

Balancing Irrigation Farming and Water Sector Transformation in South Africa

Agriculture is key to South Africa's economy, contributing significantly to GDP and employment. Because of our semi-arid climate and irregular rainfall patterns irrigation is essential to the successful production of a variety of crops. The need for transforming the water sector is recognised but needs to be balanced with the protection of the critically important irrigation sector in South Africa. The development of sustainable small farmer irrigation is also critically important. The National Water Amendment Bill, which has now been tabled in Parliament places a huge emphasis on the transformation of the water sector and holds definite implications for the irrigation sector in South Africa.

The importance of irrigation farming

Irrigation is vital for enhancing crop yields and sustaining agricultural activities. Irrigation supports a wide range of agricultural activities that not only feed the local population but also contribute to the economic landscape through exports.

For example, all of South Africa's fruits and vegetables are produced under irrigation. About 20% of all grains and oilseeds, and sugarcane are under irrigation.

This, the agricultural sector, bolstered by irrigation, employs a significant number of individuals, especially in rural areas where job opportunities are limited. By creating jobs, irrigation farming helps reduce poverty and supports social stability.

Furthermore, irrigation farming is pivotal for achieving food security. Irrigation covers approximately 1.6 million hectares of agricultural land in our country, accounting for about 10% of the total arable land. According to a 2018 study¹ by the Water Research Commission and the Department of Agriculture: "Irrigation supports 25-30% of our national agricultural production.

In a country where food production can be heavily influenced by erratic rainfall and prolonged droughts, irrigated agriculture plays a critical role in stabilizing food supply chains. It ensures a consistent production of staple crops, fruits, and vegetables, thereby contributing to nutritional security for households across the nation.

In addition to addressing domestic food needs, South Africa's irrigation sector is vital for export earnings. The ability to produce consistently under irrigation allows the country to produce and export a variety of agricultural products. Commodities such as citrus, table grapes, deciduous fruit, wine grapes, and various vegetables like potatoes, onions, and tomatoes are produced under irrigation. Major field crops under irrigation include maize, wheat, barley, soybeans,

¹ Irrigation water use: The Water Wheel: July/August 2018: <https://journals.co.za/doi/pdf/10.10520/EJC-102901ed39>

cotton, and sugarcane. Exports are crucial for the national economy, enhancing trade balances and providing much-needed revenue.

The case for water sector transformation made in the SEiAS

In the socio-economic impact study (SEiAS)² on the National Water Amendment Bill, a case is made for equitable water allocation and redress of the past discrimination to ensure transformation. The SEiAS claims that the Act has proven to have gaps relating to equitable water allocation, private water trading, and delay in the transformation of Water Management Institutions. It specifically references the Constitutional court judgement in the case of *The Minister of Water and Sanitation and Others VS Casper Jacobus Lotter N.O and Others*³ where the court held that section 25(2) of the current Act allows the holder to surrender his/her right in order to facilitate a particular application by another person and that the Act does not prohibit “trading” between 2 parties with section 29(2) making provision for the payment of compensation in exchange for water use as a condition of a license. The intention is clearly to obviate this judgment by way of the Amendment Bill which will bar private persons from trading in water use entitlements.

The National Water Amendment Bill aims to address these challenges by amending certain definitions, prohibiting private water trading and transforming water management Institutions.

Water security in South African smallholder farming is influenced by a range of natural and human factors. These factors can be categorized into infrastructure-related, climate-related, and water governance-related aspects. Moreover, smallholder farmers in South Africa generally have low incomes, limiting their capacity to afford water use fees. Legislative amendments alone will not solve this problem. What is required in addition to secure water rights, is water infrastructure, such as pipes, dams, and canals as well as training and capacity-building to improve smallholder farmers’ skills in irrigation and water management. This can help them to better manage water resources and adopt climate-resilient agricultural practices,

Existing lawful use

Existing lawful uses are the water uses that applied during the two-year period prior to the enactment of the National Water Act. Any water use that is exercised legally within the relevant qualifying period qualifies as an existing legal water use. In terms of section 35 of the National Water Act, a person or his/her successor in law may continue an existing legal water use, subject to the conditions and obligations attached to that use until such time that the use is replaced by a licence. The process of verifying and validating existing water use for licensing purposes has been slow. There are, therefore still many farmers using water on the basis of it being an existing lawful use.

The Department of Water and Sanitation argues that ELUs perpetuate inequality in water access.

The Bill also holds serious implications for existing lawful use (ELUs). In a recent article in *Water SA* entitled: “Critical reflections on existing lawful water uses (ELUs) in South African water law”,⁴ Prof Nic Olivier, Germaire Viljoen and Jurie Moolman argue that the proposed amendment of sections 32, 33 and 34, all dealing with existing lawful use, will have the effect of making it no longer possible to submit new applications for the registration (and declaration) of pre-commencement ELUs. The registration of any not yet registered ELUs would be a legal impossibility. The authors argue that this may effectively amount to the expropriation of existing rights. Section 34 grants considerable new powers to the responsible authority. According to the authors: “These powers could profoundly affect existing lawful water users, potentially altering their water use rights, including the entitled volume and withdrawal frequency. It would seem that

² https://static.pmg.org.za/FINAL_SEiAS_Report_for_NWA_Amendment_Bill_12_02_2025.pdf

³ CCT387/21

⁴ [Critical reflections on existing lawful water uses \(ELUs\) in South African water law | Water SA](#)

these additional powers– if enacted – will empower the DWS to add new and/or alter existing conditions and limitations, even in respect of ELU’s.”

Conclusion

The Department of Water and Sanitation premises the proposed amendments on section 27 of the Constitution that guarantees everyone the right to sufficient food and water. There is however, a very delicate balance to be struck if we are to re-allocate water whilst still trying to maintain food production at the levels required to feed the nation and earn export revenue.

As South Africa navigates these dual priorities of promoting irrigation farming for its vast economic, social, and nutritional benefits while also transforming the water sector for sustainability and equity, a balanced approach is essential. The irrigation sector can only continue to flourish and contribute significantly to economic development if supported by informed policies and practices that acknowledge the finite nature of water resources. We need to guard against unintended negative consequences for food security and export earnings when transforming the irrigation sector. Only through a collaborative effort to enhance both agricultural production and water management can South Africa secure a prosperous future for its farmers, communities, and ecosystems alike.

Annelize Crosby