

Riparian rights of farmers as the sunset clauses in terms of water use allocations and its impacts

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DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES



**agriculture,
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PURPOSE

To brief the PC on DAFF's perspective on riparian rights of farmers (as the sunset clauses) in terms of water use allocations and its impacts

Introduction

- The Irrigation and Water Conservation Act (Act 8 of 1912) provided that spring water on land as well as water flowing over land could be used by and belonged to the land owner with the proviso that the water should also be available to lower-lying owners over whose land it flows.
- This was followed by the Water Act (Act 54 of 1956) which entrenched and refined riparian rights but also stated that the State had the power to control the usage of water in the rivers, through the power of the Minister to declare water control areas where water could also be allocated to non-riparian land.
- **This Act was repealed** by the National Water Act, 1998.

The National Water Act (Act 36 of 1998)

- Stipulates that the Department of Water and Sanitation (DWS) is the trustee of water resources on behalf of the nation;
- Sets out to accommodate the socio-economic demands of environmental management and access to water for all people;
- Provides that all exclusive rights to water use which were in force before 1998 were replaced by water allocation granted by the DWS.

DAFF's role

- DAFF participates as a member of the Coordination Committees of Agriculture Water (CCAWs) which are provincial structures which deal with amongst other things i.e. applications for water for agriculture purposes, progress reports on irrigation projects, etc. CCAWs make recommendations on the applications to the DWS.
- DAFF supports the Water Allocation Reform Strategy and are supporting farmers who have requested for assistance in applying for water entitlements and licenses.
- Agricultural practices in riparian zones should comply to the rules and regulations stipulated in the environmental, agricultural and water legislation.

DAFF's role

- DAFF supports research which looks at the water usage by the agriculture sector through co-funding, research on water use efficiency techniques, the use of satellite imagery and methods determining water usage for various crops, etc.
- The Irrigation Strategy sets out the number of irrigation schemes which need to be revitalized as well as the number of hectares of land which can be further irrigated. It also promotes efficiency in irrigation practices.
- CASP and Ilima - Letsema funds are utilized to revitalize irrigation schemes and in some instances irrigation technologies are changed for more water efficient methods.

DAFF's role

- DAFF chairs the Water Use and Irrigation Working Group to plan, discuss and share information on irrigation initiatives undertaken in the provinces as well as research which has been conducted, etc.
- The Provincial Departments of Agriculture, the Agriculture Research Council, Water Research Commission, the Department of Water and Sanitation, Department of Rural Development are permanent members of the Water Use and Irrigation Working Group.
- Other stakeholders are also invited based on topics to be discussed.

RECOMMENDATION

- That the PC notes DAFF's perspective on riparian rights of farmers (as the sunset clauses) in terms of water use allocations and its impacts
- That the PC accepts the report and provide further guidance, should there be a need.

THE NEED FOR THE APPLICATION OF WATER EFFICIENT IRRIGATION METHODS



Conclusion

Thank you

Questions / comments!