

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY**  
**Recreational Water Use Manual**  
 Guideline

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| <b>Subject:</b>   | Implementation Framework for the Operational Policy for Recreational Water Use  |
| <b>Purposes:</b>  | To set out the function, roles and responsibilities of the Department of Water Affairs and Forestry at national and regional level in respect of implementing the Operational Policy for Recreational Water Use.  |
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| <b>Approval:</b>  | Director: Water Abstraction and Instream Use.   |
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## 1. RECREATIONAL WATER USE (RWU) POLICY AND PROTOCOL

### 1.1 Operational Policy for RWU

The Operational Policy was approved in August of 2004 by the Water Resource Functional Management Committee along with drafts of the various guidelines to support the policy.

The policy addresses the following:

- Integrated resource planning and management
- RWU safety
- Authorisation
- Community involvement and beneficiation
- Communication and capacity building
- Institutionalisation and co-operative government
- Legal compliance
- Performance and compliance management
- Information management

### 1.2 Guidelines

The guidelines in support of implementing the Operational Policy for RWU are listed and referenced in the RWU Manual . Certain of these guidelines have been kept in near final draft format. Once the proposed Regulations are in place, pilot studies completed and roles and

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responsibilities clarified (refer restructuring process), these documents will be reviewed and finalised.

### **1.3 Regulations**

DWAF currently has one set of Regulations in place for State dams, i.e. the Regulations published in *Government Notice R.654 dated 1 May 1964, in terms of the Water Act, 1956 (Act No 54 of 1956)*.

The Sub-directorate Environment and Recreation (E&R) is, however, finalising Regulations that will have relevance for all water resources. It is anticipated that these regulations will be published for public comment during December 2006 to February of 2007.

## **2. FUNCTIONS / KEY PERFORMANCE AREAS (KPAS)**

Based on the Operational Policy, DWAF has four main functions to perform regarding RWU, noting that these functions or KPAs are supported by communication, capacity building and empowerment initiatives as and when required (refer to Figure 1 for a diagrammatic illustration of the implementation framework for RWU):

### **2.1 Planning the protection, conservation, development, management, control and utilisation of water resources**

This function refers mainly to the compilation of Resource Management Plans (RMPs). These plans set the framework for institutionalising the management of water resources and in particular RWU; the authorisation and regularisation interventions required as well as the structure for performance and compliance management.

### **2.2 Authorising Access and Use**

This function entails:

- Registration and verification of existing water use;
- Water use authorisations (i.e. authorisations in terms of Chapter 4 (Schedule 1 confirmation) and the new Regulations, once promulgated – Schedule 1 with Operational Plans); and
- Approving access and use of Government Waterworks for recreational purposes with reference to Section 113 of the National Water Act (NWA) including Public Private Partnerships (PPPs) for tourism, i.e. procuring commercial use of such assets in terms of the Public Finance Management Act (PFMA) and PPP Toolkit for Tourism.

### **2.3 Institutionalising the Management of RWU**

The NWA advocates local management of water resources. Institutional options are planned and identified among other through RMPs and liaison with government institutions. These institutional options have to be established and formalised and even procured should a PPP for performing a State function be identified as the most appropriate option.

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## **2.4 Performance, Compliance and Information Management**

To enable DWAF to ensure that it attains the objectives of the NWA, the Operational Policy, RMPs and authorisations in a sustainable and equitable manner, it is critical that a monitoring, evaluation and auditing system and related information management system be established. All relevant role-players and stakeholders will be tasked with the collection and collation of information and reporting on performance and compliance at different levels of intensity:

- Water users, concessionaires and contractors
- Regional Offices
- Water Management Institutions (WMI) and relevant authorities
- Water Resource Infrastructure Branch (WRIB)
- Head Office policy and regulation components that contribute to the implementation of the Operational Policy for RWU and respective KPAs.

By managing information emanating from monitoring, evaluation and audits regarding recreational water use it will be possible for DWAF to provide information regarding the importance of this water use and it will also assist in decision-making regarding various aspects pertaining to planning, institutionalisation and authorisation.

E&R will ultimately be responsible for co-ordinating information management and combining performance and compliance management contributions into an annual report. The roll-out of this function, however, still requires further clarification and development and will be undertaken by E&R within the next two years.

## **3. RESPONSIBILITIES**

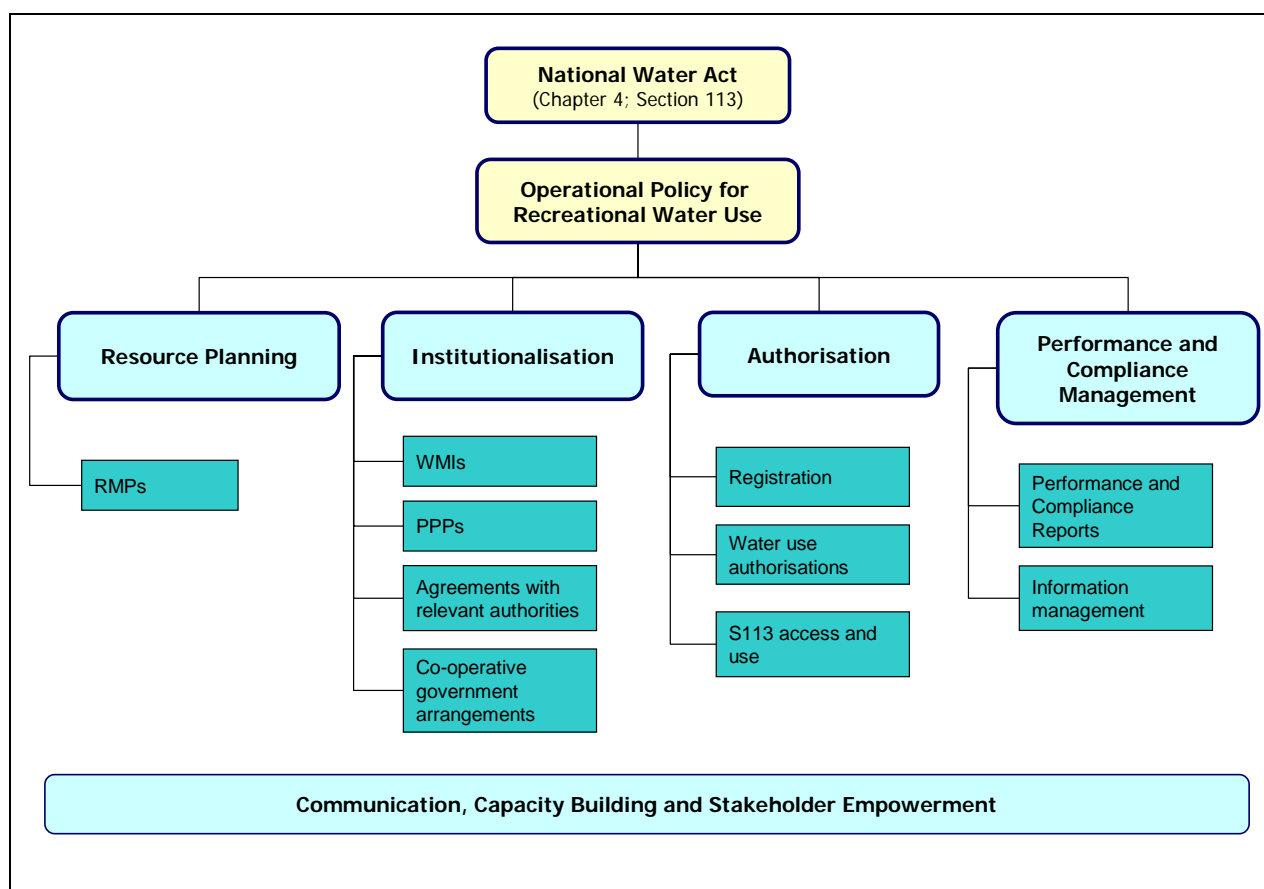
The above functions are assigned as follows:

### **3.1 Head Office (Policy and Regulation)**

The Sub-directorate E&R within the Directorate Water Abstraction and Instream Use is responsible for the following in respect of RWU:

- Policy and protocol development and upkeep (review) regarding the various KPAs and policy statements
- Providing guidance regarding the interpretation and implementation of policy and protocol
- Until delegations are in place, recommending authorisations as "lead water use directorate"
- Facilitating and co-ordinating the implementation of systems (e.g. information management) and projects (e.g. co-ordinating the compilation of RMPs)
- Strategic regulation and co-ordination of monitoring and evaluation of performance and compliance and related reporting
- Capacity building of 'implementing agents' (Regional Offices and other authorities)
- Co-ordinating communication with relevant stakeholders

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**Figure 1: Recreational Water Use Implementation Framework**

### 3.2 Regional Offices

DWAF's Regional Offices are currently responsible for both continued Water Resource Management (WRM) and proto-Catchment Management Agency (CMA) duties. It is understood that broadly the WRM components are responsible for participation in policy and protocol development and subsequent communication, capacity building and monitoring of the implementation of policy and protocol, whereas the proto-CMA components will be responsible for the implementation of these policies and protocol until these functions are transferred to CMAs or relevant authorities.

Although overlaps in implementation amongst these two components remain (due to resource shortages etc.) the following RWU functions are proposed for the continued WRM and proto-CMA components (vide Table 1 for a summary of roles and responsibilities):

- Continued WRM functions:
  - *Planning*
    - Participation in policy and protocol development processes
    - Advise on WRM issues in RMP processes
  - *Institutionalising the management of RWU*

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- WRM liaison, relationship management and formalising co-operative government arrangements at local level to support implementation
- *Authorisation of water use*
  - Support proto-CMA with specialist technical expertise relating to water use authorisations and control of water use
- *Performance and compliance management*
  - Information management
  - Auditing and reporting on performance of proto-CMA
  - Reporting on own performance
- *Communication, capacity building and stakeholder empowerment*
- Proto-CMA functions:
  - *Planning*
    - Participation in policy and protocol development processes
    - Planning of relevant interventions including the preparation of RMPs for water resources *other than water resource infrastructure*
  - *Institutionalising the management of RWU*
    - Establishing WMIs such as Water User Associations for the control and management of RWU
    - Concluding agreements with relevant authorities such as conservation authorities and water boards regarding the planning, management and authorisation of use
    - Formalising and forging co-operative government arrangements at local level to support implementation
  - *Authorising water use*
    - Registration and verification of existing water use
    - Processing of RWU authorisations (in terms of Chapter 4 (Schedule 1 confirmations) and the new Regulations once published – Schedule 1 Operational Plans)
  - *Performance and compliance management*
    - Information management
    - Auditing and reporting on performance of ‘implementing agents’
    - Reporting on own performance
    - Compliance monitoring, auditing, enforcement and reporting in respect of water use authorisations
  - *Communication, capacity building and stakeholder empowerment*

### **3.3 Water Resource Infrastructure Branch**

WRIB Head Office vs Operations responsibilities must still be clarified. Nevertheless, generally the WRIB will have the following responsibilities (vide Table 1 for a summary of roles and responsibilities):

- *Planning*

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- Planning of relevant interventions including the preparation of RMPs for Water Resource Infrastructure (WRI)
- *Institutionalising the management of assets*
  - Establishing new institutions
  - Concluding agreements with relevant authorities such as conservation authorities and water boards regarding the planning, management and use of WRI (e.g. water surface and surrounding State land)
  - Formalising co-operative government arrangements to support implementation
- *Authorising access and use of assets*
  - Approving access to and use of WRI (for purposes other than commercial)
  - Procuring PPPs
  - Procuring service contracts (e.g. for public access)
- *Performance and compliance management*
  - Information management
  - Auditing and reporting on performance of ‘implementing agents’
  - External audits and reporting on its own performance
  - Compliance monitoring, auditing, enforcement and reporting in respect of access and use authorisations and PPP agreements
- *Communication, capacity building and stakeholder empowerment*

**Table 1: Roles and Responsibilities**

| Functions                    | DWAF Components   |  |   |   |
|------------------------------|---|--|---|---|
|                              | Environment and Recreation  | Regions: WRM   | Regions: Proto-CMA  | WRIB  |
| <i>Policy and regulation</i> | <ul style="list-style-type: none"> <li>– Policy and protocol development and review</li> <li>– Providing guidance and support</li> <li>– Strategic regulation</li> <li>– Strategic capacity building and communication</li> </ul> | <ul style="list-style-type: none"> <li>– Participation in policy and protocol development processes</li> <li>– Stakeholder empowerment, capacity building and communication</li> </ul> | <ul style="list-style-type: none"> <li>– Participation in policy and protocol development</li> <li>– Implementation of policy and protocol</li> <li>– Stakeholder empowerment, capacity building and communication</li> </ul> | <ul style="list-style-type: none"> <li>– Compliance with and implementation of policy</li> <li>– Development and review of protocol as it relates to its functions</li> <li>– Stakeholder empowerment, capacity building and communication</li> </ul> |
| <i>Planning</i>              | Facilitating and co-ordinating the implementation of systems and projects   | Advise on WRM issues in RMP processes  | Compilation of RMPs for water resources   | Compilation of RMPs for WRI   |
| <i>Institutionalisation</i>  | Providing guidance and support  | Liaison, relationship management and formalising co-operative government arrangements to support implementation  | <ul style="list-style-type: none"> <li>– Establishing WMLs</li> <li>– Concluding agreements with relevant authorities</li> <li>– Formalising co-operative government</li> </ul>   | <ul style="list-style-type: none"> <li>– Establishing institutions</li> <li>– Concluding agreements with relevant authorities</li> <li>– Formalising co-operative government</li> </ul>   |

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| Functions   | DWAf Components   |   |   |   |
|---|---|---|---|---|
|   | Environment and Recreation  | Regions: WRM  | Regions: Proto-CMA  | WRIB  |
| <i>Authorisation</i>  | Recommending authorisations as "lead water use directorate"   | Support proto-CMA with water use authorisations and control of water use  | <ul style="list-style-type: none"> <li>– Registration and verification of water use</li> <li>– Recommending the authorisation of RWU</li> </ul>                     | <ul style="list-style-type: none"> <li>– Arrangements</li> <li>– Approving access to and use of WRI</li> <li>– Procuring PPPs</li> <li>– Procuring service contracts</li> </ul> |
| <i>Performance, compliance and information management</i>           | Co-ordination of information management, performance and compliance monitoring and auditing and related reporting | <ul style="list-style-type: none"> <li>– Information management</li> <li>– Monitoring, auditing, enforcement and reporting on performance and compliance</li> </ul> | <ul style="list-style-type: none"> <li>– Information management</li> <li>– Monitoring, auditing, enforcement and reporting on performance and compliance</li> </ul> | <ul style="list-style-type: none"> <li>– Information management</li> <li>– Monitoring, auditing, enforcement and reporting on performance and compliance</li> </ul>             |
| <i>Communication, capacity building and stakeholder empowerment</i> | Prepare and implement appropriate strategies and action plans   | Prepare and implement appropriate strategies and action plans   | Prepare and implement appropriate strategies and action plans   | Prepare and implement appropriate strategies and action plans   |

#### 4. CURRENT E&R PROJECTS

The two main projects currently being co-ordinated by E&R are:

- The compilation of RMPs; and
- Institutionalising the PPP Toolkit for Tourism.

##### 4.1 Compilation of Resource Management Plans

The water resources prioritised for RMPs and encumbrance surveys for the next three years are mainly State dams and thus fall within ambit of the WRIB's responsibilities. The respective project officers identified for the prioritised RMPs are from within the WRIB (Operations).

Although responsibility for RMPs for water resource infrastructure will resort with the WRIB in future, E&R is facilitating the initial cycle to establish clear protocol and to assist the various Policy and Regulation (P&R) support units to understand these processes and enable them to clarify their requirements with regards to their specific responsibilities and mandates via a Project Steering Committee (PSC).

In future, E&R will only co-ordinate those RMPs for water resources other than State dams – Project Officers (POs) from within the respective WRM/Proto-CMA Regional Offices will be responsible for implementation at local level and will be supported by a PSC at Head Office level.

Where water resources and water resource infrastructure fall within Projected Areas or are included by agreement within the area of operation of an implementation agent or government institution, the respective POs should negotiate with the relevant authorities to incorporate

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planning of access and use of water resources/assets into their planning initiatives. POs will in these instances only have an oversight function.

#### **4.2 Institutionalising the PPP Toolkit for Tourism**

PPPs will in future be a WRIB and later an Agency responsibility. However, since E&R was involved in the compilation of the Toolkit, it is facilitating this project on behalf of and together with the WRIB.

Involvement, over and above P&R Head Office components, is required from both the WRIB and WRM/Proto-CMA Regional Offices:

- P&R units together with the WRM/Proto-CMA Regional Offices are required to guide specifications in respect of WRM related matters to be addressed during the pre-feasibility and feasibility studies for identified PPP opportunities and will be responsible for authorising relevant water use once a preferred bidder has been identified.
- Details as to how the Toolkit will be institutionalised within WRIB (i.e. at Head Office vs Operations level) are being clarified and will be discussed and consulted in due course.