

## **Water Act: Feedback from Ministry**

### 1. Request for extension of deadline for borehole registrations

The NAU had submitted a request to the Minister of Agriculture to consider postponing or extending borehole and dam registrations, which are required to be handed in before the end of February. This due date came about when the new Water Resources Management Act 11 of 2013 was promulgated on 29 August 2023, granting an 18-month transition period to landowners to comply with the new legislation.

The Minister replied to this enquiry on 12 February, confirming that no extension or postponement of registration is being considered by his Ministry. This means that all boreholes and dams need to be registered by the end of this month.

The Minister's response stated: *"The 18-month transitional period for submitting license applications will conclude on 28 February 2025. However, affected persons may apply for an additional extension of up to 12 months, provided they demonstrate good cause. Such extensions will be granted at the Minister's discretion and may be subject to specific conditions."*

(The NAU is currently establishing the format for an extension application.)

### 2. Vagueness of 'domestic use'

There is uncertainty due to the vagueness of the term 'own use' within the definition of 'domestic use'. The NAU is following the recommendation provided by the Ministry whereby 'domestic use' does not include the watering of livestock kept for commercial purposes. The Ministry is currently working on clarifying its intended meaning in alignment with provisions of the Water Act.

To obtain further clarity on this matter, the NAU obtained a legal opinion, which is quoted below:

Can watering of livestock be considered 'reasonable domestic use'?

Probably not, depending on the farming operation and the number of livestock.

By definition in the Act, "domestic use" means the use of water for household purposes, including drinking, cooking, washing, watering a household garden and watering animals for reasonable own use.

"Domestic use" appears to be aimed at the use of water only for a household and the watering of a small number of animals connected to that household.

We point out that the Act draws a distinction between supplying water for domestic, commercial, industrial or agricultural use. [1] In our view, the watering of a large number of animals will be considered 'agricultural use'.

### 3. Postponement of Awareness Campaigns

Regional Stakeholders Water Act Awareness Campaigns scheduled for the period 10-28 February were called off until further notice, adhering to a Cabinet Directive recommending postponement, honouring the passing of Dr Sam Nujoma.

More information and application forms are available at <https://www.nau.com.na/water>

