities are available for recreational activities. Besides the pressure that intensified demand places on water resources, it also creates numerous prospects for socio-economic development and redress. Acknowledging the importance of this use, as well as the various impacts that this use could have on resource quality, it is essential that this water use be managed and controlled to ensure sustained contributions towards the attainment of Government's strategic goals and specific objectives of the NWA. However, the success to which these objectives can be attained will depend on the degree to which the transformation in the recreation industry utilising water is achieved.

By recognising the use of water for recreational purposes as a water use in terms of the NWA, it thus provides the legislative framework enabling the Minister of Water Affairs and Forestry, as public trustee, to ensure that South Africa's water resources are protected, used, developed, conserved, managed and controlled in an sustainable and equitable manner, for the benefit of all persons and in accordance with its constitutional mandate. Ultimate accountability and responsibility regarding the equitable allocation and beneficial use of water in the public interest resorts with the Minister, including the promotion of environmental values. This policy clarifies the various principles, strategies and mechanisms that the Minister can utilise to ensure the sustainable and equitable use of water for recreational purposes.

Representing the Minister, DWAF commits itself to an approach of integrated water resource management, ensuring that resource managers, policy makers, communities and the recreation industry work together, based on a common goal as opposed to conventional discipline driven management. However, given that the functional areas of concurrent national and provincial legislative competence comprise *inter alia* tourism, and that of exclusive provincial competence, provincial recreation and associated amenities, the responsibility for sustainably managing this water use, and the various aspects of this industry, will not only resort with DWAF but also with other spheres of government and delegated authorities in a co-operative manner.

Critical to sustainability within the use of water for recreational purposes will be the level of co-operation that can be established between DWAF and the various national, provincial and local government departments which have a role to play in resource management, the management of community benefits and the development and promotion of tourism, sport and recreation.

Through co-operative governance it will be possible for DWAF to form partnerships with relevant government institutions regarding the use of water for recreational purposes where each partner will be tasked with those aspects pertaining to its legal mandate. Government partners include among other the Departments of Land Affairs and Public Works, Environmental Affairs and Tourism, Transport, and Sport and Recreation South Africa.

The specific principles underlying the policy are founded on broad principles contained in among other the NWA and National Environmental Management Act (Act No. 107 of 1998) and will be applied toward the regulation of this water use. Based on these, the aim of the policy is thus to:

- Ensure equitable and beneficial use of water and associated resources for recreational purposes based on sound environmental management principles;
- Ensure equitable community participation and beneficiation;
- Meet the needs and requirements of the water user in a co-operative manner; and
- Ensure just public administration and service delivery based on sound policy.

Towards this end it is DWAF's policy that:

- Water and associated resources are protected, conserved, developed, managed, controlled and utilised in an environmentally sound and equitable manner based on integrated resource management plans developed in association with all stakeholders.
- The use of water for recreational purposes will be safe, both from a resource as well as industry perspective.
- The use of water for recreational purposes is appropriately authorised.
- The use of water resources for recreational purposes shall benefit and contribute to the sustainable livelihood of communities.

- The objectives of the NWA and the policy and implementation programme pertaining to the use of water for recreational purposes will be communicated.
- Appropriate institutions and effective co-operative linkages are developed to ensure the sustainable management of the use of water for recreational purposes.
- The use of water for recreational purposes and its regulation comply with all relevant legislative requirements.
- The use of water for recreational purposes is monitored, evaluated and audited in terms of both performance and compliance, and information pertaining to this use is managed in a user friendly and effective manner in order to promote the sustainable utilisation and management of water resources.

Implementation of this policy will address the following Key Performance Areas (KPA's):

1. Integrated Resource Planning, Management and Classification;
2. Safety;
3. Authorisation;
4. Equitable Access;
5. Communication and Capacity Building;
6. Institutionalisation and Linkages;
7. Legal Framework; and
8. Monitoring, Evaluation and Information.

As such, for each of these KPA's objectives with associated, strategies and time frames for implementation as well as relevant institutional links have been developed.

The success of the policy will be dependent on the level of political support and co-operative governance that the policy generates. By addressing the use of water for recreational purposes in an integrated manner based on the principles of sustainability, and auditing performance and compliance with relevant management systems, the objectives of the NWA and national government can be attained.

However, no policy can remain relevant if the policy can not adapt to changes within the operational, technical, legislative, socio-political and bio-physical environments. The policy on the use of water for recreational

purposes will thus be dynamic, with changes based on an annual performance and compliance audit, yet including a process of stakeholder involvement based on the needs and expectations of the various users and communicating any changes within the policy to all stakeholders.

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GLOSSARY

CMA	Catchment Management Agency	PFMA	Public Finance Management Act (Act No. 1 of 1999)
CMC	Catchment Management Committee	RMP	Resource Management Plan
DoA	Department of Agriculture	SALGA	South African Local Government Association
DEAT	Department of Environmental Affairs and Tourism	SDFP	Spatial Development Framework Plans
DLA	Department of Land Affairs	SRSA	Department of Sport and Recreation South Africa
DoT	Department of Transport	WMI	Water Management Institution
DPLG	Department of Provincial and Local GovernmentGovernment		
DPW	Department of Public Works		
DTI	Department of Trade and Industry		
DWAF	Department of Water Affairs and Forestry		
ECA	Environment Conservation Act (Act No. 73 of 1989)		
EIA	Environmental Impact Assessment		
Equity	Refers to the application of general principles of justice and fairness with the specific intent of righting the wrongs of the past		
GDSS	Geographic Decision Support System		
IDP	Integrated Development Plan as defined by the Local Government Municipal Systems Act, (Act No. 32 of 2000)		
IWRP	Integrated Water Resources Planning		
KPA	Key Performance Area		
MA	Management Area, referring to a type of zone or classification employed in town planning schemes		
NEMA	National Environmental Management Act (Act No. 107 of 1998)		
NWA	National Water Act (Act No. 36 of 1998)		

LIST OF FIGURES

Figure 1: Key Performance Areas

Figure 2: DWAF Institutional Links

1. INTRODUCTION

1.1 Reading this Document

This document builds forth on the Policy Framework for Using Water for Recreational Purposes, approved in July of 2003 by the Water Resource Functional Management Committee of DWAF.

Being an operational policy, over and above specific policy statements derived from *inter alia* environmental, resource management and public service delivery principles and aims, it thus includes practical implementation guidelines in respect of each of the policy statements made.

The overall purpose of this document is to assist the reader in understanding the legislative provisions of the National Water Act (Act No. 36 of 1998) by clarifying the requirements of the Act in respect of water use and in particular the use of water for recreational purposes.

The structure of the document is as follows:

- It commences with an introductory section which provides background to understanding the use of water for recreational purposes along with an overview of challenges facing DWAF in achieving its objectives in respect of this use; outlines the authority and responsibilities of DWAF and its government partners; and concludes with the principles on which this policy is based.
- Subsequent to the introduction, which sets the scene for the policy, is a section on the aims of the policy.
- The next section introduces the policy statements in respect of this water use.
- An implementation plan follows which illustrates objectives and strategies for each of the key performance areas derived from the policy statements.
- The document concludes with a section on policy review.
- A list of stakeholders and reference to the compilation process preceding this document are attached as Appendix A.

1.2 Setting the Scene

Despite the importance of water in recreation and related developments, the use of water for recreational purposes in South Africa still largely reflects the inequities of South Africa's Apartheid past and is generally perceived to be an élitist past time. Only by addressing these inequities in a co-ordinated and systematic manner can the situation be rectified and all stakeholders benefit equitably from this use of water.

The official end of Apartheid – the 1994 democratic election – was the beginning of transformation in South Africa. Numerous aspects, including changes to legislation, have been initiated, all aimed at redressing inequities as a result of ill-fated though comprehensive policies and programmes aimed at racial segregation and '*Separate Development*'.

Through South Africa's current initiatives pertaining to the use and management of water aimed at redressing past imbalances and inequities based on race and gender as well as poverty relief, South Africa is breaking new ground regarding the use of water as "*fundamental tool to achieve social justice and pro-poor economic growth*" (van Koppen et al, 2002), with particular reference to the use of water for recreation. This use of water, not a new water use, has been included as a formal use of water in South African legislation - Section 21(k) of the National Water Act (Act No. 36 of 1998)[NWA].

Thus, as a water use, subject to the provisions and objectives of the NWA, this use can now legitimately contribute to the redressing of inequities.

However, the NWA does not define nor provide an understanding of what the use of water for recreational purposes entails, merely stating that it [Section 21(k)] is a water use, and that in terms of Section 113(1)(2)and (3):

(1) *The water of a government waterwork and the surrounding state-owned land may be made available for recreational purposes, either generally or for a specific purpose, on the conditions and to the persons determined by the Minister.*

(2) *The Minister may –*
(a) *control or prohibit access to any government waterwork; and*
(b) *subject to the Act, make reasonable charges for –*

- (i) the use of;
- (ii) entry into; and
- (iii) the use of any water surface or land associated with, any government waterwork for recreational purposes.

Additionally, Schedule 1 of the NWA states that

- (1) A person may, subject to this Act -
 - (e) for recreational purposes –
 - (i) use the water or the water surface of a water resource to which that person has lawful access; or
 - (ii) portage any boat or canoe on any land adjacent to a watercourse in order to continue boating on that watercourse.

According to Sport and Recreation South Africa (Department of Sport and Recreation, 1998), recreation is defined as “a process of voluntary participation in a wide variety of activities that are undertaken during leisure times and contributes to the improvement of general health, well being and skills of both the individual and society”. The use of water for recreational purposes thus includes all recreational activities and exploits which require water or the water surface of water resources for successful completion. These activities may comprise *inter alia* sport, culture, or tourism and can range from *de minimis* (personal use) to commercial in extent and intent.

Locally and internationally, water has been managed from a consumptive perspective, aimed at domestic, industrial and agricultural use of water, with little reference to non-consumptive uses such as recreation. The recognition of tourism as an important economic sector; potential contributor to poverty relief and employment creation; as well as investment catalyst has, however, since placed emphasis on the importance of the use of water for recreational purposes, stressing the need to include recreation as a water use rather than merely focusing on controlling access to water resources.

Due to the wide spectrum and supply of water resources, including-

- impoundments such as dams (over 140 large dams are registered, offering a surface area of approximately 234 303ha);
- rivers and streams (the river-based industry has classified more than 140 river sections over 70 rivers within South Africa as having potential for utilisation for river trips);
- enclosed resources such as lakes, wetlands and estuaries; and
- ground water,

abundant opportunities are available for recreational activities.

Besides the pressure that intensified demand places on water resources, it also creates numerous prospects for socio-economic development and redress. These opportunities have, however, been neglected due to various reasons, including:

- the use not being recognised as a legitimate water use;
- lack of government policy and due processes;
- lack of adequate regulations;
- lack of access to resources;
- lack of sense of responsibility within industry; and
- lack of knowledge within communities regarding their roles and responsibilities.

Acknowledging the importance of this use, as well as the various impacts that this use could have on resource quality it is essential that this water use be managed and controlled to ensure sustained contributions towards the attainment of Government’s strategic goals and specific objectives of the NWA, which includes:

- a) meeting the basic human needs of present and future generations;
- b) promoting equitable access to water;
- c) redressing the results of past racial and gender discrimination;
- d) promoting the efficient, sustainable and beneficial use of water in the public interest;
- e) facilitating social and economic development;
- f) providing for growing demand for water use;
- g) protecting aquatic and associated ecosystems and their biological diversity;
- h) reducing and preventing pollution and degradation of water resources;
- i) meeting international obligations;
- j) promoting dam safety; and
- k) establishing sustainable representative institutions to ensure the achievement of the purpose of the NWA.

However, the success to which these objectives can be attained will depend on the degree to which the transformation in the recreation industry utilising water is achieved, a responsibility of various Government Departments.

By recognising the use of water for recreational purposes as a water use in terms of the NWA, it thus provides a legislative framework enabling the Minister, as public trustee, to significantly contribute to ensuring that South Africa's water resources are protected, used, developed, conserved, managed and controlled in an sustainable and equitable manner, for the benefit of all persons and in accordance with its constitutional mandate.

Ultimate accountability and responsibility regarding the equitable allocation and beneficial use of water in the public interest resorts with the Minister, including the promotion of environmental values. This policy clarifies the various principles, strategies and mechanisms that the Minister can utilise to ensure the sustainable and equitable use of water for recreational purposes.

Like recreation, sustainability and equity are, however, not defined in the NWA, yet lay an essential foundation on which all decisions and initiatives are to be based. Achieving sustainability in the manner, purpose and extent to which water is utilised for recreational purposes, is thus key to this policy. However, sustainability is a concept often used yet seldom understood, and implies the attainment of a harmonious balance by avoiding the depletion of natural and cultural resources, either by the industry utilising these resources or communities hosting these resources. Clear policies regarding the use of water for recreational purposes are pivotal in the attainment of this harmonious balance.

Besides describing the concept of fairness, equity implies the application of general principles of justice and redress to correct or supplement the law. Due to past imbalances, it is imperative that the use of water for recreational purposes be undertaken in a sustainable and equitable manner to redress these imbalances.

Attaining sustainability regarding this water use in an equitable manner will require clarity regarding specific policies pertaining to a wide range of key performance areas. The complexity of issues will not only require commitment from DWAF and its staff, but also commitment from other departments in all spheres of government, as well as from the recreational industry and communities hosting resources.

DWAF commits itself to an approach of integrated water resource management, ensuring that resource managers, policy makers, communities and the recreation industry work together, based on a common goal as opposed to conventional discipline driven management.

One of the biggest challenges facing this use of water is to ensure that it is recognised as an important and significant use, even though it is of a non-consumptive nature. Recognition of the value of water for leisure, sport and spiritual aspects as part of broader social development will be critical if water is to be utilised sustainably by all South Africans. This recognition will only be attained if the resource, communal and recreational value of water is understood and incorporated in decision-making.

Other challenges include-

- inability of historically disadvantaged individuals to access finance to take advantage of entrepreneurial opportunities provided by the sector;
- private sector not meeting its social responsibilities;
- lack of infrastructure, particularly rural areas;
- lack of inclusive, effective national, provincial and local structures for the development, management and promotion of this sector;
- lack of strategic information to inform decision-making;
- the perception that the sector caters mainly for the white upper and middle class and is not within reach of previously neglected communities;
- lack of meaningful exposure to the industry and the benefits from the country's vast resources;
- inequities in access to water and cultural resources as well as the water-based economy by previously disadvantaged communities;
- the differentiation between leisure, sport, religion and culture as recreational activities; and
- lack of involvement in the planning, decision-making, investment, development or promotion of the industry.

Since the scope of water resources that can be utilised for recreation include all freshwater resources, the impacts of this use are widespread, as are the potential benefits. Based on sound policy and clear guidelines and through the proposed strategies and programmes, the use of water for recreational purposes can be promoted and managed in an integrated manner based on the principles of sustainability. By auditing the performance and compliance through appropriate management systems, the objectives of Government can be attained, and the challenges facing this sector met.

With the NWA providing the legal framework and this policy and supporting guidelines the principles and practices for ensuring sustainable implementation, DWAF recognises the important role that it should play in among other:

- establishing, providing and maintaining water-based recreation opportunities;
- ensuring that the quality of the water resources utilised for such activities is acceptable; and
- ensuring that environmental and operational factors (refer 4.2) that could influence the safe utilisation of water for recreational purposes are communicated to these users timeously.

1.3 Authority

In terms of Section 3 of the NWA, National Government, through the Minister of Water Affairs and Forestry, is the public trustee of the nation's water resources, with additional power in terms of Section 26 of the NWA, to regulate the manner, purpose and extent of water use, and in this instance the use of water for recreational purposes, and to regulate any recreational activity in order to protect a water resource or instream or riparian habitat. These powers also include regulating the use of the water of a government waterwork for such purposes.

DWAF is thus mandated as the lead organisation concerning the regulation and management of the use of water for recreational purposes. The Directorate Water Abstraction and Instream Use's Sub-directorate Environment and Recreation is the lead component within DWAF responsible for policy and protocol formalisation concerning the use of water for recreational purposes. DWAF's functions in respect of the management and control of the use of water for recreational purposes will centre on achieving the purpose of the NWA.

The basis for regulating water use is defined in Chapter 4 of the NWA, specifically dealing with the various types of entitlements to use water, inclusive for recreational purposes.

Whereas the Sub-directorate Environment and Recreation is responsible for creating an enabling environment for among other authorisation and control of this use and auditing implementation, the Regions will be responsible for support and implementation, as well as operational functions, until these functions are transferred to the relevant water management institutions.

However, given that the functional areas of concurrent national and provincial legislative competence comprise *inter alia* tourism, and that of exclusive provincial competence, provincial recreation and associated amenities, the

responsibility for sustainably managing this water use, and the various aspects of this industry, will not only resort with DWAF but also with other spheres of government and delegated authorities in a co-operative manner.

Local government is responsible for *inter alia* the provision of services to communities in a sustainable manner, the promotion of social and economic development, and the promotion of a safe and healthy environment. Part B of Schedule 4 and 5 of the Constitution of the Republic of South Africa (Act. No. 108 of 1996) states that a municipality has executive authority in respect of, and has the right to administer local tourism and recreation amenities and facilities. Often the development of these amenities and facilities are linked to water resources, necessitating co-operation and joint planning.

This complex, three tier approach to the management and development of water resources for recreational purposes ensures that the needs and expectations of local communities and users are addressed, while still ensuring that broad national and provincial objectives can be met.

Tourism and recreation development as well as the development of amenities and sport facilities are not the competency of DWAF, yet when the use of water for recreational purposes is critical to the success of initiatives it is essential that DWAF form part of the planning and authorisation process. Successfully attaining the objectives of the NWA will thus require commitment and participation from DWAF in broader government initiatives pertaining to *inter alia* tourism, amenity and sport facility development when these rely on the use of water resources.

1.4 Roles and Responsibilities

Critical to sustainability within the use of water for recreational purposes will be the level of co-operation that can be established between DWAF and the various national, provincial and local government departments which have a role to play in resource management, the management of community benefits and the development and promotion of tourism, sport and recreation.

The Department of Water Affairs and Forestry's (DWAF) role and function as the custodian of water resources is limited to policy development, regulations and implementation relating to the protection; development; control; and monitoring of water resource and its utilisation, yet this lead Department, DWAF, together with other Government Departments must jointly manage the utilisation of these resources to the benefit of all stakeholders, with:

- The Department of Environmental Affairs and Tourism (DEAT) responsible for environmental impact assessment and authorisation in terms of the National Environmental Management Act (Act No. 107 of 1998)[NEMA] and the Environment Conservation Act (Act No. 73 of 1989)[ECA], as well as tourism development based on the principles contained in the White Paper on the Development and Promotion of Tourism in South Africa (1996).
- Sport and Recreation South Africa (SRSA) responsible for the standards pertaining to sport and recreation activities, safety and compliance in terms of the National Sport and Recreation Act (Act No. 110 of 1998).
- The Departments of Land Affairs (DLA) and Public Works (DPW) responsible for availing State assets vested with each department in terms of the State Land Disposal Act (Act No. 48 of 1961).
- National Treasury responsible for regulations pertaining to the Public Finance Management Act (Act No. 1 of 1999)[PFMA] and in particular public private partnerships.
- Department of Trade and Industry (DTI) responsible for both community public private partnerships and industry transformation through the Broad Based Black Economic Empowerment Act (Act No. 53 of 2003).
- Department of Transport (DoT) responsible for regulating vessel safety on inland waters;
- Department of Agriculture (DoA) responsible for regulations pertaining to agricultural resources and specifically the spreading of weeds through movement of vessels between catchments in terms of the Conservation of Agricultural Resources Act, No. 43 of 1983.
- Provincial and Local Government responsible for the development of local tourism, amenities and sport and recreation facilities in terms of the Constitution, provincial and local laws, ordinances and by-laws. DWAF has an essential role to play in ensuring that where development of any of these facilities or amenities takes place adjacent to water resources and water is used for recreational purposes, the developments contribute to attaining the objectives of the NWA.

Although not an exhaustive list, other statutes, forming part of the legal framework within which the use of water for recreational purposes will be regulated include the:

- Development Facilitation Act (Act No. 67 of 1995);
- Municipal Structures Act (Act No. 117 of 1998);
- National Forests Act (Act No. 84 of 1998);
- National Parks Act (Act No. 57 of 1976); and

- Promotion of Administrative Justice Act (Act No. 3 of 2000).

Existing regulations supporting implementation include:

- Government Notice R.1183 published in Government Gazette No 18261 of 5 September 1997, framed in terms of the ECA pertaining to environmental impact assessment of activities.
- Regulations No. R.654 of 1 May 1964 framed in terms of the Water Act (Act No. 54 of 1956) pertaining to access and use of State dams for recreational purposes.
- Treasury regulations published in Government Gazette No. 22219 of 9 April 2001 framed in terms of the PFMA addressing the use of State assets and public private partnerships.
- Regulations in terms of Section 21(k), read together with Section 26, and Sections 112, 113 and 116 of the NWA, limiting the purpose, manner or extent of water use for recreational purposes, and regulating or prohibiting recreational activities in order to protect a water resource or instream or riparian habitat.¹

Broad government policy stating that development should be Government led implies that the public sector should be responsible for establishing an environment in which development can take place, driven by the private sector, yet benefiting the communities in which the development is based.

Through co-operative governance it will be possible for DWAF to form partnerships with other government institutions regarding the use of water for recreational purposes where each partner will be tasked with those aspects pertaining to its legal mandate.

1.5 Principles Underlying the Policy

The specific principles underlying the policy are based on broad principles contained in among other the NWA and NEMA and will be applied toward the regulation of this water use.

These principles in essence include:

¹ *These regulations are being drafted and will be published within the next 6 to 8 months - this policy is compiled assuming these regulations have been promulgated.*

- Sustainable and beneficial water resource and environmental (including historical and cultural dimensions in particular) protection, use, development, conservation, planning, management and control;
- Appropriate consideration to and compliance with relevant legislation, policies and regulations;
- Provision of lawful, reasonable and procedurally fair administrative services and support;
- Government providing an enabling framework for the water-based recreational industry to flourish, through clarification of policy and development of appropriate regulatory instruments to guide development and promote co-operative governance;
- Private sector driven development, investment and operation; and
- Effective and equitable community involvement to ensure the basis for sustained growth of the related industry and developments, as well as the empowerment of previously neglected communities.

2. AIM OF THE POLICY

Water resources are always situated within communities, yet are utilised by the water-based recreation industry, seldom providing benefits to these communities or resource managers. To ensure the sustained use of water resources and equitable benefits to communities, these resources must be protected, managed, conserved, used and developed in a sound manner.

It is, however, imperative that communities actively participate in the planning and management of these resources since they place value, set limits of acceptable change, as well as ensure that the management of these resources complies with management objectives, set by all stakeholders.

Unlocking the potential of resources is a responsibility normally apportioned to the water-based recreation industry. However, this industry needs to be transformed to ensure that past imbalances are redressed.

The responsibility for redressing these imbalances lies with Government through clarified policy and just administrative procedures addressing both the manner, purpose and extent to which water and associated resources can be utilised for recreational purposes as well as the extent to which communities benefit from the water-based economy.

These areas - resource management, community beneficiation, industry involvement, and clarified policy - form the focus of this operational policy on the use of water for recreational purposes. Thus, the aim of the policy is to achieve a harmonious balance between these focus areas thereby attaining sustainability, through:

- **Ensuring equitable and beneficial use of water and associated resources for recreational purposes based on sound environmental management principles:**

Water resources that are or could be utilised for recreational purposes entail both natural and cultural attributes within the environment and can have both tangible and intangible value. The realisation of this value must be achieved on an equitable basis by transforming the water-based recreation industry based on Government's black economic empowerment and sound environmental management principles.

- **Equitable community participation and beneficiation:**

Without tangible and measurable benefits to communities – economic, social and environmental - the sustainability of resources can and will not be ensured. It is imperative that these benefits are documented and communicated by DWAF to the various stakeholders to establish wider understanding of the value of the use of water for recreational purposes.

- **Meeting the needs and requirements of the water user in a co-operative manner:**

The water-based recreational industry can contribute significantly to realising benefits through the use of water for recreational purposes by *inter alia* investments, contributing to resource management, transfer of skills and capacity, stimulating local economies, and information collection and collation.

- **Just public administration and service delivery based on sound policy:**

It is envisaged that through this operational policy DWAF will achieve the objectives of the NWA as well as contribute to attaining broader government objectives, including:

- Efficiency in public service;
- Black economic empowerment; and
- Greater all-round attention to challenges of human resource development to reduce unemployment and poverty.

3. POLICY STATEMENTS

It is DWAF's policy that:

- **Water and associated resources** are protected, conserved, developed, managed, controlled and utilised in an environmentally sound and equitable manner based on integrated resource management plans developed in association with all stakeholders.
- The use of water for recreational purposes will be **safe**, both from a resource as well as industry perspective.
- The use of water for recreational purposes is appropriately **authorised**.
- The use of water resources for recreational purposes shall **benefit** and contribute to the sustainable livelihood of **communities**.
- The objectives of the NWA and the policy and implementation programme pertaining to the use of water for recreational purposes will be **communicated** and stakeholders appropriately empowered through **capacity building** initiatives.
- Appropriate **institutions** are established and effective co-operative **linkages** developed to ensure among other the sustainable management of the use of water for recreational purposes.
- The use of water for recreational purposes and its regulation comply with all relevant **legislative requirements**.
- The use of water for recreational purposes is **monitored, evaluated and audited** in terms of both performance and compliance, and **information** pertaining to this use is **managed** in a user friendly and effective manner in order to promote the sustainable utilisation and management of water resources.

4. IMPLEMENTATION PLAN

By basing the policy on the principles underlying sustainability, DWAF envisages that sustainability regarding the use of water for recreational purposes would be achievable. It is, however, imperative that implementation addresses the following key performance areas (refer Figure 1 and sections 4.1 to 4.8):

1. Integrated Resource Planning, Management and Classification;
2. Safety;
3. Authorisation;
4. Equitable Access;
5. Communication and Capacity Building;
6. Institutionalisation and Linkages;
7. Legal Framework; and
8. Monitoring, Evaluation and Information Management.

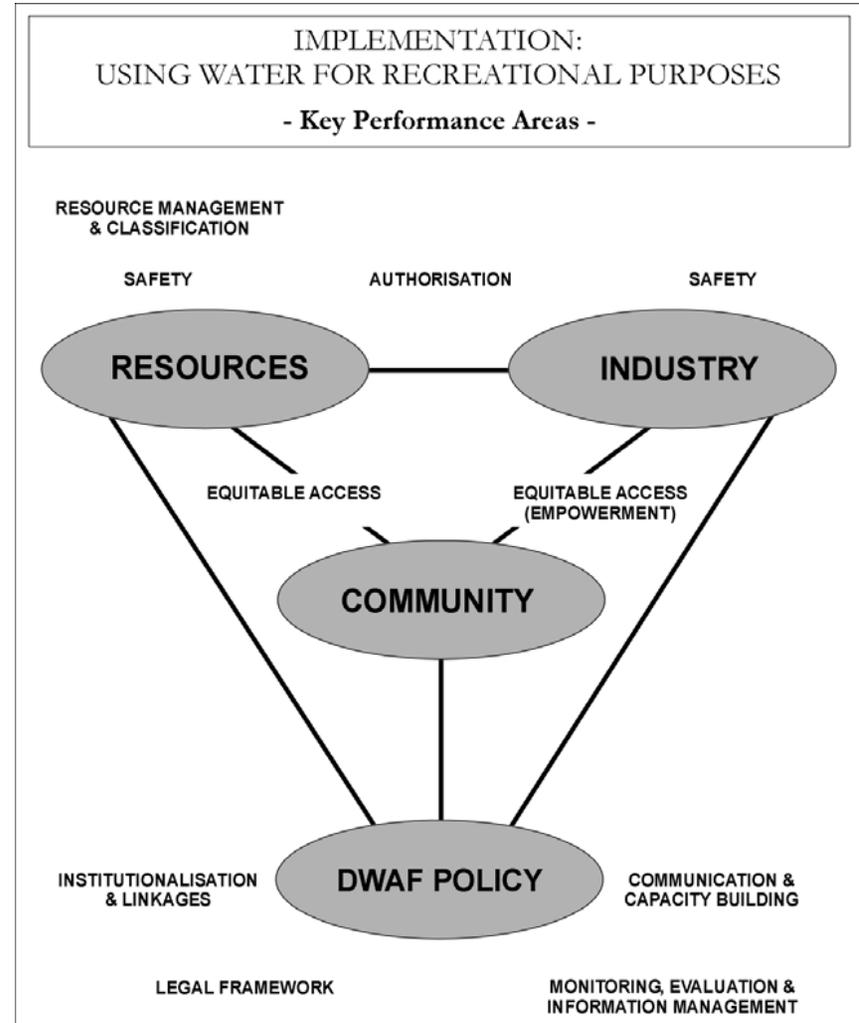


Figure 1: Key Performance Areas for Using Water for Recreational Purposes

4.1 Key Performance Area: Integrated Resource Planning, Management and Classification

Water and associated resources that are utilised for recreational purposes are conserved and utilised in an environmentally sound and equitable manner based on integrated Resource Management Plans (RMPs) developed in association with all stakeholders.

4.1.1 Background

To achieve the objectives of the NWA it is imperative that DWAF firstly involve all stakeholders in planning procedures ensuring that planning and management objectives and actions reflect the needs and expectations of the communities affected by the water resource, that local development objectives are complemented by the plans, plans reflect the conservation value of the resource and that socio-economic development opportunities are established which can redress past imbalances.

Secondly, DWAF should assist delegated authorities, tasked with resource management which include water resource management, in developing and refining resource management plans to comply with the objectives of the NWA. This includes private dams where the landowner manages the resources surrounding the dam, yet the water remains within the custodianship of DWAF and is still subject to the objectives and regulations of the NWA. Through public-private partnerships the potential of these resources can be unlocked in an equitable and sustainable manner without perpetuating old norms (i.e. riparian rights).

Thirdly, once a water resource has been subjected to an extensive planning procedure aimed at ensuring that the use of the water resource for recreational purposes will be sustainable it is important that the results be captured in a Geographic Decision Support System (GDSS) which can assist DWAF, relevant government departments and authorities, communities and the private sector regarding decisions pertaining to the water resource, its utilisation for recreational purposes and the management of benefits emanating from its utilisation. This classification of water resources can be included in Integrated Development Plans (IDPs) for district and local municipalities providing an excellent framework for co-operative governance

and co-coordinated regional economic development based on local needs and expectations.

Finally, the management plans and classification system provide the basis for monitoring, evaluation and auditing, by establishing objectives, systems and operational guidelines.

Without approved management plans relating to water resources utilised for recreational purposes it is impossible for informed decisions to be made, necessitating a precautionary approach to access, utilisation and development proposals.

4.1.2 Implementation

The following objectives and strategies have been set to guide implementation regarding integrated resource planning and management.

Objective 1: *A planning and zonation framework for water resource planning and management is established and included in provincial and local planning frameworks.*

Strategies and Time Frames:

- a) To create a mechanism for the establishment of special Management Areas (MAs) around water resources at local level and ensure that these are addressed in Spatial Development Framework Plans (SDFPs), where RMPs set control measures by:
 - i) Establishing a formal link between DWAF and provincial and local planning authorities [2005/06];
 - ii) Communicating the need and value of MAs [2005/06 and ongoing]; and
 - iii) Establishing and maintaining a database of SDFPs incorporating MAs [2005/06 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Strategic Co-ordination; Water Services; Communication Services; Information Management; Water Resource Planning Systems; Regions
- External: DPLG; South African Local Government Association (SALGA)

Objective 2: *Resource management plans (RMPs) are compiled based on the principles underlying the Sustainable Utilisation Planning Procedure (SUPP).*

Strategies and Time Frames:

- a) To develop and communicate guidelines on the compilation and evaluation of RMPs [2004/05].
- b) To facilitate compliance of *existing* RMPs for water resources that are utilised for recreational purposes by:
 - i) Compiling and updating a database of existing RMPs [2005/06 and ongoing]; and
 - ii) Developing an audit system that addresses evaluation, compliance auditing and management of RMPs [2004/05].
- c) To facilitate the compilation of *new* RMPs for water resources that are utilised for recreational purposes by:
 - (i) Including recreation as an aspect to be addressed and included in water resource planning and development [ongoing]; and
 - (ii) Developing a strategy and initiating a public process whereby DWAF will prioritise the facilitation and compilation of RMPs [2004/05 and ongoing].
- d) To publish through Government Notice updated lists of approved RMPs [2005/06 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Communication Services; Integrated Water Resources Planning; Institutional Oversight; Water Services; Legal Services; Information Management; Resource Directed Measures (RDM); Regions; WMIs
- External: Water users, Provincial and Local Government; DLA; DPW; DEAT; SALGA; DPLG

Objective 3: *Based on RMPs water resources are classified and RMPs and classification are utilised as decision support tools.*

Strategies and Time Frames:

- a) To establish a GDSS for the use of water for recreational purposes [2004/2005 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Information Management; Resource Directed Measures (RDM); Regions; WMIs
- External: Provincial and Local Government; DLA; DPW

4.2 Key Performance Area: Safety

It is DWAF's policy that the use of water for recreational purposes will be safe, both from a resource and industry perspective.

4.2.1 Background

Safety, relating to both the manner and extent to which water resources are utilised for recreational purposes, as well as the limitations that bio-physical aspects such as hydrological profile and characteristics, geomorphological features, climatic data, water quality, wildlife and infrastructure place on the safe utilisation of water for recreational purposes, is critical to the sustainability of this water use.

DWAF envisages that the use of water for recreational purposes will be undertaken in a safe manner, and will thus only allow competent users access to water resources. Competency of users is, however, not a function of DWAF, but rather of SRSA and DoT. By among other including the requirement for proof of competency in the authorisation procedure, DWAF can ensure that water will only be utilised by competent operators.

Besides the inclusion of proof of competency as part of the authorisation procedure, DWAF also employs regulations in terms of Section 26 of the NWA pertaining to the manner, purpose and extent to which water is utilised for recreational purposes to ensure the safety of users, as well as specific conditions contained in RMPs.

Compliance to vessel safety regulations is also not a competency of DWAF yet DWAF requires that vessels that are utilised on water for recreation must comply with basic safety norms and standards, either as regulations promulgated by the DoT, or, in the absence of regulations, the international standard for the specific operational conditions.

The extent to which water resources can be utilised safely for recreational purposes will depend on the objectives set in the RMPs, the level of management, operator competency, and development. The management objectives must be communicated to all users and other stakeholders to

ensure understanding and acceptance of the safety requirements relating to the water resource.

The bio-physical and infrastructural aspects which could influence the safety of recreational water users forms the basis of the RMPs. Based on aspects such as the hydrological characteristics of the catchment, water quality, as well as geomorphological features such as waterfalls, rapids, obstructions, weirs etc., as well as occurrence of wildlife such as crocodile and hippo, limitations can be placed on the manner and extent to which water resources can be utilised. The impact of the recreational activity on the quality of the resource will also be included in these evaluations and decisions.

These limitations can be incorporated into the classification system as well as GDSS so that within its knowledge and management capacity DWAF can ensure that water resources are safe to be used and that the use is undertaken in a manner that is safe for users.

4.2.2 Implementation

The following objectives and strategies have been set to guide implementation regarding safety:

Objective 1: *The manner, purpose and extent to which water resources are used safely are appropriately regulated, controlled and managed.*

Strategies and Time Frames:

- a) To provide through appropriate media and tools user-friendly information pertaining to resources for use by the industry and communities by establishing communication mechanisms (linked to the GDSS) through which requirements and information can be communicated to relevant stakeholders [2004/05 and ongoing].
- b) To identify all controllable factors regarding resource safety impacting on the safe use of water for recreational purposes and include these in water resource planning, implementation, management (RMPs) and operation of water resources [2005/06 and ongoing].
- c) To compile and disseminate decision support protocol relating to application of appropriate tools and measures (e.g. signage, indemnities etc.) [2005/06 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Communication Services; Information Management; Water Allocation; IWRP; Civil Design; Institutional Oversight; Regions; WMIs
- External: SRSA; DoT; relevant Provincial Government Departments

Objective 2: *Compliance with industry norms and standards is ensured.*

Strategies and Time Frames:

- a) To facilitate sharing of responsibility between relevant government departments by identifying partners and formalising institutional relationships [2004/05 and ongoing].
- b) To include the requirements for compliance with industry norms and standards into regulations pertaining to the manner, purpose and extent to which water is utilised for recreational purposes [2004/05].
- c) To include the requirements for compliance with industry norms and standards in the authorisation procedure pertaining to the use of water for recreational purposes [2004/05 and ongoing].
- d) To ensure and facilitate the monitoring of performance and compliance by developing a water-based recreational incident and accident report database and reporting system [2005/06 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Strategic Co-ordination; Water Allocation; Legal Services; Information Management; Regions; WMIs
- External: Water users; DoT; SRSA (Sports Commission); relevant Provincial Government Departments; South African Police Services (SAPS) Water Wing; SA-Stats

Objective 3: *The safe use of water is promoted.*

Strategies and Time Frames:

- a) To facilitate the establishment of a National Water Safety Programme by:

- i) Identifying partners and formalising institutional relationships [2004/05];
- ii) Developing and implementing the programme with industry and government partners [2005/06 and ongoing]; and
- iii) Facilitating together with SRSA the establishment of a water-based sport and recreation (safety) forum [2005/06].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Strategic Co-ordination; Information Management; Communication Services; Water Allocation; Regions; WMIs
- External: Water users (including sport and recreation associations and federations); SRSA (Sports Commission); relevant Provincial Government Departments; DoT; Water Wing

4.3 Key Performance Area: Authorisation

It is DWAF's policy that the use of water for recreational purposes is appropriately authorised.

4.3.1 Background

In terms of the NWA all water use must be authorised and in terms of the PFMA and procurement practice notes so too commercial use of State assets. Various mechanisms can be utilised to ensure that authorisation is obtained, including:

- (a) Water use entitlements ranging from:
- (i) A Schedule 1 entitlement limited to:
 - *de minimis* (low impact) use of water resources to which the user has legal access for private purposes;
 - activities not listed in terms of regulations or a RMP; and
 - commercial activities on or in a water resource other than a State dam for which an approved RMP is not yet in place;
 - (ii) An existing lawful water use, meaning a water use which:
 - has taken place at any time during a period of two years immediately before the date of commencement of this Act; or
 - has been declared an existing lawful water use under section 33; and
 - was authorised by or under any law which was in force immediately before the date of commencement of this Act; and
 - (iii) A licence where:
 - the use has a commercial intent and is to take place on or in a State dams or water resource for which an approved RMPs exists;
 - the proposed use entails a listed activity in terms of regulations or a RMP; and
 - the activity could, or is deemed to have, a measurable negative impact on the environment or human safety, and

- (b) Contractual arrangements including:

- (i) Short term leases for the commercial use of State dams and where RMPs are not in place so as not to encumber the asset and impact future planning and utilising negatively; and
- (ii) Concessions (i.e. longer term conditional leases) where commercial and trading opportunities have been identified in RMPs.

In the interest of co-operative governance an aligned procedure regarding the authorisation of the use of water for recreational purposes is envisaged. Currently applications regarding the access, use, and development of water and associated resources require several applications to several departments at all three levels of government. Ideally, a single application should suffice if correctly administered through the various government authorisation procedures - an application capturing all relevant information pertaining to the use of the water resource, associated resources, the Environmental Impact Assessment (EIA) requirements, compliant to the Treasury regulations as well as regulations pertaining to the availing of State assets.

This 'one-stop-shop' approach in which the various relevant authorities maintain responsibility for each separate authorisation as well as conditions will make monitoring by the respective authorities easier. Not only will the process enable effective monitoring, but also ensure that the public sector establishes an environment conducive to effective decision-making in an administratively just manner.

By linking the authorisation procedure to include all aspects regarding the use of water for recreational purposes including cumulative impacts, environmental impacts and other water uses, particularly Section 21 (c) and (i), it would be possible to guide decision-making enabling sustainable development.

A Licence Assessment Advisory Committee consisting of all the relevant authorities can assist DWAF in ensuring that the objectives of co-operative governance can be met.

4.3.2 Implementation

The following objectives and strategies have been set to guide implementation regarding authorisation:

Objective 1: *Appropriate authorisation of the use of water for recreational purposes is ensured and facilitated.*

Strategies and Time Frames:

- a) To establish mechanisms to ensure transformation and reform of the use of water for recreational purposes are addressed by ensuring incorporation of among other black and gender economic empowerment considerations in allocation and authorisation procedures [2004/05 and ongoing].
- b) To clarify and streamline the procedures relating to the various entitlements to use water for recreational purposes by:
 - i) Compiling regulations in respect of registration of use if required [2005/06];
 - ii) Defining 'stressed' resources and developing criteria and indicators for water allocation through compulsory licensing processes (e.g. accidents and incidents, conflicting use, compatibility, ecological impacts, inequities) [2005/06];
 - iii) Developing an aligned procedure for the licensing of the use of water for recreational purposes and clarifying procurement practice in respect of leases and concessions by *inter alia*:
 - Researching models relating to partnerships, evaluating these and developing appropriate 'tools' [2004/05 and ongoing];
 - Communicating models to various stakeholders (WMIs, industry and communities etc.) [2004/05 and ongoing]; and
 - Developing an implementation programme for the establishment of partnerships [2005/06 and ongoing],
 - Clarifying Reserve determination requirements [2004/05];
 - Establishing a clearing house and Section 21(k) Licence Assessment Advisory Committee (LAAC) [2005/06 and ongoing]; and
 - Co-operatively developing a single procedure for joint-evaluation and approval including considerations relating to EIA; safety; competency; encumbrances etc. [2005/06],
 - iv) Clarifying protocol relating to trading and transfer of rights [2004/05];
- c) To develop appropriate measures for charging for the use of water for recreational purposes by:

- i) Developing, based on among other the DWAF Concession Management Policy for the Use of Water for Recreational Purposes, an appropriate pricing and charge strategy for this use (relevant to all water resources including State dams – refer Section 113 of the NWA) [2004/05]; and
 - ii) Clarifying protocol for the disbursement of fees and charges by WMIs [2004/05 and ongoing],
- d) To establish mechanisms to ensure efficient and appropriate implementation of procedures by:
- i) Empowerment and capacity building of stakeholders [2004/05 and ongoing]; and
 - ii) Monitoring, evaluating and reviewing protocol and implementing appropriate changes and actions [2005/06 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Water Allocation; Institutional Oversight (Stakeholder Empowerment, Water Resource Finance and Pricing, WMI Governance) Information Management; Legal Services; Strategic Co-ordination; Financial Management; Communication Services; Regions; WMIs;
- External: SRSA; DoT; DEAT; DPLG; SALGA; National Treasury; DTI; DLA; DPW; Parks Boards and nature conservation authorities

Objective 2: *Appropriate management of entitlements is ensured.*

Strategies and Time Frames:

- a) To develop and implement measures to efficiently manage entitlements by:
 - i) Developing an appropriate management system linked to the GDSS [2005/06 and ongoing]; and
 - ii) Communicating with stakeholders regarding compliance and performance [2005/06 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Water Allocation; Information Management; Water Resource Finance and Pricing; Communication Services; Institutional Oversight; Regions; WMIs

- External: DLA; DPW; National Treasury

4.4 Key Performance Area: Equitable Access

It is DWAF's policy that the use of water resources for recreational purposes shall benefit and contribute to the sustainable livelihood of communities.

4.4.1 Background

Despite significant changes in legislation pertaining to water and the way it is utilised specifically for sport, tourism and recreation, insignificant changes have occurred in these industries that rely on water resources for sustainability. Communities which host water resources that are utilised for recreational purposes often receive no benefit, directly or indirectly, nor do these communities understand the value of the water within their community and how they can contribute to and benefit from these water resources.

It is DWAF's belief that communities which host water resources should share in the benefits emanating from the utilisation of these resources for recreational purposes. By ensuring that these communities have both physical access to the resource, as well as access to the water-based recreation economy it will be possible to transform the industry in an appropriate and sustainable manner.

Placing a definition on the broad concept of community highlights the complexity of the situation. The concept of 'community' necessitates further division, distinguishing between local community, affected community and host community, where:

- *Local Communities* are communities who live within the vicinity of the resource;
- *Affected Communities* are communities who are affected by the management and use of a water resource; and
- *Host Communities* are communities who have taken ownership of the resource and whose livelihood oftentimes depends on the sustainable management thereof.

Sustainable livelihood is a combination of beneficial impacts ranging from economic, social, cultural and managerial that a resource and use have on communities.

By informing communities about both the value of water resources and the value of community involvement in ensuring the sustainability of these resources, it will be possible to get the local community, due to their geographical proximity, as well as the community affected by the utilisation and management of the resource to take an active interest in the management and utilisation of the water resource, thereby significantly contributing to the conservation, development, management and sustainability of the resource.

By ensuring the local communities move beyond merely being affected by or living close to a water resource but rather undertaking the transition to become host communities will ensure that resources can and will be protected by the people closest to and most affected by the resource.

Physical access for communities to water resources can only be sustained if communities participate in the planning process, ensuring that their needs and expectations are realistic, attainable and manageable. Since DWAF is the custodian of the nation's water it is imperative that decisions regarding the use of water for recreational purposes should be to both the benefit of communities and the nation as a whole, thus communities must be informed and guided to understand the objectives of the NWA and that specific restrictions on the manner, purpose and extent to which water resource can be utilised, can provide these communities with broad benefits if planned, developed and managed on the principles underlying sustainability.

Accessing the water-based recreation economy will enable communities to share in the benefits emanating from the utilisation of water for recreational purposes, yet will be commensurate to the contribution communities make toward ensuring the sustainability of the resource. By contributing resources such as land, and limitations to communal utilisation of resources communities can, through Community-Public Partnerships, become actively involved in development projects aimed at unlocking the potential of water resources. DWAF should however ensure that these communities are not unnecessarily exposed to risks which fall within the ambit of the private sector.

Ideally entrepreneurs from within the communities should be provided the opportunity to undertake developmental initiatives through the establishment of partnerships and concessions. Undertaken in this way local skills can be developed, in addition to broader community benefits.

4.4.2 Implementation

The following objectives and strategies have been set to guide implementation regarding equitable access:

Objective 1: *The rights of communities to physically access resources for recreational purposes are protected.*

Strategies and Time Frames:

- a) Developing guidelines to define host communities and rights and to determine which communities should benefit and the scope of physical access rights [2004/05].
- b) To ensure that physical access for recreational purposes as well as compatibility of recreation with other uses are incorporated and considered when water resources are planned and classified by:
 - i) Communicating allocating equitable physical access for communities to recreational resources to stakeholders [2004/05 and ongoing]; and
 - ii) Developing guidelines regarding the incorporation of physical access within water resource planning processes; RMPs; classification; consultation; approval, and monitoring and evaluation processes [2004/05 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Institutional Oversight (Stakeholder Empowerment); Water Allocation; Communication Services; Water Allocation; IWRP; RDM; Regions; WMIs
- External: Water users; Host communities; Local Government; DLA; DPW

Objective 2: *Equitable access to the water-based recreation economy for communities is ensured.*

Strategies and Time Frames:

- a) To establish an environment conducive to the transformation of the water-based recreation industry by:
 - i) Clarifying and communicating the roles and responsibilities of 'communities' and 'operators' [2004/05 and ongoing]; and
 - ii) Empowering stakeholders through processes such as RMPs, classification, authorisation etc. [2004/05 and ongoing].
- b) To develop applicable models and mechanisms covering different economic benefiting scenarios by:
 - i) Developing and updating a database of available economic benefiting models [2004/05 and ongoing]; and
 - ii) Developing a DWAF process through consultation and by aligning and synergising the various relevant government requirements (National Treasury, DTI, DEAT etc.) [2004/05 ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Institutional Oversight (WR Finance and Pricing); Water Allocation; Communication Services; Regions; WMIs
- External: Water users; Host communities; National Treasury; DEAT; DTI; Local Government

4.5 Key Performance Area: Communication and Capacity Building

It is DWAF's policy to communicate the objectives of the NWA and the policy and implementation programme pertaining to the use of water for recreational purposes and to empower stakeholders through capacity building initiatives.

4.5.1 Background

Communicating DWAF's objectives regarding the use of water for recreational purposes is critical to ensure sustainability. A broad spectrum of communication tools ranging from print and electronic media to workshops, seminars and roadshows can be utilised as part of the communication process, yet the emphasis must be on two-way effective communication between DWAF and the various stakeholders.

The broad objectives regarding the communication of recreation as water use are to:

- create awareness regarding this use;
- build capacity within DWAF;
- illustrate the value of recreational water use;
- assist in unlocking the potential of the water based economy; and
- create a framework regarding the aims and objectives of the NWA and how the use of water for recreational purposes can contribute to attaining these, and demystify the authorisation procedure regarding the use of water for recreational purposes.

Recreation has tremendous potential to provide benefits for communities if undertaken correctly. However, if not based on the principles underlying sustainability, the activities have the potential to severely degrade the environmental resources on which it is based. With the increased awareness of the potential regarding the use of water for recreational purposes, increases in the potential impacts of recreational activities are becoming evident.

To ensure that realistic expectations regarding the use of water for recreational purposes are attained it is imperative that DWAF communicates with all stakeholders regarding among other the following focus areas:

- The potential and value of recreation as a water use; and
- Methods of unlocking the potential of water resources through the development and management of recreational water use activities, including the authorisation procedure regarding the use of water for recreational purposes.

Building capacity within the various stakeholder groups, specifically DWAF, WMIs, other government departments and various delegated authorities is essential to ensure that the objectives of the NWA and this policy can be attained. Through a communication campaign, as well as capacity building programme it will be possible to ensure that the various opportunities available regarding the use of water for recreational purposes can be optimally utilised in a just and administratively sound manner.

4.5.2 Implementation

The following objectives and strategies have been set to guide implementation regarding communication and capacity building:

Objective 1: *Understanding and co-operation ensured by changing perceptions and attitudes through the promotion of the value of the use of water for recreational purposes.*

Strategies and Time Frames:

- a) To facilitate a communication campaign pertaining to the focus areas of the policy on the use of water for recreational purposes by:
 - i) Research and establish a database of existing communication strategies [2004/05]; and
 - ii) Developing and implementing a communication strategy [2004/05] by among other:
 - Establishing support mechanisms, e.g. help desk/ info kiosk [2005/06 and ongoing];
 - Continuously updating a stakeholder database [ongoing]; and

- Establishing and formalising communication channels to transfer important messages related to the use of water for recreational purposes to a range of target audiences [2005/06 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Communication Services; Institutional Oversight; Regions WMIs
- External: Water users; Government partners including SRSA, DoT, DEAT, National Treasury

Objective 2: *Stakeholders and role-players empowered by ensuring sufficient capacity regarding the use of water for recreational purposes.*

Strategies and Time Frames:

- a) To ensure empowerment and skills development of stakeholders by developing and implementing ongoing and appropriate programmes [2004/05 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Institutional Oversight (WMI Governance); Communication Services; Regions; WMIs
- External: Water users; Government partners including SRSA, DoT, DEAT, National Treasury, Parks Boards and conservation agencies

4.6 Key Performance Area: Institutionalisation and Linkages

It is DWAF's policy that appropriate and effective institutions are established and co-operative linkages are developed to ensure that the management of the use of water for recreational purposes is sustainable.

4.6.1 Background

In order to achieve sustainability of this use it is imperative that appropriate institutions and effective co-operative linkages are established. Confusion between the various stakeholders regarding their specific role and function can result in duplication, assumptions and inefficiency. Clarity regarding the role and function of each sector, combined with effective institutional relationships formalised through appropriate agreements will establish an environment conducive for the sustainable management of water resources for recreational purposes.

Resource management is critical to ensure the sustainability of water resources that are utilised for recreational purposes. Degradation of water resources, as well as reductions in water quality or quantity will result in changes in user patterns with no contribution toward the attainment of the objectives of the NWA. Various government authorities, community structures and the private sector have a role to play in resource management.

By compiling RMPs addressing all aspects pertaining to the successful attainment of harmony between the various stakeholders, and involving all stakeholders in the planning procedure, yet guided by DWAF, it will be possible to ensure that not only can DWAF attain its objectives regarding the utilisation of water resources for recreational purposes, but also ensure that this attainment is in a manner that is acceptable and supported by the stakeholders affected by the water resource.

Often water resources are managed by other authorities as part of wider resource management initiatives. Through the establishment of management partnerships between DWAF as the custodian of all water resources and these public sector partners it is possible to add substantial value to water

resources. To ensure that these partnerships contribute to the attainment of the objectives of the NWA it is imperative that DWAF evaluates the management plans that guide the water resource management, albeit by a third party.

DWAF's policy (DWAF, 2001) that only minimal land be acquired to effectively manage a government waterwork and the limits of water resource management being water and the associated aquatic ecosystem necessitates the formation of partnerships to optimally unlock the potential of water resources. However by clarifying the rights and responsibilities of the development partners it is possible to ensure that each stakeholder clearly understands and agrees to the development and management objectives set for the resource within its regional context.

Various resource management and development partnerships can be established depending on the specific environmental situation. These can include:

- Public-public partnerships;
- Public-private partnerships;
- Community-public partnerships; and
- Community-public-private partnerships.

Besides the role normally associated with communities several traditional communities have rights to land which these communities can utilise as equity within development projects. Land vested in the DLA or DPW, to which traditional communities have rights, can be included in management areas adjacent to water resources, thereby availing sufficient land to ensure viable development opportunities, not possible only on land administered by DWAF.

Efficient unlocking of economic potential pertaining to water resources that are utilised for recreational purposes depends on the level of private sector involvement that can be attained by DWAF and its partners. The role of the private sector includes:

- Investment in the water based recreation industry;
- Operation and management of recreation efficiently and profitably;
- Advertising and promoting individual services;
- Continuously upgrading skills of the workforce by continuously providing training and retraining;
- Continuously refurbishing amenities and equipment;

- Satisfying customer needs by providing quality products and services;
- Developing and promoting socially and environmentally responsible use of water for recreational purposes;
- Ensuring the safety and security of users in collaboration with the government and other private sector members;
- Collaborating with Government in planning, promoting and marketing of recreational water use;
- Involving local communities and previously neglected groups in the water based recreation industry through establishing partnership ventures with communities, out-sourcing, and purchase of goods and services from communities;
- Enabling communities to benefit from development;
- Operating according to appropriate standards;
- Efficiently organising itself to speak with one voice; and
- Representing the interests of private business on the fora of national, provincial and local government.

(Source: White Paper on the Development and Promotion of Tourism in South Africa - DEAT, 1996.)

Often Government and communities assume the role of the private sector, transferring unnecessary risk to the public sector or community as a whole. Through concessions and contracts it is possible to transfer risk to the private sector without negating benefits to communities or encumbering the public sector. Undertaking in this way sustainability and viability can be ensured without compromising the competitive advantage of the private sector. Critical to successful private sector involvement is to ensure that fees are market related, and that a comprehensive due diligence is undertaken on the private sector partner to ensure competency and compliance to contractual obligations.

The benefits that the private sector provide to both DWAF and communities will form the basis for partnership formation, and will encompass financial, technical and environmental aspects aimed at ensuring effective transformation of the tourism and recreation industry that utilises water for recreational purposes.

Despite the preferential treatment clubs received in the past, clubs will be treated as operators and be subject to the same authorisation procedure and institutional relationship as any of the other operators. Breaking the shackles of exclusivity brought about by previous agreements between DWAF and

clubs will ensure that the objectives of the NWA can be attained in an appropriate manner. The onus will rest on the clubs that intend to utilise water for recreational purposes to illustrate the social, economic and environmental benefits emanating from the water utilisation, as well as ensure that the benefits resulting from the use can be managed through the institutional arrangements and linkages.

Clubs often have an exceptional pool of expertise that can be incorporated into initiatives that promote and enhance the growth of the recreational activity, thereby increasing the level of participation, raise the profile of recreation as a water use, and assist in alleviating imbalances between urban and rural communities. As the basic unit of sport and recreation the role and function of clubs will be limited to:

- Implementing policy on sport and recreation at group/individual level;
- Increasing participation through proactive recruitment programmes;
- Involvement in capacity building;
- Making representations to provincial federations and local authorities to garner resources for its operation;
- Being the primary vehicle for the identification, development and nurturing of talent;
- Contributing to the development of behaviour rules and regulations; and
- Providing a unique social support structure.

(Source: White Paper on Getting the Nation to Play - SRSA, 2003).

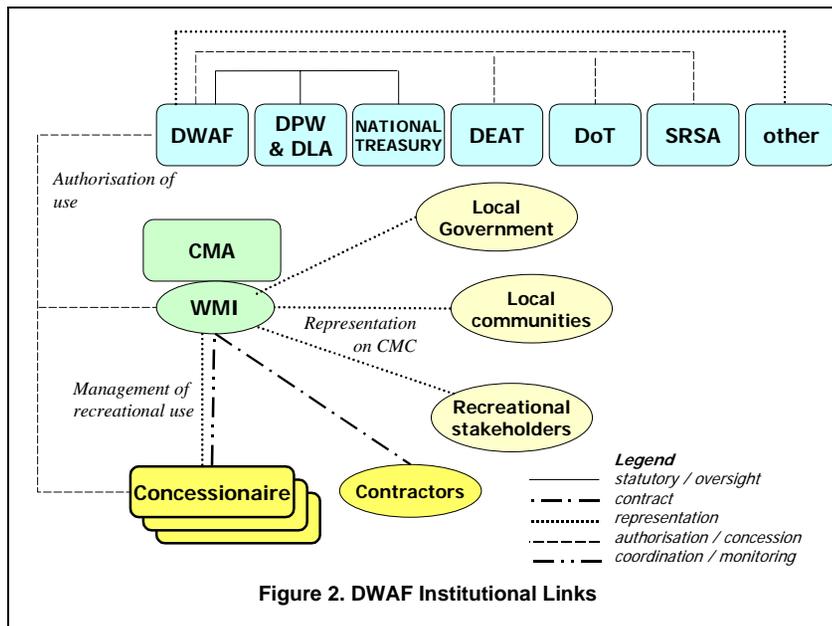
Often clubs believe that their role and mandate extends beyond these functions, to include resource management, development, managing exclusivity instead of inclusivity, and property development instead of sport and recreation development. By clarifying the role of clubs, and evaluating the proposal of clubs against broader government objectives it would be possible to ensure that clubs do not overstep their mandates or minimise potential business opportunities through their actions.

Through clear institutional relationships it would be possible to ensure proper resource management, the effective management of community benefits and ensure the development of viable and sustainable business opportunities. Ideally clubs should be the link between the community, private sector partner and government, giving a voice to the needs and expectations of the recreators and sport community. In this way the interests of government, business and community can be protected. Caution should prevail regarding

commercial interests being veiled in club initiatives, undermining activities which should be undertaken by the private sector in association with public partners.

Clubs can and should form strategic alliances with private sector operators or concessionaires thereby reducing the maintenance and management costs of the club and increasing the viability of commercial ventures. This approach will allow clubs opportunity to focus on their specific role and functions within the sport and recreation field.

As the custodian of water, DWAF must form close co-operative linkages with other government departments, at national, provincial and local levels to ensure that the utilisation of water for recreational purposes can be developed and managed in an integrated manner. These linkages should be formalised ensuring effective governance (vide Figure 2).



4.6.2 Implementation

The following objectives and strategies have been set to guide implementation regarding Institutionalisation and linkages:

Objective 1: *Appropriate institutions established to manage recreational water use effectively.*

Strategies and Time Frames:

- a) To provide for institutional options for effective and efficient management of recreational water resources by:
 - i) Researching available structural options to manage recreational water resources effectively and efficiently [2004/05 and ongoing];
 - ii) Developing generic guidelines for implementing institutions to manage recreational water resources [2004/05 and ongoing];
 - iii) Communicating the various options for incorporation into the resource management frameworks for managing water resources [2004/05 and ongoing];
 - iv) Including and evaluating the proposed institutions and linkages within RMPs [2004/05 and ongoing];
 - v) Support the establishment of such institutions; and
 - vi) Developing monitoring, evaluation and auditing procedures for managing performance of institutions [2004/05 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Communication Services; Institutional Oversight; Information Management; Regions; WMIs
- External: Host communities; Delegated authorities and Government Partners including DLA, DPW, Local Government, Parks Boards and conservation agencies

Objective 2: *Functional linkages established to ensure co-operative governance and effective sharing of management responsibilities regarding the sustainable management of water resources for recreational purposes.*

Strategies and Time Frames:

- a) To formalise functional linkages, based on the roles and responsibilities of the various agencies involved with the management of water and the activities utilising water by:
 - i) Identifying and describing mechanisms and linkages options [2004/05 and ongoing];
 - ii) Institutionalising and empowering appropriate structures between DWAF and relevant agencies [2004/05 and ongoing]; and
 - iii) Monitoring the efficiency and effectiveness of structures and mechanisms [2005/06 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Strategic Co-ordination; Institutional Oversight; Legal Services; Regions; WMIs
- External: Delegated authorities and Government Partners including National Treasury; DLA, DPW, Local Government, Parks Boards and conservation agencies; DEAT; DoT etc.

4.7 Key Performance Area: Legal Framework

It is DWAF's policy that the use of water for recreational purposes and its regulation comply with all relevant legislative requirements.

4.7.1 Background

A continuously updated database regarding the legal framework, focusing on Acts, Bills and Regulations, as well as associated guidelines will ensure that DWAF remains abreast of the legal environment and constraints. The changing legal environment influences decisions yet it is imperative that all decisions are constitutionally sound, and that the policy regarding the use of water for recreational purposes contributes significantly to attaining the objectives of the NWA and broader Government objectives.

To ensure that DWAF attains its objectives in an appropriate manner, cognizance must be taken of:

- Guiding principles: overarching objectives and purposes guiding authority and duty in terms of the law;
- Criteria: limitations to the discretion of persons exercising authority or performing duties under specific legal provisions; and,
- Decision-making procedures: mandatory public consultation, notice, comment and appeal procedures.

These aspects are all applicable across the entire category of laws, which can be divided into:

- The Constitution, the provisions of which bind all actions and decisions of all organs of state;
- Framework legislation not limited to a specific sector of activities or natural resources but rather applicable across all these sectors, including legislation such as NEMA, ECA, Promotion of Administrative Justice Act (Act No. 3 of 2000) and Promotion of Access to Information Act (Act No. 2 of 2000); and
- Sectoral legislation with limited application to specific sectors of activities or natural resources, yet must be applied and interpreted in the context of the Constitution and framework legislation.

Through the development of a database of legislation reflecting the framework/sectoral dichotomy it will lead to an increased understanding of the manner in which DWAF must manage water resources for recreational purposes. Changes within the legislative framework that could influence the policy on the use of water for recreational purposes can be included to ensure that DWAF continues to attain its as well as broader governmental objectives.

4.7.2 Implementation

The following objectives and strategies have been set to guide implementation regarding legal framework:

Objective 1: *Compliance with relevant legislative requirements ensured.*

Strategies and Time Frames:

- a) To compile a database of all relevant legislative requirements and align requirements where necessary to ensure that DWAF remains abreast of the legal environment by:
 - i) Researching and compiling a database (Acts, Bills and Regulations, as well as associated guidelines) [2004/05 and ongoing];
 - ii) Ascertaining objectives and evaluating relevance of requirements [2004/05 and ongoing];
 - iii) Aligning, developing and reviewing of DWAF procedures if required [2004/05 and ongoing]; and
 - iv) Communicating implications to relevant stakeholders [2004/05 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Communication Services; Institutional Oversight; Legal Services; Regions; WMIs
- External: Relevant Government Partners

Objective 2: *The use of water for recreational purposes positioned as a strategic issue and DWAF as a strategic partner in the legal processes*

related to recreation, water use, and use and management of associated resources, etc.

Strategies and Time Frames:

- a) To influence and participate in legislative reform relevant to the use of water for recreational purposes by:
 - i) Creating a profile of the value of recreation as a water use [2005/06 and ongoing];
 - ii) Creating a profile of DWAF's contribution to managing the use of water for recreational purposes [2005/06 and ongoing];
 - iii) Identifying relevant government partners and law reform committees [2005/06 and ongoing]; and
 - iv) Developing and implementing a communication strategy and participation programme [2004/05 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Strategic Co-ordination; Communication Services; Institutional Oversight; Water Allocations; Regions; WMIs
- External: Water users; Relevant Government Partners

4.8 Key Performance Area: Monitoring, Evaluation, Auditing and Information Management

It is DWAF's policy that the use of water for recreational purposes is monitored, evaluated and audited in terms of both performance and compliance, and information pertaining to this use is managed in a user friendly and effective manner in order to promote the sustainable utilisation of water resources.

4.8.1 Background

To enable DWAF to ensure that it is attaining the objectives of the NWA in a sustainable and equitable manner regarding the use of water for recreational purposes, it is critical that a monitoring, evaluation and auditing system be established. Without a system such as this it will be impossible to ascertain the success or failure of decisions, changes within the recreation industry, or level of benefit communities receive from the use of water for recreational purposes.

A three tiered approach will be utilised in this system:

- Monitoring: Data and information collection and collation; benchmarking; setting of standards and measurable indicators;
- Evaluation: Evaluation of compliance and performance in terms of set objectives, criteria and motives; and
- Auditing: Assessment of performance and compliance of systems against relevant norms and standards.

All relevant stakeholders will be tasked with the collection and collation of information to be forwarded to DWAF in a specific format, e.g. by including monitoring in the contractual obligation of concessionaires and contractors, channeling specific data and information in a uniform format pertaining to a specific resource, catchment and region to central collection and collation points, and by combining this information into an annual assessment DWAF can monitor the utilisation of water resources for recreational purposes.

Additionally, by internally requesting a summary of information pertaining to aspects such as resource quality, flow levels, releases, climatic conditions

etc. DWAF can monitor the changes within the use of water for recreational purposes and resource quality. Comparisons can be made on a month-to-month, year-on-year basis taking into account the various variables and factors which influence the performance and compliance of the Department with national and international norms and standards.

By managing the information emanating from the monitoring and evaluation regarding the use of water for recreational purposes it will be possible for DWAF to provide information regarding the importance of this water use based on market size, economic impact, environmental impact, etc. as well as information pertaining to development opportunities, initiatives and actions.

Thus, critical to the sustainability of water resources that are utilised for recreational purposes will be the dissemination of information pertaining to this use, its successes, failures, performance and compliance standards, as well as the feasibility and viability as a water use. By integrating information collection and collation with information dissemination it will be possible to provide relevant and applicable information to the recreation industry regarding current trends, use patterns, resource quality and development opportunities in an integrated and user friendly manner. Additionally DWAF will be able to provide insight to communities regarding the value of the recreation industry based on these trends. Currently very little information is available regarding the size of the industry, the benefits emanating from the use of water for recreation purposes, or the development opportunities available.

Besides the essential role that monitoring and evaluation plays in ascertaining DWAF's performance regarding the use of water for recreational purposes, the information can also assist in decision-making regarding various aspects pertaining to authorisation, development and utilisation.

Knowing various aspects relating to the supply and demand equation pertaining to the use of water for recreational purposes will enable DWAF to play an active role in stimulating demand while ensuring sustainable and equitable supply.

Essential to evaluation will be the extent to which the monitoring and evaluation components contained in the various key performance areas can be consolidated in a single, overall performance audit. Each key performance area has several aspects that can be monitored and evaluated, yet these

must be linked to ascertain the overall performance regarding the use of water for recreational purposes.

To ascertain the level of DWAF's performance and compliance it is essential that an annual audit of the management systems be undertaken utilising the ISO 9000 and 14000 criteria as benchmark. Undertaken in this manner it will be possible to identify areas of performance and compliance that require attention, as well as areas of excellence.

Based on the monitoring, evaluation and auditing system DWAF with the assistance of various other Government departments could establish an annual award system recognizing and acknowledging excellence in the various key performance areas by individuals, operators, communities and Government officials.

4.8.2 Implementation

The following objectives and strategies have been set to guide implementation regarding monitoring, evaluation and information management:

Objective 1: *Performance and compliance regarding the use of water for recreational purposes monitored and evaluated.*

Strategies and Time Frames:

- a) To develop and implement monitoring systems for the use of water for recreational purposes [2004/05 and ongoing] by:
 - i) Setting objectives and motivations;
 - ii) Designing measurable indicators; and
 - iii) Collecting and collating data.
- b) To develop and implement evaluation systems aimed at both compliance and performance regarding the use of water for recreational purposes [2004/05 and ongoing];
- c) To obtain industry support for self-regulation by developing a performance and compliance auditing system for the use of water for recreational purposes by operators and submitting the system to the International Standards Organisation (ISO) for accreditation [2005/06].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Information Management; Institutional Oversight; Regions; WMIs
- External: Water users; host communities; Relevant Government Partners

Objective 2: *Information is managed and provided in a user friendly and effective manner to assist in decision-making regarding the use of water for recreational purposes.*

Strategies and Time Frames:

- a) To develop an integrated information management system to assist in the management of recreational water resources based on relevant data parameters, including:
 - i) Developing a common compatible data capturing template to be used to populate the indicators identified [2005/06];
 - ii) Collating and disseminating information to stakeholders for use in decision-making [2005/06 and ongoing];
 - iii) Continuously updating of information management system [2005/06 and ongoing]; and
 - iv) Developing and implementing a performance auditing and monitoring system for the information management system [2005/06 and ongoing].
- b) To identify and consult with appropriate stakeholders from whom information in proposed system will be required [2005/06 and ongoing].
- c) To communicate the value of information pertaining to the use of water for recreational purposes to various stakeholders [2004/05 and ongoing].

Institutional Linkages:

- Internal: Water Use (Environment and Recreation); Communication Services; Information Management; Institutional Oversight; Regions; WMIs
- External: Water users; Relevant Government Partners

5. POLICY REVIEW

The success of the policy will be dependent on the level of political support and co-operative governance that the policy generates. By addressing the use of water for recreational purposes in an integrated manner based on the principles of sustainability, and auditing performance and compliance with relevant management systems, the objectives of the NWA and national government can be attained.

However, no policy can remain relevant if the policy can not adapt to changes within the operational, technical, legislative, socio-political and bio-physical environments. The policy on the use of water for recreational purposes will thus be dynamic, with changes based on an annual performance and compliance audit, yet including a process of stakeholder involvement based on the needs and expectations of the various users.

The policy can be reviewed as a whole or just according to individual key performance areas and the changes can be corresponding to different levels ranging from changes to specific strategies, objectives and then policy.

Review of the policy, undertaken in this manner will not only provide DWAF and other government officials with clarity regarding the use of water for recreational purposes, but also the industry and communities which utilise these water resources.

It is however essential that DWAF communicate any changes within the policy to all stakeholders, providing motivation for the changes based on the inputs received from role-players and stakeholders.

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APPENDIX A: STAKEHOLDER PARTICIPATION

Comments received during the development of this policy have been documented with appropriate responses to each - vide DWAF, 2004, *Comments Report: Draft Operational Policy – Using Water for Recreational Purposes, June 2004*.

Department of Water Affairs and Forestry:

- Head Office Managers
- Regional Managers
- Dedicated Officials at Head Office
- Dedicated Officials in the Regions

External Stakeholder Organisations:

- Abaqulusi Municipality
- African Paddling Association
- Angling Federation
- Bank Angling Association
- Boating Fraternity
- Boating Industry Association of Southern Africa
- Buffelspoort Dam Management Committee
- Canoeing South Africa
- Century City POA
- Conservation Corporation Africa
- Department of Environmental Affairs and Tourism (DEAT) Environmental Planning & Co-ordination
- DEAT Environmental Impact Assessment
- DEAT National Strategic Development Initiatives Programme
- DEAT Tourism Support Services
- Department of Agriculture
- Department of Land Affairs
- Department of Provincial and Local Government
- Department of Public Enterprise
- Department of Public Works
- Department of Social Development
- Department of Sport and Recreation
- Department of Trade and Industry
- Department of Transport

- Eastern Cape Provincial Government Department of Economic Affairs, Environment and Tourism
 - Emfuleni District Council
 - Ethekezi Municipality
 - Ezemvelo KZN Wildlife
 - Federation of SA Flyfishers
 - Free State Provincial Government Department of Agriculture, Conservation and Environment
 - Freshwater Bank Angling Federation
 - Gauteng Provincial Government Department of Agriculture, Conservation, Environmental and Land Affairs
 - Germiston Municipality
 - Hartebeespoortdam Association (HOEV)
 - Komati Basin Water Authority
 - KwaZulu Natal (KZN) Provincial Government Department of Agriculture and Environment
 - KZN Provincial Government Department of Economic Affairs and Tourism
 - Limpopo Provincial Government Department of Financial and Economic Affairs, Tourism and Environment
 - Madibeng Municipality
 - Mhlathuze Water Board
 - Mondi Forests
 - Mothopo
 - Msinsi Holdings
 - Nandoni Dam Community Action Committee
 - National Treasury Public Private Partnership Unit
 - North West Parks and Tourism Board
 - North West Provincial Government Department of Economic Development and Tourism
 - Northern Cape Provincial Government Department of Agriculture, Nature Conservation, Environment and Land Reform
 - Poland Community Centre (Hartebeespoort Dam)
 - Pongola Game Reserve
 - Rand Water: Catchment Management
 - Rhodes University Community Based Natural Resource Management
 - Rietvlei Dam Nature Reserve
 - Rowing South Africa (ROWSA)
 - RPSA
 - Rural Development Network Service
 - SA Casting and Surfcasting Federation
 - SA Local Government Association
-

- SA Rowing Union
 - SA Sailing
 - SA Sports Commission
 - SA Underwater Union
 - SAFCOL Tourism & Environmental Management
 - SANParks
 - SAPPI
 - Shayamoya Game Lodge
 - South Africa Police Services Water Wing
 - Swimming SA
 - Thabina Dam Bathlabine Rural Development Trust
 - Theewaters Sports Club
 - Thukela Biosphere
 - Town and Regional Planning Commission KZN
 - Triathlon SA
 - Tshwane Metro Municipality Parks and Recreation
 - Umkhanyakude District Municipality
 - Vaal River Property & Safety Association (RPSA)
 - Vygeboom Dam Boot Klub
 - Western Cape Provincial Government Department of Economic Development and Tourism
 - Wilderness Safaris
 - Yellow Fish Working Group
-