



putting an end to what is 'not a crime': observations on unlawful water abstraction in the Vaal River System

Martin Ginster and Johann Tempelhoff

contributors:

C Gouws, CM Gouws, H Mäki, R
Mathipa, S Motloun, M Nyandoro

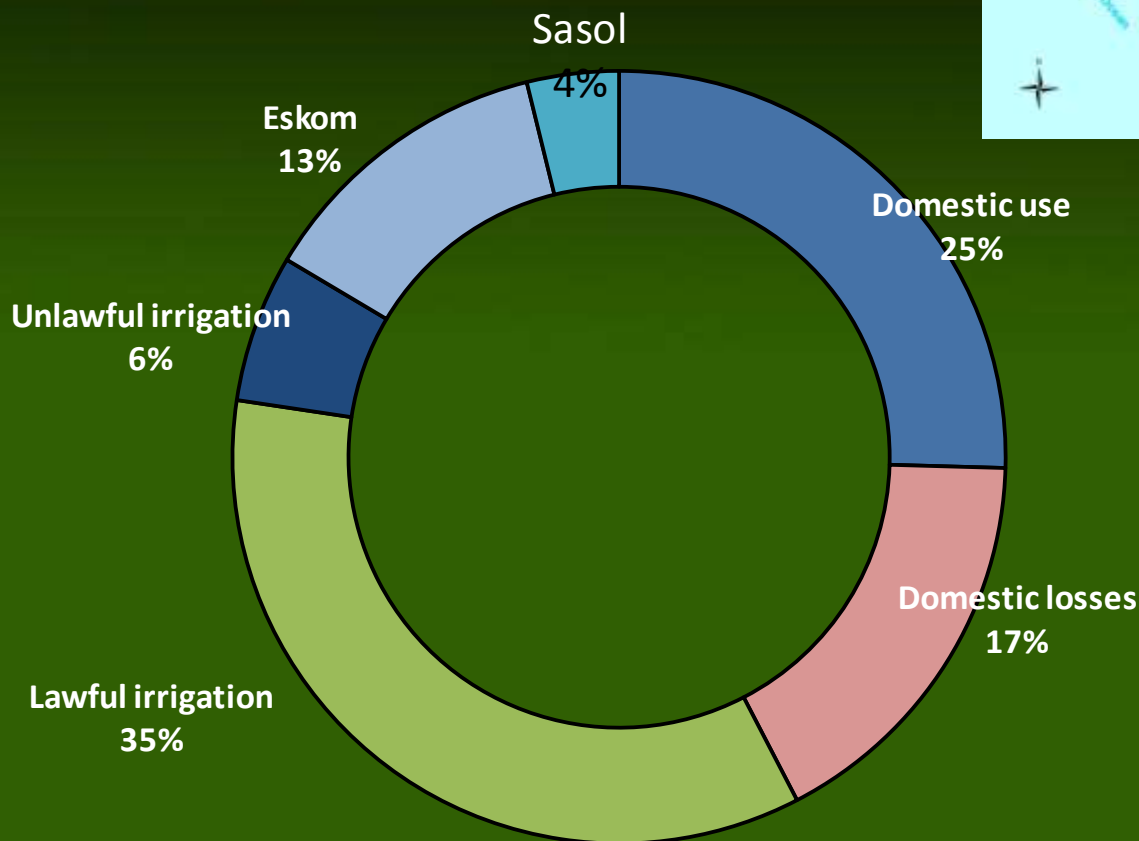


NORTH-WEST UNIVERSITY
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
VAAL TRIANGLE CAMPUS

“although the unlawful usage of surplus water should not be condoned, it should be noted that it was used productively, contributing to food production, job creation and economic welfare in rural areas”
(J Moller AgriSA)

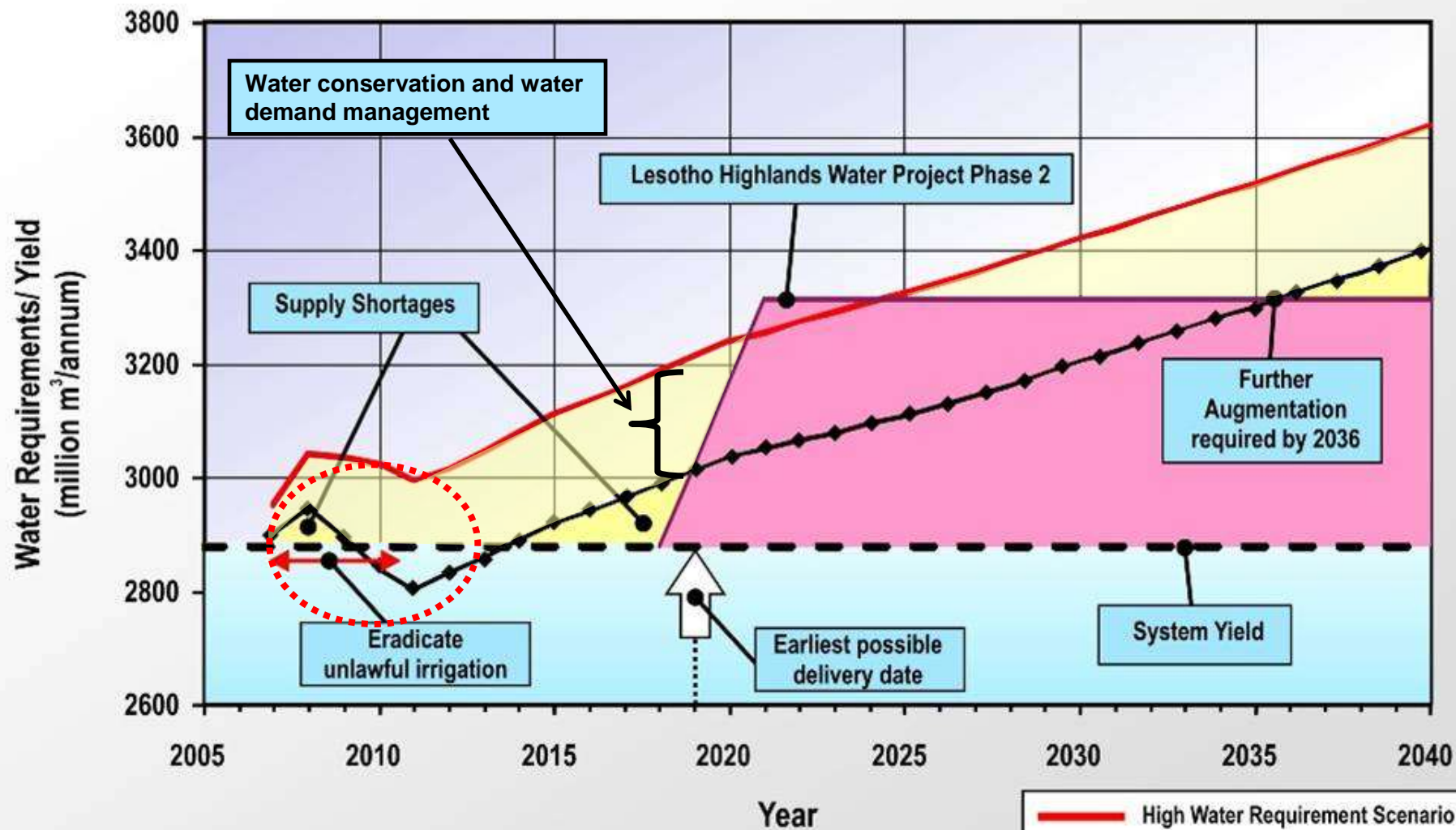
“the issue is quite simple: the water that is being used unlawfully has already been paid for by other users which make it plain theft”
(S Rademeyer, DWA)





vaal system water demand per sector (total demand 2900 million m³/annum)

Source: DWA Vaal System annual operating analyses









determining the lawfulness of water use

- transitional arrangements from old (1956) to new (1998) water act a key factor
- registered water use
 - a declaration of water use by water user
 - information requested through Notice 386 in GN 21086, April 2000

*“dear farmer,
please inform the department (of water affairs) how much water you are using”*
- *registration process indicated a far greater area to be under irrigation than could be served by the available water*



field survey along Axle and Liebenbergsvlei

	initial registration (2001)	field survey (2002)
<i>number of properties (out of 376 surveyed)</i>	159	95
<i>hectares under irrigation</i>	7562	3434
<i>water abstraction (annual m³)</i>	43 306 876	19 254 137

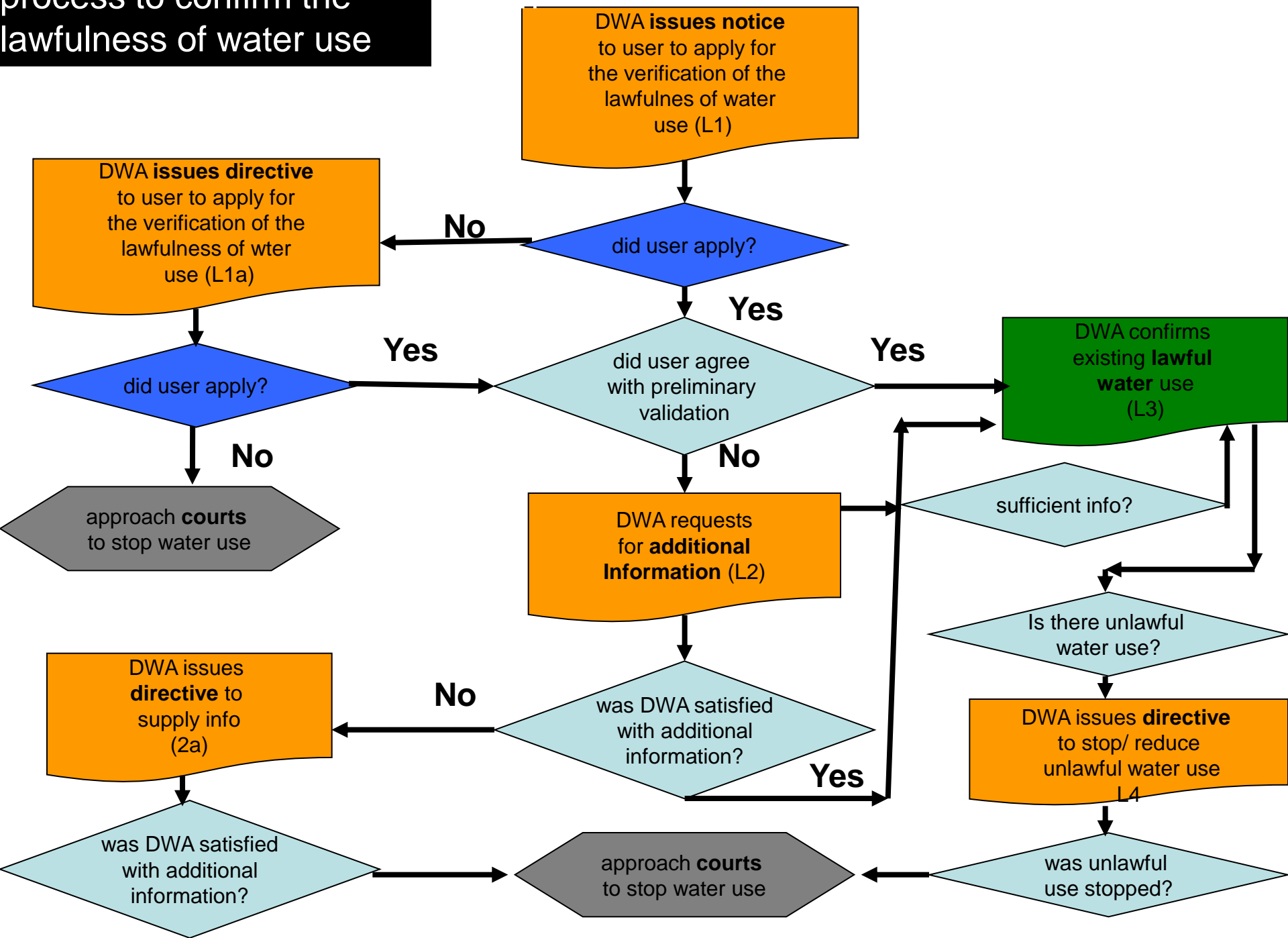
source: Schoeman and Partners report to DWA

applying for verification of water use

- based on pre-validated volumes
 - *“this is the department’s best estimate of the volumes of water the farmer is using of which so much (we think) is being used lawfully”*
- verification:
 - *“dear farmer, please demonstrate to the department how much water you are lawfully using”*
- desired outcome: a confirmation of the lawful entitlement to water – the first step in the formal licensing process



process to confirm the lawfulness of water use



approach

- semi-structured (qualitative) group and individual interviews with farmers (14), authorities (5) and others (5)
- constructed an electronic archive
 - various checks and balances to guide early phases of reporting
- sources protected using a coded system to protect identity of respondents
- arranged feedback session to communicate findings



what we heard the irrigation farmers say

- *communication with DWA is virtually impossible*
- the only way to get any answer from DWA is to make use of a lawyer and that is expensive
- *the department does not inform the farmers what exactly is needed*
- *lack of clarity on the part of the DWA about water rights causes confusion*
- *DWA does not seem to know what the problem really is*



what we heard the authorities say

- *water security to Gauteng is being compromised and unlawful irrigation has to be stopped*
- *what they are doing is simply stealing water*
- *these farmers also now have the advantage of a constant flow of water, which gives them the advantage over other dry land farmers, who gets pushed out of the market as a result of this unlawful practice*
- *this water has already been paid for by urban and industrial users*



DWA response showing successes (2012)

- awareness and communication
 - issue has received greater prominence
- validation and verification
 - focus on priority areas
- regulation
 - prerequisite for action against partially unlawful water users
 - required to enforce measurement delayed
- compliance monitoring and enforcement
 - initial focus on blatant unlawful users

situation – upper Vaal*	No	%
irrigation properties	3612	
validation completed	3612	100
verification		
completed	1069	30
in process	1752	50
not started	799	20
unlawful volume	180 million m ³	

* Feedback to Vaal Strategy Steering Committee 10 October 2012

conclusions

- 2012 – 1998 = 14 (years)
 - 14 years to achieve about 50% completion
 - x years for 100% completion
- celebrate successes
- look beyond measurements
- focus, prioritise
- support an inclusive, participatory action
- consider all views
- managing water for an equitable and sustainable future – NWRS 2





