

# **REGULATIONS RELATED TO ESTABLISHMENT OF BASIN MANAGEMENT**

## **COMMITTEES**

The Minister of Agriculture, Water and Forestry has under section xx of the Water resources management Act, 2004 (Act no.24 of 2004) made the regulations set out in the Schedule.

### **PART 1**

#### **DEFINITIONS**

1. In these regulations, unless the context otherwise indicates, any word or expression to which has been assigned in the Act bears that meaning and –

“Act” means the Water resources management act, 2004 (Act no.24 of 2004);

“Stakeholder” a person, who holds a share or interest, in water resources and management issues in the basin

“Constitution” is the founding document of a committee (group) in terms of which a group of people define who they are, and the terms on which they will hold and manage together

“Basin plan” is an action plan, a tool that describes the framework for integrated management of the water and related natural resources in the basin

### **PART 2**

#### **PROCEDURE FOR ESTABLISHMENT OF BASIN MANAGEMENT COMMITTEE**

2. This regulation deals with the establishment, powers and disestablishment of basin management committees. Basin management committee are water management institutions, whose primary purpose is water management at basin level. They operate in a demarcated basin management area, and are in effect co-operative associations of water user groups who wish to undertake water management activities for their mutual benefit. A basin management committee may exercise management powers and duties as in their constitution to the extent of their capacity or as delegated to it. The Minister establishes and disestablishes basin management committee according to procedures set out in the Act and regulations. A basin management committee, for a particular purpose would usually be established following an application to the Minister by an interested person, but such a committee may also be established on the Minister's initiative. The functions of a basin management committee depend on its approved constitution, which can be expected to conform to a large extent to the model constitution in regulations. This regulation also makes detailed provisions for the management and operation of basin management committee. Although basin management committee must operate within the framework of national policy and legislation,

the Minister may give them directives. Existing subterranean water control bodies will continue in operation until they are restructured as basin management committees.

- 1) Any interested person may make the application in writing to the Minister using the Form set out in Annexure 1
- 2) The Minister may by notice in the Gazette establish a basin management committee.
- 3) All information required in Form must be furnished fully therein
- 4) Before approving the committee, all relevant stakeholders must be made aware of the area boundaries and area of responsibility
- 5) A notice must be displayed for a period of 30 days on a notice board of Regional Councils and Regional Water, Land Board offices

### **AREA OF RESPONSIBILITY**

3.

- 1) A map showing the basin management area of responsibility must be attached to the application form
- 2) The map must be based on the demarcated map as in Annexure
- 3) Area of responsibility should be according to the demarcated map but not be less than 20 000 km<sup>2</sup>
- 4) If the area is less than the specified size of 20 000 km<sup>2</sup>, the applicant must refer the matter together with adequate reasons and motivations to the Minister for approval.

### **OBJECTIVES OF BASIN MANAGEMENT COMMITTEE**

4.

- 1) To oversee and co-ordinate natural resource management activities at the water/river basin level
- 2) To plan for achieving sustainable natural resource management for the water basin in partnership with Government at all levels
- 3) To encourage the most beneficial water use with a view to maximising social and economic benefits
- 4) To embody full consultation and participation by local committees and stakeholders
- 5) To incorporate wide sectoral involvement in relation to the impact of development on the natural resource base in a river basin

## **FUNCTIONS**

5. Each Basin Management Committee must in coordination with the DWAF agree on the functions they will carry out, and guided by the Act and the issues in the basin. These functions to be undertaken must be based on the capacity of the BMC to carry them out.
5. DWAF must provide and or facilitate technical support to BMC were possible

## **MEMBERSHIP**

5. Members should have the full competence and mandate to represent broad groups of stakeholders and should keep effective liaison with them and must be nominated by their own institutions. They must include:

- (i) The direct stakeholders, i.e. the land and water users and other people who are dependent on, or affecting the availability and quality of water within the water basin area; also representatives of the private sector.
- (i) Officials of government departments or authorities being competent in and responsible for natural resource management within the water basin area.
- (ii) Representatives of regional and local authorities within the water basin area.
- (iii) Other institutions with an interest in environmental matters, in the broader sense, within the water basin area.

6. Management committees should be limited to maximum 20 full members, with the provision that associated members are identified who may be called to attend meetings to discuss specific matters where their expertise or input is required, or who may be asked to perform particular activities in their field. Each committee must have a chairperson elected at the Basin Forum meeting. The term of office must be at least 2 years and not more than 4 years with a possibility of re-election but shall not serve more than two (2) consecutive terms.

7. The Department of Water Affairs and Forestry (DWAF) within MAWF should be the leading department and will be responsible to ensure that all required responsibilities are duly executed. This will include the regular supervision of environmental monitoring and remedial activities and implementing of basin plans.

## **OPERATING CRITERIA**

8.

- 1) The operations of BMC will be steered and guided by the BM Coordination Committee (BMCC) within the MAWF. The BMCC will set rules and procedures with regards to the use of funds and expenditure.
- 2) The BMC should develop annual operational plans inclusive of relevant issues and actions for BMC responsibility. These Plans are submitted to the BMCC for approval and recommendation.
- 3) The BMC shall administer the development by the water department of a suite of natural resource policies and strategies for the basin that will be the guideposts upon which development proposals will be evaluated to ensure basin sustainability.
- 4) Any development plans or other envisaged action by responsible authorities that have a significant impact on the natural resources of a basin will be forwarded to the BMC for review. The BMC's role will be advisory.
- 5) These plans should be discussed during regular and /or ad-hoc BMC meetings with members present, either being full members or being associated members called upon to report on specific issues.
- 6) The purpose of the discussions should be to establish whether additional information is required and whether the proposed plans will contribute to the sustainable development of the water basin, or whether the plans will be contrary to this.
- 7) Proposed environmental and other monitoring and remedial action should be given due attention.
- 8) During the meetings, the BMC should also discuss any development or potential development within the water basin, as well as the reports on monitoring and remedial action, and other relevant activities within the water basin.
- 9) The BMC should attempt to arrive at consensus, but in case this is not possible make use of normal majority-vote procedures, and accordingly make recommendations to the Basin Forum and DWAF or, if applicable, to another responsible institution. In this process the Committee should closely liaise and harmonise its position with the other institutions involved, e.g. Communal Land Board.
- 10) The Committee should also forward the annual assessment of the ecological health of the

water basin to the same institution, together with its comments and recommendations for additional activities.

11) The BMC may have sub-Committees.

12) The members of the BMC are responsible to source funding for their own operational activities. The Committee may collect charges, fees and tariffs from issuance of permits and licenses as determined in Section 87(1) (a) to carry out investigations as required by Minister. The Minister has the power to provide financial support to the basin Management Committee as per Section 5(2) (h).

### **PART 3 CONSTITUTION**

9. The constitution establishing a basin management committee must include among others

1) Name of the committee and area of responsibility

2) Definitions

3) Legal status

4) Vision, functions and strategic plan

5) Nature of the committee

6) Mandate of the committee

7) Membership

8) Executive committee

(i) Chairperson

(ii) Vice chairperson

(iii) Treasurer

(iv) Secretary

(v) Programme officer: awareness raising, training and capacity building

(vi) Programme officer: planning

(vii) Programme officer: data and information management

9) Secretariat

10) Meetings

11) Elections

- 12) Working groups
- 13) Basin management forum
- 14) Financial administration
- 15) Disciplinary procedures
- 16) Amendments
- 17) Dissolution of BMC
- 18) Endorsement

#### **PART 4**

### **WATER RESOURCES MANAGEMENT PLANS FOR THE BASIN**

10. Depending on the nature of the Basin Management Committee, each committee with the help from DWAF must develop basin water resources management plan with action plan, to describe the framework for integrated management of the water and related natural resources in the basin. These basin plans must outline how the concept of integrated water resources management is going to be implemented at the concrete basin level.

These plans must address such aspects as:

- 1) Physical description of the basin
- 2) Land use inventories
- 3) Current water availability and demands
- 4) Pollution source inventories
- 5) Aquatic and terrestrial ecosystem needs
- 6) Vulnerability to floods or extreme meteorological events
- 7) Identification of stakeholders
- 8) Implications of changing land use
- 9) Identification of priority issues (impact issues or user requirement issues)
- 10) Short- and long-term goals for the river basin
- 11) Water related development scenarios, future water demands
- 12) Water allocation and water quality objectives
- 13) Strategy, measures and action plan for achievement of goals
- 14) Financing of water use and management
- 15) Responsibility and schedule for implementation

16) Mechanisms for monitoring and updating

**PART 5**  
**GENERAL PROVISION**

**Checklist for basin management committees**

11. A guidebook on Basin Management Approach (Annexure 3) must be used to determine the steps needed to establish basin management committees.

**Fees**

12. There are no fees for the processing of an application to establish a basin management committee.

**Offences and penalties**

13. 1) Any person who contravenes or fails to comply with any provision of these regulations or sections of the Act is guilty of an offence and will be convicted.

2) Any person who has been convicted of an offence in terms of these regulations is liable to a fines not exceeding ... or to imprisonment for a period of .... or to both such fines and such imprisonment.

**ANNEXURE 1**

**Application form**

To: Minister of Agriculture, Water and Forestry  
Private Bag 13184  
Windhoek

I/We.....  
.....

Address of  
correspondence.....  
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.....  
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Apply to establish a basin management committee.  
Name of Basin and River (Attach  
map).....

Main issues of  
concerns.....  
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Types of stakeholders in the  
basin.....  
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Have you initiated meetings with stakeholders?                      Yes                      No

Have you disseminated any information regarding the issues in the basin?                      Yes                      No

Do you have Vision?                      Yes                      No

Do you have Terms of Reference?                      Yes                      No

Do you have a Constitution?                      Yes                      No

Do you have any indication of funding?                      Yes                      No

Do you require start-up technical support?                      Yes                      No

## **Annexed for explanations**

### **Demarcation of manageable units**

The fact that water is shared and integrated, the country has been divided into manageable units through which Basin Management Committees will be established. Certain criteria have been developed and used to demarcate the basin in such units.

In the beginning, 24 basins have been delimited and these are grouped under 7 main groupings. It should be emphasised, and this is clear from the map, that the basins do not cover all of Namibia. The areas not included are grouped together as the low potential western desert basins and this can be considered as basin # 25. For management purposes 24 basins were seen too many for a small country as Namibia. Therefore a technical workshop was held to:

- Review existing water basins and propose new ones.
- Discuss and get consensus on the framework or criteria for delimitation of water basins.
- Formulate proposals for water basins including both surface and groundwater.

The outcome of the workshop included the consensus on the principles or criteria for delimitation and 13 preliminary basins have been proposed and delimited.

These criteria are:

- **Bio-physical Conditions & Characteristics**  
(Geographical Units-both surface- and ground- water, Nature of the catchment, river links, Size of the basin, soil types.)
- **Sharing of Water**  
(Transfer of water from water rich area to poor area, impact upon down stream users, who will benefit?)
- **Demand for Water**  
(Population density, type of users, economic value)
- **The availability of water**  
(Amount of rainfall, reliability of water resource, availability of surface & ground water, water quality in the area)
- **The involvement of Stakeholders**  
(Consider needs of poor, local/community involvement, realistic partners, equitable representation, cultural relationship)
- **The Future Development**  
(National development strategy, long term plans, industrial/economic development)
- **Sources of Water**
- **Existing Infrastructure**  
(Development of Water Resources, existing infrastructure)
- **Policy Framework**
- **Ecological Units**  
(Appropriate unit to determine ecological reserve, ecological integrity, and environment)

- **Economic viability**  
(Financial resources)

