

DEPARTMENT OF WATER AFFAIRS AND FORESTRY
Recreational Water Use Manual
 Policy

- Subject:** Operational Policy for Recreational Water Use.
- Purposes:** To assist the reader in understanding the legislative provisions of the National Water Act (NWA), 1998 (Act No. 36 of 1998) by clarifying the requirements of the Act in respect of recreational water use.
- 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 recreational water use, and to regulate any recreational activity in order to protect a water resource or instream or riparian habitat. These powers also include controlling and regulating access to and use of government waterworks for such purposes.
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1. INTRODUCTION

1.1 Setting the Scene

Despite the importance of water in recreation and related developments, recreational water use 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.

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. Recreational water use, not a new water use, has been included as a formal use of water in South African legislation under Chapter 4 of the NWA (Section 21(k): "using water for recreational purposes") as well as Section 113 relating to access and use of government waterworks for recreational purposes.

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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.

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”*.

Recreational water use 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.

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.

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 including among other sustainability, equity, redress and resource protection.

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 recreational water use 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 sustainable and equitable recreational water use.

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 recreational water use are pivotal in the attainment of this harmonious balance.

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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 recreational water use be undertaken in a sustainable and equitable manner to redress these imbalances.

The Department of Water Affairs and Forestry (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.

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, recreational water use 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 that could influence the safe utilisation of water for recreational purposes are communicated to these users timeously.

1.2 Principles underlying the Policy

The specific principles underlying the policy are based on broad principles contained in among other the NWA and National Environmental Management Act, 1998 (Act No. 107 of 1998) and will be applied toward the regulation of this water use.

These principles in essence include:

- Sustainable and beneficial resource 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

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- 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 recreational water use. 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 economic, social and environmental benefits to communities, the sustainability of resources can not 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 recreational water use.

- **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 recreational water use by *inter alia* investments, contributing to resource

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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

Founded on the foregoing principles and aims it is DWAF's policy that:

- (i) **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.
- (ii) Recreational water use will be **safe**, both from a resource as well as industry perspective.
- (iii) Recreational water use is appropriately **authorised**.
- (iv) The use of water resources for recreational purposes shall **benefit** and contribute to the sustainable livelihood of **communities**.
- (v) The objectives of the NWA and the policy and implementation programme pertaining to recreational water use will be **communicated** and stakeholders appropriately empowered through **capacity building** initiatives.
- (vi) Appropriate **institutions** are established and effective co-operative **linkages** developed to ensure among other the sustainable management of recreational water use.
- (vii) Recreational water use and its regulation comply with all relevant **legislative requirements**.
- (viii) Recreational water use 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. POLICY OBJECTIVES

Based on DWAF's policy regarding recreational water use the following objectives have been set to assist the Department in achieving its purpose:

(i) **Integrated Resource Planning, Management and Classification**

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

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Objective 2: Resource management plans (RMPs) are compiled based on the principles underlying the recreational water use resource planning procedure.

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

(ii) Safety

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

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

Objective 3: The safe use of water is promoted.

(iii) Authorisation

Objective 1: Appropriate authorisation of recreational water use is ensured and facilitated.

Objective 2: Appropriate management of water use entitlements is ensured.

(iv) Equitable Access

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

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

(v) Communication and Capacity Building

Objective 1: Understanding of recreational water use and co-operation with and among stakeholders are ensured by changing perceptions and attitudes through the promotion of the value of recreational water use.

Objective 2: Stakeholders and role-players are empowered by ensuring sufficient capacity regarding recreational water use.

(vi) Institutionalisation and Linkages

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

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

(vii) Legal Framework

Objective 1: Compliance with relevant legislative requirements is ensured.

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Objective 2: Recreational water use is positioned as a strategic issue and DWAF as a strategic partner in the legal processes related to recreation, water use, and the use and management of associated resources, etc.

(viii) Monitoring, Evaluation and Information Management

Objective 1: Performance and compliance regarding recreational water use are monitored and evaluated.

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

5. POLICY REVIEW

The success of the policy will depend on the level of political support and co-operative governance that the policy generates. By addressing recreational water use 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 recreational water use 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 recreational water use, but also the industry that utilises and communities which host 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.

6. REFERENCES

The following documents were consulted in compiling the Recreational Water Use Operational Policy:

Legislation:

- Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996).
- Environment Conservation Act, 1989 (Act No 73 of 1989).
- Government Notice R.654 dated 1 May 1964 in terms of the Water Act, 1956 (Act No 54 of 1956).
- National Environmental Management Act, 1998 (Act No 107 of 1998).

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- National Sport and Recreation Act, 1998 (Act No 110 of 1998).
- National Water Act, 1998 (Act No 36 of 1998).

Policies:

- A National Strategy for Integrated Environmental Management in South Africa. Discussion document, Department of Environmental Affairs and Tourism, 1998.
- Municipal Structures Bill. Government Gazette, Vol 395, No 18914, 22 May 1998.
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- Tourism in Gear. Tourism Development Strategy 1998-2000, Department of Environmental Affairs and Tourism, 1998.
- White Paper 1997. Public Works towards the 21st century. Government Gazette, Vol 391, No 18616, 14 January 1998.
- White Paper on Environmental Management Policy for South Africa. Government Gazette, Vol 395, No 18894, 15 May 1998.
- White Paper on Human Resource Management in the Public Service. Government Gazette, Vol 390, No 18594, 31 December 1997.
- White Paper on Local Government. Government Gazette, Vol 393, No 18739, 13 March 1998.
- White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity. Government Gazette, Vol 385, No 18163, 28 July 1997.
- White Paper on the Development and Promotion of Tourism in South Africa, 1996.

Other:

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