



THE PRESIDENCY
REPUBLIC OF SOUTH AFRICA

WATER USE LICENCE APPLICATION (WULA) IMPROVEMENT CASE STUDY

Final

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Submitted by:

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Table of Acronyms

BUSA	Business Unity South Africa
CMA	Catchment Management Agency
CPU	Central Processing Unit
CIO	Chief Information Officer
DDG	Deputy Director General
DG	Director General
DWAF	Department of Water Affairs and Forestry
DWS	Department of Water and Sanitation
e-WULAAS	Electronic Water Use Licence Application and Authorisation System
HDI	Historically disadvantaged individuals
IWRM	Integrated Water Resource Management
NEDLAC	National Economic Development and Labour Council
NEMA	National environmental Management Act
ROR	Record of Recommendations Report
SONA	State of the Nation Address
WUAAAC	Use Authorisation Assessment Advisory Committees
WULA	Water Use Licence Applications

Executive Summary

This paper documents the approach the Department of Water and Sanitation (DWS) followed to improve the turnaround time for the processing of Water Use Licence Applications (WULA) to 90 days between 2020 and 2022. In his State of the Nation Address of 2020 (SONA), his Excellency, President Cyril Ramaphosa announced that water use licences will be finalised within 90 days to advance economic activities.

A case study research strategy was selected for the purpose of this process because it is a technique that is preferred when who, why and how questions are posed, when the investigator has little control over events and when the focus is on contemporary phenomena within some real life context (Yin, 2003). Data sources included reports and interviews with nine officials from DWS Head Office and two from the Regional Offices (N=11)

Conditions that pre-existed in the DWS prior to the 2020 SONA announcement by the President and caused challenges in the WULA process can be attributed to factors that include a lack of human resourcing for the WULA process; lack of proper training for assessors; an organisational structure that was not supportive of the WULA process; business processes that were not properly designed; an absence of standardization; no service standards and a manual system for processing the applications.

With support from Operation Vulindlela, DWS has managed to improve the turnaround time to be at an average of 70 % applications being finalized within 90 days. It is envisaged that Department will achieve close to 100 % in the 2023/24 financial year when it had finalized implementing all interventions recommended by Operation Vulindlela.

The strategy that was adopted by DWS to improve this function can be summarised as starting off with adjusting business processes and standard operating procedures to align to the 90 days. As part of this process, there was a realisation that the 300 day process included activities that were outside of the control of the department, and hence needed to be eliminated from the process, i.e., they are the responsibility of the applicant.

Once the business processes were streamlined for a 90 day turn-around time, the Electronic Water Use Licence Application and Authorisation System (e-WULAAS) was enhanced based on the new processes. Having improved both the process and system, the function was capacitated by using contract workers that were already in the system, and to fill the gap, full-time officials in regions were encouraged to volunteer to dedicate their time to licensing and/or identified by their supervisors. Having capacitated the function in this manner, training was prioritised and institutionalized, using internal technical resources to develop the training programme and material and to deliver the training.



The organisational structure was improved by delegating licensing powers to Regional Heads for all except those for category A and B mining licences and abstraction volumes of water above 250 000 m³/a. These latter category was also delegated to the Chief Director at head office rather than the DG who was responsible for approving all licence applications prior to these improvement. In order to ensure the sustainability of these improvements, a new structure that has dedicated sub-directorates for WULA with assessors and specialists at regional level was developed and approved. In order to improve operations, the Water Use Authorisation Assessment Advisory Committees (WUAAAC) were formalised and routine and predictable frequency of meetings introduced.

The improvement process did not follow a linear process from one area of improvement to the other but rather were characterised by aligning often parallel processes in an organic way.

The challenges that remain include:

- Not all the regions meet the 90 day turn-around time;
- Not all staff performing this function at regional levels being dedicated staff;
- e-WULAAS downtimes and slowness that have been experienced;
- The process for licence amendments that is not yet developed on e-WULAAS;
- The likely negative impact on other DWS functions from focusing staff efforts primarily to the WULA process;
- Inadequate investment in tools of trade to enable staff that is working on the WULA process to effectively and efficiently execute their tasks and

The recommendations that are made in order to ensure the sustainability of the achieved improvements are that:

- DWS should prioritise the resourcing of the approved organisational structure in order to ensure that the WULA function is fully capacitated. It is noteworthy that jobs on the structure have already been advertised. It is key to ensure that the appointment and selection processes are not delayed;
- in order to sustain the improvements and keep officials motivated, introduce a system of awards that recognises excellent performance. Such a system needs not be based on financial awards but could amongst other options, use appreciation certificates issued to well performing officials and/or regions.
- the training programme should be sustained and guidelines for WULA be continuously reviewed and improved.



1. Introduction

This paper documents the approach the Department of Water and Sanitation followed to improve the turnaround time for the processing of Water Use Licensing to 90 days between 2020 and 2022. In his State of the Nation Address of 2020 (SONA), his Excellency, President Cyril Ramaphosa announced that water use licences will be finalised within 90 days to advance economic activities. According to Regulation 3(6) of the regulations on procedural requirements for Water Use Licence Applications and Appeals of 2017, “the process of water use application, consideration and decision shall be undertaken within a period of 300 days of submitting such an application”.

At the time of the President’s announcement, the processing of water use licences used to take anything up to 5 years, which created delays in economic activities such as farming, manufacturing and mining operations (SONA 2020). Since the SONA announcement by the President this has improved such that the process now takes 90 days. This case study is aimed at documenting how these improvements were achieved by DWS in a manner that facilitates the sharing of such lessons with other permitting authorities in South Africa.

The scope of this case study is the journey undertaken by DWS to improve turnaround times for water use licensing to 90 days. Amongst the areas of improvement documented are: human resourcing; organisational structure; business processes; templates and standard operating procedures; systems; training; standardization; change management; regulations; partnerships and strategy. The challenges that remain and recommendations for sustaining the improvements are also included.

2. Methodology

2.1 Overview

A case study research strategy was selected because it is a technique that is preferred when who, why and how questions are posed, when the investigator has little control over events and when the focus is on contemporary phenomena within some real life context (Yin, 2003). The use of multiple evidences in case studies allows the researcher to provide a convincing argument as an answer to the questions. A case study allows the investigator to retain the holistic and meaningful characteristics of real life events such as organisational and managerial processes. Learning from improvements to the processing of Water Use Licence Applications (WULA) lends itself to this methodology.

It is not essential to the validity of the case study research method that a case study should be able to be generalised. According to Yin (2003), case studies, like experiments, are generalisable to theoretical propositions (or recommendations) and not to populations or universes. The goal of a case study is to expand and generalise theories/recommendations and not to enumerate frequencies. The relevance of a case



study is more important than its generality.

2.2 Sampling

A judgmental sampling approach was used for the purpose of identifying interviewees. According to Cooper and Schindler (2003), judgmental sampling occurs when a researcher selects sample members to conform to some criterion. In this case, the criterion is that respondents have some information and knowledge to share on the process of improving the processing of Water Use Licences Applications undertaken by DWS. The sample of respondents for this case study constituted 9 officials from DWS Head Office and 2 Directors Proto-CMA from the DWS Regional who are directly involved with the process (N=11)

2.3 Data gathering

Triangulation was used for data gathering. This included open ended interviews of eleven officials guided by an interview guide and the review of documents. The research questions that guided data gathering are

- What were the challenges faced by the Department of Water and Sanitation with the processing of Water Use Licence Applications in 2020?
- How has the processing of Water Use Licence Application improved between 2020 and 2022? What is the evidence of such improvement?
- What strategy(s) was applied to improve the processing of Water Use Licence Applications since 2020? How effective was the strategy and what made it effective? What challenges were experienced along the journey of improving the processing of Water Use Licence Applications? How have these been addressed?
- What legislative, regulatory and/or policy adjustments have been effected in order to enhance the processing of water licences since 2020?
- What business processes have been improved for the processing of water use licences? How were these improved and who was involved?
- What human resource capacity improvements have been made for the processing of Water Use Licence Applications since 2020?
- What change management interventions have been implemented in support of improvements? How were these implemented and who was involved?
- What systems have been put in place to improve the processing of Water Use Licence Applications since 2020? How have these enhanced the process?
- What structures have been put in place to improve the processing of Water Use Licence Applications since 2020? How have these enhanced the process?
- What improvements in the culture of processing Water Use Licence Applications have been effected? How were these effected?



- Which stakeholders were involved in improving the processing of Water Use Licence Applications? How were these stakeholders involved and what roles do they play?
- What lessons can be learnt from the process of improving the processing of Water Use Licence Applications by the Department of Water and Sanitation?
- What recommendations can be made from the experience that can be used to support DWS to sustain and other departments to improve their licence permitting processes?

2.5 Analysis & Write-up

This study makes use of the classical approach to content analysis to understand the qualitative data that was gathered through interviews and documents review. For the purpose of analysing and making sense of the data, as well as writing up this case study, an adaptation of the Conditional/Consequential Framework of Corbin and Strauss (2008) was used.

The following are four basic components of this framework

1. There are *conditions*. According to Corbin and Strauss (2008), these allow a conceptual way of grouping answers to questions about why, where, how and what happens. These reveal circumstances or conditions that lead to certain action. They could relate to adjustments to: legislation, regulations and policies, business processes, systems etc.
2. There is the *phenomenon* which in this case is the processing of Water Use Licence Applications (WULA).
3. There are *interactions and emotions*. These are the responses made by individuals and/or groups to situations, problems, happenings and events. In this case, interactions and emotions represent the actual actions and steps taken to improve the processing of Water Use Licence Applications within the DWS.
4. There are *consequences*. These are the outcomes of the actions that were taken. Consequences answer the questions about what happened as a result of the improvements implemented to the processing of Water Use Licence Applications.

3. Background to Water Use Licensing

The National Water Act of 1998 introduced the concept of the public trust doctrine as well as Integrated Water Resource Management (IWRM). The introduction of the IWRM sees the Act aiming to achieve a balance between the development, use, protection, conservation, management and control of water resources. In order to sustainably maintain water resources that are able to provide the necessary goods and services for use by communities there needs to be healthy water ecosystems. Section 3 of the Act provides for the public trusteeship doctrine in that the National



Government acting through the Minister must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner, for the benefit of all persons and in accordance with its constitutional mandate. This means the state must manage the water resources in accordance with the constitution, for the benefit of all (Mdlalose, NPS, 2019)

The following summarises the schedules and sections of the Act that are pertinent to understanding the WULA process:

Schedule 1

Schedule 1 lists the water uses that are exempted from any requirement for authorisation from the Department. It allows for a person to:

- (1)(a) take water for reasonable domestic use in that person's household, directly from any water resource to which that person has lawful access;
- (b) take water for use on land owned or occupied by that person, for –
 - (i) reasonable domestic use;
 - (ii) small gardening not for commercial purposes; and
 - (iii) the watering of animals (excluding feedlots) which graze on that land within the grazing capacity of that land, from any water resource which is situated on or forms a boundary of that land, if the use is not excessive in relation to the capacity of the water resource and the needs of other users;
- (c) store and use runoff water from a roof;
- (d) in emergency situations, take water from any water resource for human consumption or fire-fighting;
- (e) for recreational purposes -
 - (i) use the water or the water surface of a water resource to which that person has lawful access; or
 - (ii) portage any boat or canoe on any land adjacent to a watercourse in order to continue boating on that watercourse; and
- (f) discharge -
 - (i) waste or water containing waste; or
 - (ii) runoff water, including stormwater from any residential, recreational, commercial or industrial site, into a canal, sea outfall or other conduit controlled by another person authorised to undertake the purification, treatment or disposal of waste or water containing waste, subject to the approval of the person controlling the canal, sea outfall or other conduit.

There is no requirement for any registration of the water use under schedule 1 of the Act. This means there is less administrative requirements or demands on this use on the officials. Although the general authorisation and existing lawful use require



registration with the department, they cater for low impact activities (Mdlalose, NPS, 2019).

General Authorisation

Chapter 4 Part 6 of the Act relates to general authorization. A general authorisation conditionally allows limited water use without a licence as follows:

- (1) A responsible authority may, subject to Schedule 1, by notice in the Gazette –
- (a) Generally; (b) In relation to a specific water resource; or (c) Within an area specified in the notice, authorise all or any category of persons to use water, subject to any regulation made under section 26 and any conditions imposed under section 29.

EXISTING LAWFUL WATER USE

Existing lawful use means the use of water authorized by or under any law that took place at any time for a period of two years before the commencement of the National Water Act (act 36 of 1998). An existing lawful water use, with any conditions attached, is recognised but may continue only to the extent that it is not limited, prohibited or terminated by this Act. No licence is required to continue with an existing lawful water use until a responsible authority requires a person claiming such an entitlement to apply for a licence. If a licence is issued it becomes the source of authority for the water use. If a licence is not granted the use is no longer permissible.

DISPENSING WITH THE REQUIREMENTS OF A WATER USE LICENCE

Section 22 (3) provides for the Department to dispense with the requirement for a licence for water use if it is satisfied that the purpose of this Act will be met by the grant of a licence, permit or other authorisation under any other law. For example, DWS can dispense with the requirements for a water use licence if the conditions contained an and Environmental Authorisation granted by the Department of Forestry Fisheries and Environment cater adequately for the protection of water resources.

Any water use not permissible in terms of the above entitlements it must be authorised by a licence. A water use licence is valid for specified time period (not exceeding 40 years) with conditions and must be reviewed by the responsible authority at least every 5 years (DWAF, 2004; DWS, 2013 *cited in* Schreiner, Sithole and Koppen, 2017).

Section 21

Section 21 of the National Water Act contains a list of activities – all described as ‘water use’ - that require authorisation if one intends to undertake them. These activities include: (a) taking water from a water resource; (b) storing water; (c)



impeding or diverting the flow of water in a watercourse; (d) engaging in a stream flow reduction activity contemplated in section 36; (e) engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1); (f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit; (g) disposing of waste in a manner which may detrimentally impact on a water resource; (h) disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process; (i) altering the bed, banks, course or characteristics of a watercourse; (j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and (k) using water for recreational purposes.

Water Use Licences are issued by the Department of Water and Sanitation, with the processing of the Water Use Licence Application (WULA) by Catchment Management Agencies (CMAs) or Proto-CMAs. The latter are Directorates within regional offices of the DWS where CMAs have not yet been established. The law permits/enables those affected by decisions regarding licensing to voice their opinions, and gives them the right to be provided with reasons for a licensing decision in terms of Section 42 of the NWA. It also gives them the right to appeal, in terms of Section 148 of the NWA, against a decision that might be unfavourable towards their interests.

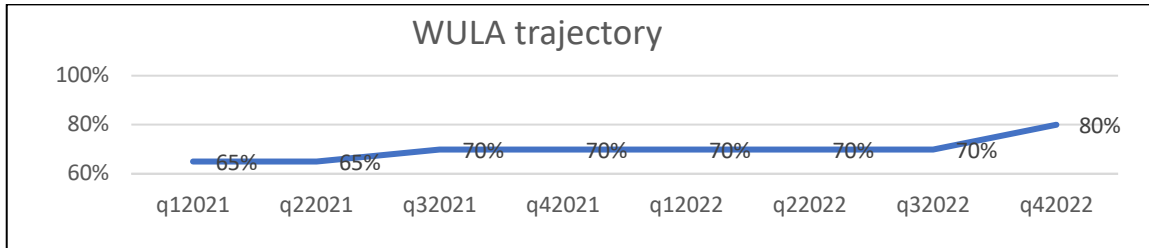
In March 2017, the DWS gazetted the 'National Water Act, 1998 Regulations Regarding the Procedural Requirements for Water Use Licence Applications and Appeals'. In terms of Annexure A of these regulations, the applicant is required to conduct a pre-application inquiry with the responsible authority. This step is then followed by the actual submission of the application after which the authority is to confirm receipt and a site inspection or a visit be conducted for where the proposed activities would be taking place. The purpose of this site visit is for the authority to advise and confirm the water uses that are being or will be triggered and needed to be applied for. The applicant will after the site visit prepare and submit a technical report in support of the application. It is at this point that the authority may either accept or reject the application technical report. In the assessment, public participation and comment from other state departments or authorities may be considered by the assessing authority. The public participation process gives an opportunity to people who are affected by administrative action and the water use an opportunity to engage and be part of the process. This process ensures alignment of the water use licence application process with the Promotion of Administrative Justice Act 3 of 2000, which provides for justice and fairness where administrative processes are concerned (Mdlalose, NPS, 2019).

Following the President's 2020 SONA announcement, Operation Vulindlela, an initiative of National Treasury and the Presidency aimed at accelerating prioritised



structural reforms was approached by DWS for support with the execution of improvements in the Water Use Licence Application (WULA) process to meet the target of 90 days for processing WULAs, without compromising quality. Figure 1 below show that by the fourth quarter of 2022, on average 80% of WULAs were processed within 90 days¹.

Figure 1 Percentage of applications finalised within 90 days (Source: DWS Scorecard)



4. Findings

4.1 Pre-Existing Conditions

This section discusses conditions that pre-existed before the 2020 SONA announcement that changed the turn-around time for water use licensing from 300 days to the current 90 days. The focus is especially on those conditions that serve to surface some of the root causes for the inefficiencies that characterized water use licensing up to that point. The announcement by the President was a product of advice from DWS in response to stakeholder pressure and a realization that it was possible with some focus, to reduce the licensing turn-around time to 90 days. Amongst the key stakeholder groups that had been raising complaints about the process was Business Unity South Africa. The issue had also been discussed at the National Economic Development and Labour Council (NEDLAC) where all social partners meet to discuss socio-economic and labour policies.

4.1.1 Human Resourcing

The Water Use Licensing function did not have adequate human resources. There were no staff that was dedicated to the function. This included the absence of dedicated specialists and assessors for licensing. Personnel that executed this function had other responsibilities within the Department resulting in the absence of dedicated focus on licensing. The execution of the function was characterized by crises management and backlogs and a high ratio of applications per assessor (even up to 50/1). Amongst the other functions that officials at regional level had to attend to in addition to water use licensing were: monthly water quality sampling which required that they drive around huge catchments collecting samples and getting them analysed;

¹ The actual figure that was communicated for the 4th of 2022 96% of applications processed within 90 days.



attending to pollution incidents; attending water forum meetings and reporting back. There was high staff turn-over as people often felt that they were not coping with the workload.

At the time of the SONA announcement, and as a mechanism for dealing with the backlog that existed on the 300 day process that was regulated in 2017, the DWS had employed contract workers to focus specifically on addressing the backlog. The Letsema Project which had started in 2010 and ended in 2015 which was aimed at addressing the crises of backlogs then had seen more centralization of the WULA process, with officials seconded from the regions to head office to work on backlogs. To a certain extent the Letsema approach also created some backlogs on new applications that were submitted whilst the Regional officials are seconded.

4.1.2 Induction and Training

There was little to no structured induction and training of staff on water use licensing and its legislative framework. A well-qualified scientists that joined the DWS would not necessarily be familiar with the legislative framework, administrative and technical intricacies associated with water use licensing. The absence of induction and training undermined the quality and efficiency with which personnel delivered the function. The training that was provided was often not well coordinated and structured.

4.1.3 Organisational Structure

There was no dedicated allocation for Water Use Licensing Applications on the organisational structures of DWS regions, where applications are received and processed. Assessors who supported the function were located in different directorates within regions, reporting to different directors, i.e., not directly reporting to the directorate for institutional establishment under which this function was located at regional level. Specialists, who perform a central role in processing water use licence applications were only located at Head Office

4.1.3.1 Delegations

The structure was characterised by high levels of decision centralization. All licences were authorized by the Director General at head office. Regions would do the technical work then submit the files together with their recommendations to head office for DG's consideration and approval. The manual nature of the system meant that the DG could only attend to licenses when other equally competing tasks have been completed.

4.1.3.1 Water Use Authorisation Assessment Advisory Committees

In certain regions Water Use Authorisation Assessment Advisory Committees were generally not convening routinely and their size was large often with inconsistent attendance by members, e.g., the Eastern Cape had a committee of 54 people with no set schedule of meetings. The role of these committees is to assess licence



applications and make recommendations to the delegated authority. The process was also characterized by leaks of committee decisions due to poor internal controls.

4.1.4 Business Processes

Business processes were not properly decomposed to reflect the details of the different steps within each task; responsibility allocation within each step and specific efficiency standards (i.e., time allocated to each step). Processes did not separate the tasks and steps that the DWS was responsible for and had control over from those that were the responsibility of the licence applicant and outside of DWS control. The count of the duration of the licensing process started when the application was received by DWS from the applicant and included the technical work and the drafting of technical reports required from applicants. Delays in completing these technical reports by applicants had a knock on effect on the DWS's ability to comply with the regulated 300 days.

Whilst before 2020 there was an effort to improve the licensing process working with the Department of Environmental Affairs and the Department of Minerals and Resources, the business processes that were in place focused on eliminating the backlog on the regulated 300 days adopting a project management mode. Such a projectized approach did not meet the requirements for a steady and institutionalized process required for the management of the 90 day process following the SONA announcement.

4.1.5 Standardisation

The interpretation of a water use was not standardised. Different regions of the DWS interpreted Water Use Licences Applications differently and thus would impose different requirements for the same water use licence application, i.e., an application for the same water use submitted to different regions would be subjected to different requirements. The tools used to assess applications differed from region to region. This lack of standardisation often led to back and forth discussions between the DWS and the applicant as consultants appointed by the applicant sought clarity, resulting in delays in the process. There were no standard operating procedures that guided the execution of the function nationwide. Licences would be issued with incorrect conditions, resulting in increased numbers of applications for amendments, which added onto the workload of officials who were already not coping with the number of normal applications.

4.1.6 Performance monitoring and escalation system

The Department developed a standard operating procedure to define the roles and timeframes for officials involved WULA value chain. However, there was no system that could monitor the adherence to timeframes and provide an early warning to allow for proactive intervention by managers. The Department only realized during the reporting period that applications were delayed beyond the applicable timeframes.



4.1.8 System

The processing of Water use Licence Applications was done manually, with files being moved manually between regions and the head office and back. It is noteworthy that the process of developing an automated system had already started prior to the SONA announcement of 2020 but this system was not yet fully utilised, with officials often opting to do things manually out of habit. Some regions were not using the Electronic Water Use Licence Application and Authorisation System (e-WULAAS) at all. Changes were made regularly to the system without effective communication with nor training of system users. This exacerbated the problem and made it difficult to achieve full system adoption and utilisation.

4.1.9 Service Access

The manual processes also meant that the service was not easily accessible to water users in deep rural areas as regional offices are generally located in big urban centres. Even following the adoption of the 300 day process and the development of the system, access was still an issue because of connectivity challenges and the digital divide.

In a nutshell, the Water Use Licence Application process was not well resourced and managed with sufficient focus and attention to the detail required for such a process to be effective and efficient.

4.2 How Water Use Licensing Was Improved

This section summarises the actions and interactions that were executed by individuals and teams within DWS to improve the WULA process and achieve a 90 day turn-around time in response to the 2020 SONA announcement. The findings and recommendations from a diagnostic report that was conducted by Operation Vulindlela served as a basis and starting point for most of the improvements that DWS has effected. It is worth noting that the improvement process was managed and implemented internally by DWS officials, with Operation Vulindlela providing technical advice, external third person view and quality assurance.

A key insights that was brought by Operation Vulindlela, was that the process of WULA improvement should not use the resources currently available to DWS as a starting point, but that the process should focus on how best WULA can be improved, and only after that, assess resourcing requirements. Operation Vulindlela advised that the intervention should focus on processes, systems and people. This advice led to the establishment of three workstreams, viz., 1. Business Processes Improvement; 2. System Improvement and 3. Organisational Structure Improvement. Other teams that were established to support the work of these workstream were a team to improve the templates and guidelines and another that focused on training. Coordinators and members of these workstreams were selected purposefully by the responsible Chief Director for Water Use Authorisation based on the skills, capabilities and drive they were known to have. The Chief Director has overall coordinating responsibilities and



in addition to reporting to the DDG at DWS, had a reporting line to the head of Operation Vulindlela at National Treasury.

4.2.1 Human Resourcing

To address the absence of dedicated staff for the function, a decision was made at head office and an instruction sent to regions to identify some amongst their officials who will be dedicated to the WULA process. This resulted in regions identifying officials employed in directorates other than the directorate for Waster Use Authorisation and allocating them full-time to this function. The process of identifying these officials followed a combination of self-selection through volunteering and/or selection by management in cases of inadequate volunteers. This meant that these officials were no longer expected to divide their time between water use licensing; monthly water quality sampling which required that they drive around huge catchments collecting samples and getting them analysed; attending to pollution incidents; attending water forum meetings and reporting back amongst other tasks. Their focus is now only on dealing with Water Use Licence Applications. This change also meant that some but not all regions no longer rely on head office for specialists as they now have specialists drawn from other directorates in the regions that are dedicated to the function.

These dedicated resources were complemented by contract personnel that was recruited to support with backlogs on the 300 day process which pre-dated the SONA announcement. Contract workers that could be absorbed into the structure of the regions subject to the availability of posts were absorbed.

4.2.3 Structure

An internal workstream of twenty one (21) national and regional officials was established to review and make recommendations on the organisational structure. The directorate for Institutional Establishment has been restructured on the new structure into a Directorate Proto Catchment Management Agency in provinces where there is no fully established Catchment Management Agency. The creation of these Proto Catchment Agencies as directorates includes a dedicated sub-directorate and staff for WULA. This structure was approved in September 2022. In addition to a Deputy Director who heads the sub-directorate for water Use Authorisation, the structure of the sub-directorate provides for Control Environmental Officers; Environmental Officers (Production); Chief Engineer; Engineer (Production); Scientist Managers and Scientist (Production). The functions of this sub-directorate are (1) the technical processing of licence applications and (2) the provision of specialist/technical inputs into license applications.

This structure was developed internally by the DWS with advisory technical support from operation Vulindlela. The type and number of human resources allocated on the structure of each region was informed by a workload analysis that sought to understand the time required to execute each of the steps in the licensing process and by the volume and nature of applications received by the different regions, e.g.,



whereas most licence applications in the Western Cape are for water treatment works and irrigation, in Mpumalanga and the North-West, most licence applications are for mining.

This change also means that instead of the two levels of water resource management that was represented on the previous structure, viz., national and regional (the latter was aligned to provinces), the new structure now has three levels, viz., national, provincial and catchment levels. It means that the function of water resource management can be performed at catchments level by Proto-CMAs. The new structure prioritises the resourcing of regional offices (regions), because this is where the function is performed. It also includes an assistant director level for water use authorization and historically disadvantaged individuals support which is meant to provide support and capacity building to historically disadvantaged applicants under the sub-directorate for water allocation reform and authorization administration.

At the time of writing, the process of resourcing the structure was at a matching and placing stage with adverts for posts that cannot be filled internally expected to go out at early in 2023. This matching and placing gives people who are currently supporting licensing but from other directorates an opportunity to opt to only work on licence applications.

4.2.3.1 Delegations

To address the inefficiencies caused by the centralization of decisions to the DG at head office, delegations for the signing of Water Use Licences were changed to give regional heads the authority to sign water use licence applications that are categorized as medium risk. The high risk applications were delegated to Chief Director Water Use Authorisation based at the Head Office of DWS. Applications of strategic importance are delegated to Deputy Director General Regulation Compliance and Enforcement (DDG: RCE) including water use licence applications for water that is transferred across catchments or economic sectors and abstraction of more than 5 million cubic metres. The applications delegated to DDG RCE constitute less than 5 % of total licensee applications. The delegations were revised in February 2021. Revision of the delegations as described above has eliminated the bottleneck for making decisions on application. Applications took an inordinate amount of time awaiting consideration by the DG due to competing activities associated with that office. This situation was exacerbated by the fact that applications were submitted to the DGs office manually, which meant that the DG could only attend to the applications only in the office.

4.2.3.2 Formalisation of Water Use Authorisation Assessment Advisory Committees (WUAAAC)

Water Use Authorisation Assessment Advisory Committees (WUAAAC) were institutionalised across all the regions with officials officially designated by the Regional Heads in some instances through appointment letters to serve on these committees. For instance, specialists from different directorates and business units in a region were formally appointed to serve on these committees. Meeting schedules



were adopted (some of these sit on a specific day weekly for a full day) which has introduced an element of routine and predictability in the functioning of these committees. The formalization of this structure included the development and formal adoption of terms of reference that outline guidelines on the conduct of members of the committee. The terms of reference make the decisions of the WUAAAC binding on all its members. The licensing function was also included in performance agreements of relevant specialists from respective business units and directorates in this particular region and the size of the committee was reduced to a manageable number.

4.2.4 Business Process Improvement

An internal workstream coordinated by a workstream lead from head office and made up of seventeen (17) officials from both head office and the regions was set-up to review business processes. In addition to mapping the detailed processes, this exercise, which was conducted through work sessions and one-on-one consultations with relevant officials also linked the steps of the process to a responsible official and to a turn-around time. The team negotiated down turnaround times and removed some signing authorities in order to eliminate slack and redundancies. The improvement process also entailed eliminating from the process those steps that are not the responsibility of DWS, i.e., those that relate to work that needed to be done by the applicant and their consultants. This was achieved by making a distinction between an application that is *rejected* from one that is *declined*. An application that did not meet all the requirements for submission is now rejected and does not form part of the count. An application that is properly submitted and has been considered by the delegated authority is either granted or declined. It is only this latter category of applications that are included in the 90 days. A distinction was also made between simple and complex licences, e.g., irrigation and mining licences respectively.

A checklist was developed to manage the pre-application process and ensure proper guidance on the requirements for applicants. Prospective applicants are guided and directed to the e-WULAAS system. Depending on the complexity of the application, an assessor would arrange a site visit and advise the applicants on what they would need to comply with and provide them with a checklist. This pre-application process no longer forms part of the count.

The process improvement also included the separation of the general authorization process from the licensing process. General authorization applications that are gazetted based on the minister's decision are now subject only to confirmation and do not require licensing. Processes that can run concurrently have been identified, separated and mapped as parallel steps in the process to further eliminate slack. Business processes for managing applications for amendments which did not exist prior were developed and decomposed by the type of amendment including the option of conditional amendment.

Business processes were improved in such a manner that they also consider required support and inputs from other business units within the DWS. This required impressing



on personnel from the relevant business units the importance of the tasks allocated to them and their role in ensuring that the 90 day turn-around time is observed.

4.2.5 Improvement of templates and standard operating procedures

To facilitate the process of licence application and enhance its user-friendliness, there was a team that was tasked with reviewing templates, standard operating procedures and guideline. Amongst these are templates used by water users to submit information required for licensing and those used by officials to record their observations, assessments and recommendations. Some of the changes that were made to templates and standard operating procedures for submitting applications included: ensuring that the applicant populates all required basic information about the application and summarizing all necessary information that may be scattered in different technical reports into one summary report. A template for a summary report ensures that the applicant pulls all information required for the assessment of an application from different reports into one summary report. This requirement for an applicant to submit a summary report reduced applications for amendments resultant from errors associated with transcribing information from various reports submitted by applicants.

Guidelines for submissions by applicants were also developed to make it easy for applicants to know what information is required with their application and in what form. Standard operating procedures for dealing with amendments classified by the type of amendment required were also developed. Conditions and requirements that were deemed superfluous were removed from the water use licence templates.

The pre-application process page was improved to request more information from the applicant to make it easy for the assessor to immediately identify the type of water use that is being applied for, including whether the application is for general authorization that only requires confirmation or for licensing. This eliminated the back and forth between the assessor and the applicant aimed at clarifying the water use being applied for that tended to delay the licensing process.

Guidelines have been developed including guidelines for: administrative requirements for the developer and civil engineering designs. A guideline for technical reports was being finalised at the time of writing.

The development of templates, guidelines and standard operating procedures was supported by scientific review and research into their effectiveness after which they got included as requirements for licensing. Most templates were only introduced in the latter part of 2022 after thorough assessment and consultation.

4.2.6 System Improvement

Work on the electronic Water Use Licensing Application and Authorisation System (e-WULAAS) whose development started in 2014 was accelerated after the 2020 SONA announcement. This system was developed as an Open Source platform, which means that although there is an external service provider that supported with its



development, DWS has full access to its source code, has full ownership of the system and will be able to do its own system development in future.

An internal workstream of twelve (12) officials made up of both national and regional officials was set up to improve the system and align it to the 90 days turn-around time. The e-WULAAS was re-designed based on the new 90 day licensing business process and to cover all the steps in the process, linking each step to a responsible official and turn-around time. The system sends alerts to remind responsible officials on both the activities that they have been allocated and the time remaining based on the turn-around time service standard for that step in the process. In addition to the alerts, an escalation system sends alerts to supervisors, managers and the national office on applications that are about to become overdue. These alerts are sent to the emails of these officials and assist in keeping track of performance.

The system enables process automation including automating the finalization of the Record of Recommendations Report (ROR) using a functionality that allows for the pulling of basic information required for the completion of this report. The system compiles some of the information that has been included by the applicant with the application that is required for the Record of Recommendation Report, thus shortening the time required by the assessor to compile the report.

Working with the office of the Chief Information Officer, the performance of the e-WULAAS is monitored consistently. This monitoring has resulted in the capacity of the Central Processing Unit (CPU) being increased following a realization that the system speed was slowed by the volume of utilisation between 09:00am-15:00pm when assessors and specialists would be logged on and working on applications.

The system includes a frequently asked questions page which allows both internal and external users to ask questions and receive support. This information is used to continuously improve the system. Applicants are also able to track the status of their applications online.

4.2.8 Training

One of the recommendations from Operation Vulindlela's diagnosis was that DWS needed to prioritise the induction and training of its licensing officials. There was a realization that although the department employs specialists in different disciplines including engineering, environmental officers etc., even highly qualified professionals are not likely to be experts in licensing as that experience can only be gained from the Department, which is the only water use licensing authority in the country.

To this end, a head office team was established to lead and coordinate training. Quarterly training sessions have since been institutionalized where regional officials attend training focusing on the licensing process at the national training centre. The training team developed a training programme, a training manual that includes all water uses and respective information requirements for licensing. The different chapters of the manual were developed by different specialists within DWS from both



head office and from the regions who are experts in respective fields. These specialists also deliver the training.

The training includes an introduction to various key legislations and other similar and/or related legislation including the National Environmental Management Act (NEMA). It considers all water uses and includes necessary information on the requirements that applicants need to comply with and outlines scientifically backed explanations that under-pin decisions whether to grant or not to grant the licence. Training tools have also been developed some of which were developed in collaboration with the Water Research Commission, one of the agencies of the DWS.

Shorter and more specialized training sessions are planned in the near future in addition to these quarterly sessions. These sessions will target officials that are interested in specific specialist areas such as geology, engineering, hydrology etc. These will be supported by dedicated internal specialists who will provide the training.

Training on the e-WULAAS system is done regularly to keep pace with the regular improvements that are made to the system. Whilst the training on the system is done by the external service provider who is the contracted system developer, the system workstream lead is always present to provide guidance during these training sessions.

4.2.9 Standardisation

This training has assisted with standardising processes across the country in different regional operations. This includes standardising the process that is followed, the applicable legislation and tools for the assessment of applications. Standardisation of the use of tools and templates is supported by referencing the standard tools and templates in the list of requirements for licensing.

4.2.7 Change Management

Messaging and change management has been part of the overall improvement process. This entailed amongst other things, leaders impressing to officials the economic value of licensing, i.e., that licensing is key to the operations of businesses and thus, to the growth of the economy.

An important characteristic of the change management process was a combination of persuasion, motivating and instruction. In addition to highlighting the value of the improvements and the national importance of the licensing function, there was an acceptance that change needed to be driven from the top. To the latter end, head office decisions and instructions were sent to regions to the effect that the changes that have been introduced needed to be adhered to. For instance, an instruction went to all regions that there must 100% utilisation of the e-WULAAS from the regional head through the whole regional licence application value chain. It was made clear that all licence applications were only to be received electronically and that all processing will be done only on the system. In order to ensure adoption by the regions, the workstream that is responsible for the system has consultative sessions with regions



with every change that is made on the system. These serve the function of getting the regions' inputs in developing the system whilst also building their capacity to use the system.

In order to deal with resistance especially from some managers and supervisors, head office had to sometimes overplay the 2020 SONA announcement. This announcement was positioned as an instruction from the President to the Minister, and that the Minister has given the DG marching orders to get it done. The message to reluctant managers was that a failure to cooperate will be escalated to the DG and Minister. Other emphatic language that was used were threats of possible audit queries associated with installing an expensive e-WULAAS system and not utilising it. A system for accounting that requires that regions report weekly on performance statistics on WULA was introduced.

Each region has been allocated a change champion from head office who is responsible for supporting the region with any matter they may need support with, including but not limited to guidance on business processes, system utilisation, use of templates, general capacity building, ensuring that policies are taken into consideration in the licensing process and referring matters that require escalation to head office. These champions attend regional Water Use Authorisation Assessment Advisory Committees (WUAAAC) meetings of their allocated regions. The change champions also have the responsibility for supporting historically disadvantaged individuals with licence applications in certain regions pending the implementation of the new structure that has this function at an assistant director level.

Every change to the e-WULAAS is preceded by communicating the coming change and the date of deployment. The deployment is immediately followed by a training programme targeting all change champions who in turn train officials in the regions they support.

The DWS also adjusted the Annual Performance Plan targets that relate to licensing since 2021/22 to align them to the new process. The APP target is that 80% of applications received should be finalized within 90 days of receipt of an acceptable application. The 20% performance buffer is based on the probability that some applications may be complex and challenging to finalise on time, e.g., mining water use licence applications.

Awareness raising for external stakeholders on the changes that have been introduced is done through organized formations, e.g., Catchment Management Forums, Minerals Council, Trade Unions, Business Unity South Africa etc., who in turn take on the responsibility to inform their members. For those that are outside these organized formations, including historically disadvantaged individuals (HDIs), the DWS did some outreach through road shows that covered the length and breadth of the country. These consultative sessions were used to get stakeholder feedback on the process and templates, some of that feedback was used to make further adjustments to the process and templates.



Examples of how leadership from some Directors Proto-CMA at regional level has exerted a positive influence on performance abound. These include how leadership in one of the regions continually impresses upon members of the WUAAAC the economic significance and contribution to livelihoods of the water use licensing process. Reminding them that their salaries are paid from licence fees. The decisions of the WUAAAC were also made binding on all its members in this particular region, meaning that even if a member is not present during the assessment of a licence, they are also liable and accountable for the committees' decision. This region is also characterized by open communication between members of the WUAAAC and the director Proto-CMA. Successes and good news are celebrated and bad news where performance is not where it should be are discussed openly during WUAAAC meetings.

Change management at regional level in those provinces that have done well also entailed negotiating and lobbying of the Regional Director by the Director Proto-CMA for assistance and support with aligning the rest of the regional office to the needs of licence authorization. Ensuring that all directors of the different business units recognize licensing as a mandate critical function for DWS that they should all support. This resulted in top level management agreement that any specialists needed for waters use licensing will be availed to serve on the WUAAAC regardless of the business unit in which they are employed. This included ensuring that licensing is included in performance agreements of these specialists. This formalisation into performance agreements served not only to ensure accountability, but also as motivation that the work they will be doing on licensing will be recognized. Formalisation also assisted with escalating cases of poor performance by a member of the WUAAAC to their respective managers and/or supervisors. Supervisors are expected to approve things that the specialists that report to them have approved on the system.

4.2.8 Regulations

The improvements to water licence permitting was effected without changing the regulation. The regulation for this process still refers to 300 days as published in 2017, but this has not stopped the department from pursuing and achieving a 90 day turn-around time.

The DWS has finalized drafting and is due to publish a regulation for the 90 day process to replace the 2017 one. This regulation was developed internally through consultative sessions involving officials from different functional areas with knowledge and experience of the different aspects of licensing that are being regulated. Seeing that the most DWS regions are already meeting the 90 days targets, the publication of this revised regulation is not expected to pose a challenge from a compliance point of view.

Although the delays in developing and publishing the regulation does not appear to have been pre-meditated, but rather resulted from a need to focus on the task given



its urgency following the SONA announcement, this delay in hind sight has been a blessing because DWS is now confident of its ability to comply with the regulation once published. The fact that the 90 days turn-around time is seen as benefiting stakeholders has also meant that there has not been resistance to it despite it not being regulated.

4.2.9 Partnerships

To improve the execution of the function, some regions ensure that a licensing official is always in attendance during all Catchment Management Forum meetings to share information on licensing. At least one region has allocated officials to support HDIs even before the implementation of the new structure. These officials are often sent to far flung parts of the province and spend up to a week setting station at municipal offices where they assist HDIs with their applications. This region has also partnered with key departments including Rural Development and Agrarian Reform and the Department of Land Affairs in the province. These partnership facilitate access to emerging farmers and beneficiaries that receive grant funding and/or technical support from these departments in order to inform them about licensing and support them to apply for water use licences. This particular Proto-CMA invites these beneficiaries through these partner departments to awareness workshops that it runs regularly. This region is also exploring the possibility of partnering with associations and water irrigation boards where agreements are being reached for these institutions to undertake catchment level technical studies at their costs and make those technical reports available without charge to emerging farmers in those catchment areas so that they can use them for their applications.

4.2.9 Strategy

The strategy that was adopted by DWS to improve this function can be summarised as starting off with the adjustment of business processes and standard operating procedures to align to the 90 days. As part of this process, there was a realisation that the 300 day process included activities that were outside of the control of the department, and hence needed to be eliminated from the process, i.e., they are the responsibility of the applicant. Having removed that part of the process that was outside of the control of the department, DWS still retained the responsibility to guide the applicant through processes of preparing the application without necessarily including that guidance as part of the process. The guidance provided to the applicant by DWS officials means that when the application is finally submitted with the correct documentation, there is already some familiarity with the application within the DWS and a checklist against which to assess completeness of the application.

Once the business process was streamlined for a 90 day turn-around time, the e-WULAAS system was then enhanced with this new process, i.e., the system was aligned to the process as an enabler. Having improved both the process and system, then the function was capacitated by using contract workers that were already in the system, some of whom were absorbed but because there were not enough posts, not all contract workers could be absorbed which still left a gap. To fill the gap, full-time



officials in regions were encouraged to volunteer to dedicate their time to licensing and/or identified by their supervisors.

Having capacitated the function in this manner, training was then prioritised and institutionalized, using internal technical resources to develop the training programme and material and to deliver the training.

In order to improve operations, the WUAAACs were formalised and routine and predictable frequent meetings are being scheduled. In order to ensure the sustainability of these improvements, a new structure that has dedicated sub-directorates with assessors and specialists at regional level was developed and approved. The probable career progression presented by the new structure based on matching and placing serves to incentivise and motivate staff to put in the long hours required to eliminate backlogs and achieve the performance targets although they are not paid overtime.

The improvement process did not follow a linear process from one area of improvement to the other but rather were characterised by aligning often parallel processes in an organic way.

4.3 What conditions supported improvements?

This section discusses the conditions that may have assisted the implementation and achievement of improvements in the processing of Water Use Licence Applications by DWS.

4.3.1 Prioritisation

The recognition of the need to prioritise Water User Licence Applications was a key driver that supported the improvement. With water licensing being the only client facing service of DWS, there was pressure from stakeholders to improve the turn-around time. This was given further stimulus and urgency by the President's announcement of the 90 day turnaround time during the SONA 2020. This announcement effectively made this timeline government policy that required an immediate response by DWS. This meant that this became a key focus for top leadership in the DWS.

According to the attention-based view/theory of strategy by Ocasio and Joseph (2005), the origins of ideas behind a great strategy are less important than the ability of the organisation to sustain focused attention in developing, implementing and elaborating good ideas into a distinctive strategic agenda for value creation. This has been demonstrated by DWS in this instance.

4.3.2 Leadership Focus

Challenges with Water Use Licence Applications were not new when this improvement initiative was embarked upon in 2020. Challenges were known by officials and the capacity to address them was always there. This is evidenced by the fact that this



improvement was executed internally within DWS, without employing the services of consultants. In addition to the urgency that the President's announcement gave, a key difference this time was that leadership listened to the suggestions made by officials regarding how to respond and were willing to make the hard decisions that included, directing all effort and scarce resources towards this improvement. Critical amongst these leaders was the Minister, supported by the Director General. The current Director General of DWS was already familiar with the issues of Water Use Licence Applications from his previous role as head of Operation Vulindlela until the end of 2021 when he joined DWS. He was able to sustain the momentum by providing the necessary support; ensuring regular and proper reporting that focuses on performance matrices and putting the matter of Water Use Licence Applications on the agenda of his visits to regions.

Leadership at regional level was also a key variable that contributed to improved performances. The leadership styles in some of the regions has been transformational, including its ability to: lead by example; communicate the purpose and importance of improving Water Use Licensing to officials in an impactful way including its importance to the economy and livelihoods and reminding officials that their salaries are paid from licence fees. A transformational leader appeals to his or her followers' sense of values beyond their own personal interests (Bratton, et al., 2005). Given that the function did not have dedicated staff, and Directors for Proto-CMA had to rely on their abilities to lobby and motivate for the prioritisation of this function amongst their regional heads and fellow directors to ensure that the required staff can be identified and dedicated. Once staff was allocated to the function, leadership at regional level was able to motivate and build commitment and pleasure in executing the required tasks. They also encourage open communication of challenges and celebrate successes that the team achieves.

These observations are in keeping with the Upper Echelons Theory of strategic management by Hambrick and Mason (1984) which posits that organisational outcomes are partially predicted by management background characteristics of the top level management team. In addition, the performance-oriented leadership behaviour is regarded by Misumi and Peterson (1985) *cited in* Bratton, et al., (2005) as emphasizing a fast work pace and good quality, high accuracy, and high quantity-production. Both these views on leadership effectiveness are demonstrated in the manner in which the WULA process has been improved.

4.3.3 An enabling Organisational culture

Water management is a technical field which means that DWS employees tend to be scientists specializing in different fields. This reliance on scientists means that personnel within DWS generally understands the value of professional discipline and growth not only in the interest of the department but also for themselves as professionals. This culture that values professionalism and growth made is possible for the DWS to implement improvements using internal resources that are knowledgeable, had the drive and are passionate about their disciplines. Specialists were willing to share their knowledge by drafting the chapters of the training manual that deal with their areas of specialization and delivering the training. The appetite for



knowledge and growth meant that officials are keen to participate in training programmes. This drive made it possible for people to be willing to work outside of their comfort zones and for long hours.

According to Schein (1992) *cited in* Bratton et al., (2005), culture is used to describe how people group and identify themselves – that is, their social bonds, underlying assumptions, belief systems and espoused values – as well as the tangible and observable characteristics of an organisation such as norms, language, behavioural rituals and myths. Champy (1996) *cited in* Bratton et al., (2005) posit that superior organisational performance is associated with a strong culture and the presence of “cultural discipline” and “cultural warriors” at every level of the organisation to bring about behavioural change. These traits are evidently present within DWS and supported the implementation of improvements in WULA.

4.4 Remaining Challenges

This improvement process is not without its challenges, some of which if left not addressed may lead to backsliding. Amongst these are:

- Not all the regions are meeting the 90 day turn-around time due to a number of reasons including large volumes of applications, their complexity and lack of dedicated staff;
- Not all staff performing this function at regional levels are dedicated staff, there are still instances where officials and contract workers are still performing other functions largely because of the constraints imposed by the previous organisational structure. In order to meet the compliance targets, staff often works long hours and even during weekends, which risks burnout. This includes seconding staff who had to work weekends and at night to regions that were struggling to address backlogs;
- E-WULAAS downtimes and slowness have been experienced. The latter challenge has been addressed with support from the office of the Chief Information Officer (CIO). The response has included increasing the capacity of the Central Processing Unit (CPU) to speed up the system;
- The process for licence amendments is not yet developed on the system. The development of this process is awaiting the appointment of a system developer as the contract of the service provider that was providing this support has ended;
- The dedication of staff with other responsibilities to the WULA processing function has the likely impact that the delivery of other important functions of the DWS may have been negatively impacted. This issue was not explored in detail but the general consensus is that this could indeed have been the case;
- DWS needs to invest in tools of trade including lap-tops and internet connectivity to enable staff that is working on the WULA process to effectively and efficiently execute their tasks. It apparently is still one area where the DWS is not doing well and



5. Recommendations

The following is recommended in order to ensure the sustainability of the achieved improvements.

- DWS should prioritise the resourcing of the approved organisational structure in order to ensure that the WULA function is fully capacitated. It is noteworthy that jobs on the structure have already been advertised. It is key to ensure that the appointment and selection processes are not delayed;
- In order to sustain the improvements and keep officials motivated, introduce a system of awards that recognise excellent performance. Such a system needs not be based on financial rewards but could amongst other options, use appreciation certificates issued to well performing officials and/or regions and
- Sustain the training programme and continuously review and improve the guidelines to the licensing process.

6. Conclusion

The DWS has adequately responded to the call by the President during the 2020 SONA to eliminate the red tape that was associated the Water Use Licence Application process. All the improvements covering human resourcing, the structure, business processes, templates and standard operating procedures, the system, standardisation, change management, regulations and partnerships were achieved using internal resources, with strategic inputs and technical advice from Operation Vulindlela. Conditions that supported the successful implementation of these improvements within DWS include the fact that the WULA process was prioritised both at head office and across the regions. Leadership within DWS up to the Minister paid attention to the WULA process and led from the front. This ensured that the process was taken seriously throughout the organisation. The ability to effectively implement the improvements using internal resources was further supported by the organisational culture which favours professional discipline and growth. Whilst challenges remain, there is evidence that DWS is attending to these in a manner that is sustainable and avoids backsliding.



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