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IWRM in the Cuvelai-Etосha Basin

Training Module

on

Legal and Institutional Framework for Basin Management

for

Basin Support Officers

October 2012

Developed by

Desert Research Foundation of Namibia (DRFN) and Heyns International Water Consultancy (HIWAC), October 2012, on behalf of the “IWRM in the Cuvelai-Etосha Basin” - Project

Table of Contents

Learning objectives	3
Chapter 1: Legal Framework for Water Resources Management in	4
Namibia	4
1.1 Definition of terms	4
1.2 Relationship between policy, legislation and regulation	4
1.3 Legal framework for IWRM implementation	5
1.4 Drivers of policy and law development	5
1.5 Institutional framework for basin management	7
Chapter 2: IWRM in Namibia	11
2.1. Definition of IWRM	11
2.2. IWRM is based on the four Dublin Principles	11
Chapter 3: Basin Management Approach in Namibia	14
3.1. Definition of basin management	14
3.2. Basin Management Approach	15
3.3. Basin Management Committees	15
References	18
Annexures	19
Annex 1: Presentations on the Legal Framework for Water Resources Management in Namibia ..	19

Learning objectives

At the end of this module it is expected that a Basin Support Officer (BSO) and other participants will be empowered to:

- Understand the legal and institutional framework for basin management and are able to apply/use it and even guide BMC and forum members on its application.
- Be aware of their functions and responsibilities and those of BMC and forum.
- Understand the value of basin management and have high interest in participating.
- Understand the main elements of an IWRM approach to sustainable management of water resources, its principles and relevance to their sub-basin.

Materials needed:

- Flip chart stand and paper
- Brown sheets
- Pens
- Cards
- Notebooks

Chapter 1: Legal Framework for Water Resources Management in Namibia

1.1 Definition of terms

- **A Policy** - It is the formulation of a definite course of action adopted and pursued to achieve a certain objective. It can also be seen as a guideline to give effect to the will of the people or an elected government. Policy that has been agreed upon by the stakeholders and adopted by Government can only be enforced if appropriate legislation is promulgated and in force.
- **An Act** - It is a legal instrument that is promulgated (approved) by Parliament and describes the process to ensure that the policies developed in consultation with the stakeholders and adopted by government can be implemented and enforced when the law is not complied with. The Act also prescribes the penalties for those who fail to comply with the law.
- **Regulations** - This is a document that formulates the technical procedures to be followed to implement an Act.
- **Strategic plan** – This is a description of a long term strategy with activities identified to achieve certain objectives over time as the need for (say) infrastructure development increases and resources becomes available to implement the plan and normally includes a program for execution and an estimated budget.
- **Operational plan** – This is a project specific plan to execute an activity, as identified in a strategic plan, on a continuous basis over time when funding and other resources have become available and covers issues such as detail planning, design, construction, personnel provision, budgeting, logistics, procedures, operation etc.

1.2 Relationship between policy, legislation and regulation

- A **policy** is a guideline to give effect to the will of the people and the elected government.
- A policy can only be enforced if appropriate **legislation** is promulgated and in force.
- The implementation of a policy is prescribed in **regulations** made under the law.
- If there is failure to comply with the regulations made under the legislation to implement the policy, punitive measures are described in terms of the legislation to enforce the law.

1.3 Legal framework for IWRM implementation

The following legislation supports the implementation of IWRM in Namibia

- 1990 – Constitution of Namibia
- 1990 – Those Sections of the Water Act of RSA, Act No 54 of 1956, as made applicable in Namibia before independence, remain in force until replaced.
- 1992 - Local Authorities Act
- 1992 - Regional Councils Act
- 1993 – Water Supply and Sanitation Sector Policy (WASP)
- 1997 - Decentralization policy
- 2000 - Decentralization Enabling Act
- 2000 – National Water Policy White Paper (NWP)
- 2004 –Water Resources Management Act promulgated by Parliament, but is under revision and must still enter into force.
- 2008 – Water Supply and Sanitation Policy (WSASP)

1.4 Drivers of policy and law development

- The post-independence need for the allocation of responsibilities in the water supply and sanitation sector was the main driving force for the 1993 WASP, including rural water supply, commercial water supply, water resources management and waste water disposal.
- The 2000 NWP originated from a review of the water sector and is a generic water policy that covers the whole spectrum of possible policies related to the implementation of the concept of integrated water resource management.
- It served as a white paper for the preparation of the new Water Act.
- The lack of progress with the provision of sustainable sanitation services was the driver of the 2008 water supply and sanitation policy.
- The main reason behind the amendment of the 2004 Water Resources Management Act, and the delay in entering into force, is the revision of the comprehensive scope of the Act and the lack of institutional capacity to implement the act.
- The National Water Policy was the driver behind the adoption of the Water Management Objectives, Integrated Water Resources Management and the implementation of the concept of Basin Management.

National Water Policy White Paper, 2000

- The need for forming institutions to manage water and other resources within a basin has been identified in the National Water Policy White Paper 2000 and the Water Resources Management Act 2004. The most important water management objectives in the policy are to:
 - Manage water for social equity, economic efficiency and environmental sustainability.
 - Manage water according to hydrological boundaries at the basin level.
 - Manage water demand and supply.
 - Apply the principles of equity and efficiency.
 - Define the roles and responsibilities in the water sector (government, private sector, civil society) regarding the ownership and management of water resources and services.
 - Create an enabling environment – adopt policies, promulgate legislation and create institutions.
 - Use the IWRM Principles, as adapted to Namibian conditions, as a basis for water management.
- The Policy document, under the basic principle on stakeholder participation, states that institutions will be designed to facilitate the participation of all stakeholders relating to water especially rural communities, and to facilitate feedback to high levels of government.
- As a result, Basin Management Committees (BMCs) have been instituted by the Water Resources Management Act, 2004. (Act No 24 of 2004).

Water Supply and Sanitation Sector Policy, 2008

The Water Supply and Sanitation Policy (WSASP) of 2008 replaces the policy of 1993. Its principles are in line with Integrated Water Resources Management IWRM including a strong focus on Water Demand Management (WDM). The scope of services expected to be rendered within the sector is defined and responsibilities are allocated to the various actors and beneficiaries involved.

By interpreting the achievements and shortcomings of the WSS sector in the national development context, the following four components of an overall long term policy are formulated as follows:

1. Essential water supply and sanitation services should become available to all Namibians, and should be acceptable and accessible at a cost which is affordable to the country as a whole.

2. This equitable improvement of water and sanitation services should be achieved by the combined efforts of the government and the beneficiaries, based on community involvement and participation, the acceptance of a mutual responsibility and by outsourcing services where necessary and appropriate, under the control and supervision of government.

3. Communities should have the right, with due regard for environmental needs and the resources and information available, to determine which water and sanitation solutions and service levels are acceptable to them within the boundaries of the national guidelines. Beneficiaries should contribute towards the cost of the water and sanitation services they desire at increasing rates for standards of living exceeding the levels required for providing basic needs.

4. Environmentally sustainable development and efficient utilisation of the water resources of the country and environmentally sustainable development of sanitation services should be pursued in addressing the various needs, and should be strongly supported by information campaigns and continuous educational interventions at all levels.

Nevertheless, the acceptance of the WSASP by all stakeholders represents only a foundation from which to work. The productivity and growth of the WSS sector will, to a large extent, depend on political will at all levels, the provision of adequate funding, the continuous development of adequate human resources, community participation and the dedicated implementation of the identified strategies by all role players to achieve the objectives of the policy.

1.5 Institutional framework for basin management

There are four levels of institutions in the framework supporting basin management (Figure 1):

- Basin stakeholder forum
- Basin management committee (BMC)
- Basin support office
- Department of Water Affairs and Forestry
- Other relevant institutions

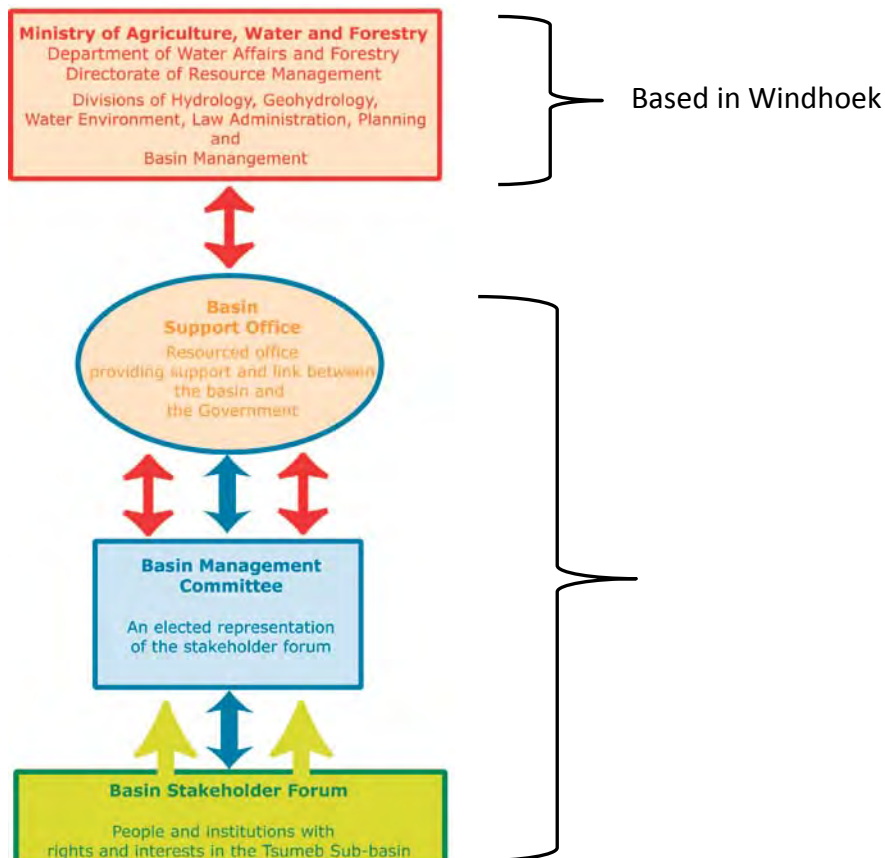


Figure 1: Institutional framework for basin management (adopted from the stakeholder analysis for Tsumeb, Olushandja and Niipele Sub-basins, 2011).

Basin stakeholder forum

- Is the base that provides an open platform for IWRM through sharing information and experiences, networking, raising concerns, and identifying and prioritizing challenges, thereby giving stakeholders a voice.
- The interests of the stakeholder forum guides and directs the activities of the BMC

Basin management committee

- Is a formal institution of stakeholder institutions elected as representatives on the stakeholder forum.
- It represents the interests of the various stakeholder groups on the forum and provides feedback to them on the activities it plans and executes to address prioritized issues, challenges and functions.
- The BMC facilitates the process to take issues to relevant higher authorities and helps source funding to address some challenges.
- Some members of the BMC will have portfolios to lead specific activities. These portfolio-holders are sometimes referred to as the Executive Committee.

Basin support office

- Is a decentralised government office of the Directorate of Resource Management (DRM) that acts as the secretariat

- It is the link between the DRM and BMC and is the entry point for all basin-related activities.
- It is intended in the medium to long term that the BSO will implement water resource management functions at basin level – data collection, monitoring, dissemination of information, planning, and law enforcement – currently these offices are, at best, manned by only one official.

Directorate Resource Management within the Department of Water Affairs and Forestry:

- To assist the Government in the national and regional management of water resources by:
 - Acting as a guardian over the water resources of Namibia,
 - Developing and administering water legislation, controlling water abstraction and facilitating the equitable allocation of water resources to all users.
 - Determining the potential of the water resources of Namibia and to implement measures to ensure the protection and sustainable utilization of the water resources of the country.
 - Executing strategic water resource development planning, as well as regulating and controlling of activities in the water sector.
- It drives the policies and provides the framework for the basin management approach.
- In addition it provides financing, technical support and infrastructure for its implementation.

Other relevant Institutions:

Directorate of Water Supply and Sanitation Coordination (DWSSC) within the Department of Water Affairs and Forestry

- Responsible for rural water supply and sanitation coordination

NamWater

- Responsible for bulk water supply

Regional Authorities

- Responsible for small scale water supply to small communities

Local Authorities

- Some responsible for water supply, water reticulation and sanitation while others are just responsible for water reticulation and sanitation

Private Sector

- Responsible for water supply in agriculture, mining and tourism.

Exercise 1: Legal framework for water resources management (WRM) in Namibia

Split into two groups to discuss and answer the following questions on the legal framework for water resources management in Namibia:

1. What opportunities does the Namibian legal framework offer for water resources management?
2. What limitations/challenges are there with respect to implementation of the legal framework?
3. What do you think will be your main responsibilities to make sure that the BMC function well?

Report back in plenary for discussion.

Chapter 2: IWRM in Namibia

2.1. Definition of IWRM

IWRM is a process that promotes the co-ordinated development, management and use of water, land and related natural resources in order to optimize the resultant economic, social and environmental welfare in an equitable manner without compromising the sustainability of vital ecosystems (adapted from Global Water Partnership).

2.2. IWRM is based on the four Dublin Principles

1. Fresh water is a **finite and vulnerable resource**, essential to sustain life, development and the environment.
2. Water development and management should be based on a **participatory approach**, involving users , planners and policy makers at all levels
3. Women play a **central part in the provision, management and safeguarding of water**.
4. Water is a **public good** and has a **social** and **economic value** in all its competing uses

From the Dublin Principles one can say that sustainable water utilization is based on the equitable and efficient water resources management as reflected in the concept of IWRM.

Discussion/ Food for Thought 1: The understanding of the Dublin Principles in the context of the Cuvelai-Etосha Basin/ any other basin in Namibia

In the context of the Cuvelai-Etосha Basin or any other basin in Namibia, what do the above Dublin Principles mean? Give examples of how you are/ would fulfil each of the Dublin Principles in the sub-basin or basin that you work in. Link it to the activities that you do.

Principle 1: Finite and vulnerable resource

- *A holistic approach* – recognize all the characteristics of the hydrological cycle and its interaction with other natural resources and ecosystems.
- *Resource yield has natural limits* – freshwater may be regarded as a natural capital asset, which needs to be maintained to ensure that the desired services it provides are sustained.
- *Effects of human activities* – such as pollution of surface and groundwater, changing land uses can alter the flow regime/ water cycle.
- *Upstream-downstream user relations* – the effects of human activities lead to the need for linkages between upstream and downstream users of water.
- *A holistic institutional approach* – Holistic management should involve both the management of natural systems and coordination between the human activities.

Principle 2: Participatory approach

- *Real participation* – stakeholders at all levels of the social structure are to be part of the decision-making process e.g. water supply, management and use choices.
- *Participation is more than consultation* – consultative mechanisms, ranging from questionnaires to stakeholder meetings will not allow real participation if they merely used to legitimize decisions already made.
- *Achieving consensus* – a participatory approach is crucial to achieve long-lasting consensus and common agreement.
- *Creating participatory mechanisms and capacity* – this involves the creation of mechanisms for stakeholder consultation at all spatial scales such as national, basin or aquifer, catchment and community levels.
- *The lowest appropriate level* – participation can be used to achieve a balance between a top-down and a bottom-up approach to IWRM. Is this correct? I thought it meant decisions to be made at the lowest appropriate level

Principle 3: Women play a central part

- *Involvement of women in decision-making* – special efforts must be made to empower women's participation at all organizational levels.
- *Women as water users* – women play a key role in the collection and safeguarding of water.
- *IWRM requires gender awareness* – there is a need to ensure that the water sector as a whole is gender sensitive. A process which should begin by the implementation of training programmes for water professionals and community or grassroots mobilizers.

Principle 4: Public good and has a social and economic value

- *Water has a value as an economic good* – there is a need to change perceptions about the value of water. The full value of water has to be recognized.
- *Value and charges are two different things* – There is a need to distinguish between valuing and charging for water. The value of water in alternative uses is important for the rational allocation of water as a scarce resource. Charging for water is applying an economic instrument to affect behavior towards conservation and efficient water usage.
- *Useful water values concepts* – The full value of water consists of its use value – or economic value – and the intrinsic value (Figure 2a).
- *Useful water cost concepts* – The full cost of providing water includes the full economic cost and the environmental externalities associated with public health and ecosystem maintenance (Figure 2b).
- *The goal of full cost recovery* – The recovery of full cost should be the goal for all water uses unless there are compelling reasons for not doing so.

- *Managing demand through economic instruments* – Treating water as an economic good may help balance the supply and demand of water, thereby sustaining the flow of goods and services from this important natural asset.
- *Financial self-sufficiency Vs. water as a social good* – In order for water resources management agencies and water utilities to be effective there is a need to ensure that they have adequate resources to be financially independent of general revenues. Thus, as a minimum, full supply costs should generally be recovered in order to ensure sustainability of investments. But high supply costs and social concerns may require direct subsidies to specific disadvantaged groups.

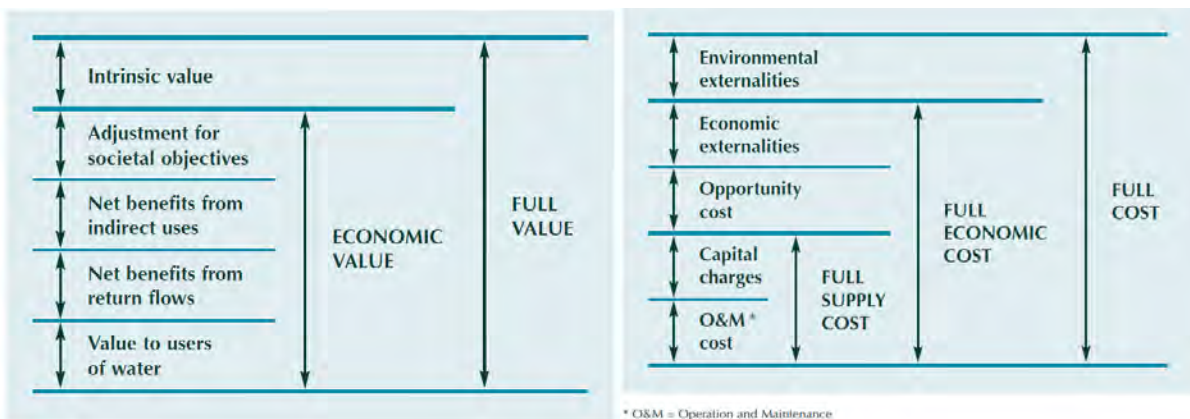


Figure 2a & 2b: General principles for valuing water (left) and General principles for costing water (right), *Source:* adopted from the GWP TEC Background Paper No.4, 2000

Chapter 3: Basin Management Approach in Namibia

3.1. Definition of basin management

It refers to management of all activities aimed at enhanced functioning of a water basin. All land use; natural processes and environmental disturbances interact with the hydrological cycle and balance within a water basin. Natural resource development and management strategies are more effective if implemented over a whole water basin, reflecting the relation between people, water, land, vegetation and fauna, and the water basin's ecosystems. As a result, basins are considered to be the appropriate units for operational management of water and other natural resources. Basins include both surface and ground water systems.

Basin management Advocates for basins'

- equitable allocation
- sustainable environmental development
- development of holistic planning
- integration of all management practices
- co-ordination of all management activities
- solutions to particular problems to be measured against their effects on the rest of the catchment

Discussion/Food for Thought 2: Why basin management?

Split into two groups and discuss and answer the following questions:

1. Why is there a need for an institutional mechanism such as basin management?
2. Should basin management be initiated by the government or by the relevant stakeholders themselves?
3. Can basin management be introduced or imposed or is it originating by itself or in other words: can the establishment of BMCs be conducted from the top or should the process of establishment be a grouping of existing water arrangements from the bottom?

3.2. Basin Management Approach

Definition of BMA

The BMA describes the process required to establish BMC for IWRM in a defined area composed of an entire river basin or part of one or of several river basins.

The goal of the BMA

The goal of BMA is to involve basin stakeholders in the effective and sustainable management of the water resources with strong support from the relevant service providers and government ministries. BMA in Namibia could be useful where the following conditions prevail:

- limited water and/or high demand for water throughout the basin
- competition rather than cooperation among water users in the basin
- frequent water-related disasters in the basin such as floods, drought
- resources are under pressure
- ecologically sensitive areas
- major water development projects are planned within the basin e.g. risk for pollution

Integrated basin management is a process through which people can develop a vision, agree on shared values and behaviour, and make informed decisions and act together to manage the natural resources of their catchment.

Exercise 2: Scenarios of undesirable situations

Work in pairs: In your capacity as a BSO what would you do if you come across the following undesirable situations in the sub-basin/ basin that you work in?

- Sewage water from a factory is flowing into a water course?
- A constituency Councilor in the sub-basin/ basin that you work in promoting non-payment for water services, mainly for political reasons?
- A school within a sub-basin with major water leakages that have formed a temporary lake
- Vandalisms of water infrastructure at water points worsened by children playing with water

Report back in plenary for discussion.

3.3. Basin Management Committees

In Namibia, the BMA is being implemented by dividing the country into appropriate water management areas (Figure 3) and gradually establishing basin management committees (BMCs).

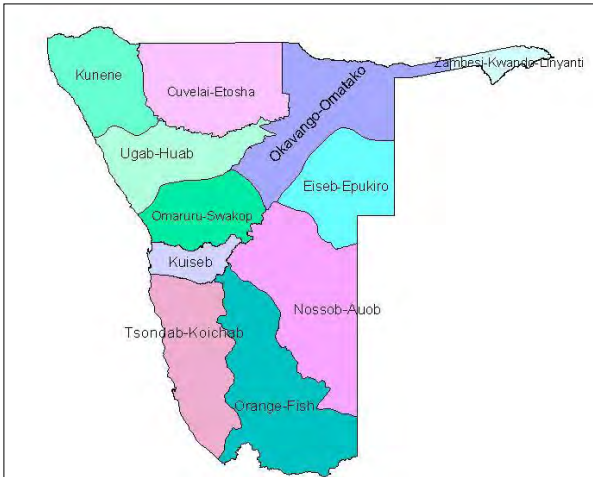


Figure 3: Water Management Areas (adopted from a presentation by Aune Amwaama on IWRM and Basin Management in Namibia, 2011)

Purpose of a Basin Management Committee (BMC)

- To ensure proper management of the water resources of a basin
- To ensure equitable resource distribution and sharing amongst all basin stakeholders
- To ensure sustainable use of resources and overall sustainability of the basin
- To have a ‘watchdog’ role with respect to all natural resources in relation to policies, legislation and regulations.
- To ensure participation by all stakeholders in the decision-making and management of the designated basin.

Functions of basin stakeholder forum, BMCs and BSOs

Functions and responsibilities of basin stakeholder forum, BMCs and BSOs	
Basin stakeholder forum	<ul style="list-style-type: none"> • Raise awareness on IWRM and BMA • Identify water resource management challenges and opportunities • Prioritise challenges and opportunities to be addressed • Report issues that may arise in the basin to BMC • Representation of organisation's (stakeholders') interests and concerns
BMCs	<ul style="list-style-type: none"> • To identify a basin water policy and strategy framework consistent with national policies • To monitor and report on the health of the river basin • To identify and resolve natural resource conflicts • To develop an appropriate water research agenda in liaison with WRM agency • To educate water users, schools and the community in general on water issues
BSOs	<ul style="list-style-type: none"> • Support BMC in obtaining technical & other information relevant for operation of the BMC

Functions and responsibilities of basin stakeholder forum, BMCs and BSOs

- Participate in water resource assessments relevant to the basin
 - Act as a secretariat for the BMC and support BMC in execution of its functions
 - Act as a liaison between the BMC, DWAF and other line ministries
 - Collect, manage & share data required for the proper management of its water management area in coordination with the Minister
-

Exercise 3: Functions and responsibilities of BSOs, BMCs and Forum

Give practical examples of:

- How you are fulfilling your functions and responsibilities (if so)?
- How you are assisting the BMC and Forum members in fulfilling their functions and responsibilities?

References

1. Global Water Partnership (GWP) Technical Advisory Committee (TAC). 2000. Integrated Water Resources Management. Background Paper No.4. 1-67pp.
2. Government Gazette of the Republic of Namibia, 2004. Water Resources Management Act, 2004 (Act No. 24 of 2004), 67 pp.
3. Heyns P, Montgomery S, Pallet J, Seely M, (eds), 1998). Namibia's Water, A Decision Makers' Guide, DRFN and DWA, Windhoek, Namibia, 173 pp.
4. MARWD, 2000. National Water Policy White Paper. Ministry of Agriculture, Water and Rural Development, 45 pp.
5. MAWF, 1998. Revised Water Supply and Sanitation Sector Policy, Ministry of Agriculture, Water and Forestry, 21 pp.

Annexures

Annex 1: Presentations on the Legal Framework for Water Resources Management in Namibia

**INTEGRATED WATER RESOURCES MANAGEMENT
IN THE CUVELAI-ETOSHA BASIN
PROJECT**

Training of Basin Support Officers

**Overview of the Legal Framework
for Water Resources Management
in Namibia**

Windhoek, 12 to 14 November 2012



OVERVIEW

1. Introduction
2. Relationship between policy, and law
3. Policy and law development
4. Drivers of policy and law development
5. The original Dublin Principles
6. Dublin Principles adapted for Namibia
7. Water management objectives
8. Institutional arrangements
9. Institution of BMC's
10. Establishment of BMC's
11. Functions of BMC's

RELATIONSHIP BETWEEN POLICY LEGISLATION AND REGULATION

- A **policy** is a guideline to give effect to the will of the people and the elected government
- A policy can only be enforced if appropriate **legislation** is promulgated and in force
- The implementation of a policy is prescribed in **regulations** made under the law
- If there is failure to comply with the regulations made under the legislation to implement the policy, punitive measures are described in terms of the legislation to enforce the law.

POLICY AND LAW DEVELOPMENT IN NAMIBIA

- 1990 – Constitution of Namibia
- Those Sections of the Water Act of RSA, Act No 54 of 1956, as made applicable in Namibia before independence, remain in force until replaced
- 1993 – Water Supply and Sanitation Sector Policy (WASP)
- 2000 – National Water Policy White Paper (NWP)
- 2004 – Water Resources Management Act promulgated by Parliament, but is under revision and must still enter into force
- 2008 – Water Supply and Sanitation Policy (WSASP)

DRIVERS OF POLICY AND LAW DEVELOPMENT

- The post independence need for the allocation of responsibilities in the water supply and sanitation sector was the main driving force for the 1993 WASP, including rural water supply, commercial water supply, water resources management and waste water disposal
- The 2000 NWP originated from a review of the water sector and is a generic water policy that covers the whole spectrum of possible policies related to the implementation of the concept of integrated water resource management
- It served as a white paper for the preparation of the new Water Act

DRIVERS OF POLICY AND LAW DEVELOPMENT

- The lack of progress with the provision of sustainable sanitation services was the driver of the 2008 water supply and sanitation policy
- The main reason behind the amendment of the 2004 Water Resources Management Act, and the delay in entering into force, is the revision of the comprehensive scope of the Act and the lack of institutional capacity to implement the act
- The National Water Policy was the driver behind the adoption of the Water Management Objectives, Integrated Water Resources Management and the implementation of the concept of Basin Management

THE ORIGINAL DUBLIN PRINCIPLES GUIDING IWRM

- Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment
- Water development and management should be based on a participatory approach, involving users, planners and policy makers at all levels
- Women play a central part in the provision, management and safeguarding of water
- Water has an economic value in all its competing uses and should be recognized as an economic (and social) good.

DUBLIN PRINCIPLES ADAPTED FOR NAMIBIA

- Water is finite – use a permit system to control over abstraction and to protect water resources against pollution control; use water demand management to conserve, re-use, recycle and reclaim water; do environmental assessments
- Participatory approach – coordinated planning process (IWRM plans); stakeholder participation (BMC); information sharing (floods and rainfall)
- Role of women – decision making (part of participatory)
- Water as an economic good – water pricing, subsidies – resource and allocation efficiency

WATER MANAGEMENT OBJECTIVES

- Manage water for social equity, economic efficiency and environmental sustainability
- Manage water according to hydrological boundaries at the basin level
- Manage water demand and supply
- Apply the principles of equity and efficiency
- Define the roles and responsibilities in the water sector (government, private sector, civil society) regarding the ownership and management of water resources and services
- Create an enabling environment – adopt policies, promulgate legislation and create institutions
- Use the IWRM Principles, as adapted to Namibian conditions, as a basis for water management

INSTITUTIONAL ARRANGEMENTS

Department of Water Affairs and Forestry – Directorate Resource Management:

To assist the Government in the national and regional management of water resources by:

- Acting as a guardian over the water resources of Namibia,
- Developing and administering water legislation, controlling water abstraction and facilitating the equitable allocation of water resources to all users
- Determining the potential of the water resources of Namibia and to implement measures to ensure the protection and sustainable utilization of the water resources of the country
- Executing strategic water resource development planning, as well as regulating and controlling of activities in the water sector

INSTITUTIONAL ARRANGEMENTS

**Department of Water Affairs and Forestry –
Directorate of Water Supply and Sanitation Coordination**, -
responsible for rural water supply and sanitation coordination

NamWater, - responsible for bulk water supply

Regional Authorities, - responsible for small scale water supply to small communities

Local Authorities, - some responsible for water supply, water reticulation and sanitation while others are just responsible for water reticulation and sanitation

Private Sector, responsible for water supply in agriculture, mining and tourism.

BASIN MANAGEMENT COMMITTEES INSTITUTION

- The need to establish institutions to manage water and other resources within a basin has been identified in the 2000 National Water Policy (NWP) White Paper
- The NWP states that institutions will be designed to facilitate the participation of all stakeholders relating to water especially rural communities, and to facilitate feedback to high levels of government.
- As a result, Basin Management Committees (BMC's) have been instituted by the Water Resources Management Act, 2004. (Act No 24 of 2004)
- PART IV of the Water Resources Management Act addresses the establishment of a basin management committee, functions, coordination and dissolution.

BASIN MANAGEMENT COMMITTEES: ESTABLISHMENT

- The Minister establishes a BMC and gives it a name
- The Minister may take the initiative or stakeholders may request him to establish a BMC
- Members must be representative and one must be appointed by the Regional Council
- The BMC must have a constitution
- The Minister must dissolve a BMC when it is necessary

BASIN MANAGEMENT COMMITTEES: FUNCTIONS

The functions are:

- to promote community participation in the protection, use, development, conservation, management and control of water resources in its water management area through education and other appropriate activities
- to prepare a water resources plan
- to make recommendations regarding the issuance or cancellation of water licences and permits
- to promote community self-reliance, including the recovery of costs for the operation and maintenance of waterworks

BASIN MANAGEMENT COMMITTEES FUNCTIONS

Functions continued:

- to promote community participation in the protection, use, development, conservation, management and control of water resources in its water management area through education and other appropriate activities
- to facilitate the establishment of an operational system and maintenance system of waterworks and the accessing of technical support for water
- to monitor and report on the effectiveness of policies and action in achieving sustainable management of water resources

BASIN MANAGEMENT COMMITTEES FUNCTIONS

Functions continued:

- to develop a water research agenda
- to help resolve conflicts relating to water resources
- to perform any such additional functions as the Minister may direct
- to co-ordinate with the regional planning component in the regional council concerned to ensure that water resources within the basin and the region are effectively managed in accordance with the Act

THANK YOU FOR YOUR ATTENTION

INTEGRATED WATER RESOURCES MANAGEMENT IN THE CUVELAI-ETOSHA BASIN PROJECT

Training of Basin Support Officers

Overview of the Content of the Legal Framework for Water Resources Management

Windhoek, 12 to 14 November 2012



OVERVIEW

1. Introduction
2. Discussion of legal framework
3. Discussion of policy framework
4. Drivers of policy and law development
5. Discussion of other documents
6. Water Resource Management Act

LEGAL FRAMEWORK

- **Constitution of the Republic of Namibia 1990;**
Article 95 (l)
 - Government must adopt policies for the maintenance of ecosystems, essential ecological processes and the biological diversity of the country, as well as the utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future.
- **Article 100**
 - Water resources belong to the State unless otherwise legally owned
- **The Water, 1954 (Act no 54 of 1956)**
 - Empowers the Minister to investigate, plan, develop, allocate, control, and manage water resources

LEGAL FRAMEWORK

- **Namibia Water Corporation Act (1997)**
Commercialization of bulk water supply – on cost recovery basis to efficiently carry out the primary business of water supply to customers, in sufficient quantities, of quality suitable for the customer's purposes, and by cost effective, environmentally sound and sustainable means
- **Water Resources Management Act 24 of 2004/Bill**
Ensures water resource management consistent with water policy and provide for the management, protection, development, use and conservation of water resources and provide for the regulation and monitoring of water services

POLICY FRAMEWORK

- **Water supply and Sanitation Sector Policy (1993)**
Provided for the allocation of water management responsibilities in the water sector, called for the establishment of a Directorate Rural Water Supply and an investigation into the commercialization of the bulk water supply function
- **Namibia National Water Policy (2000)**
Developed in line with IWRM principles, and sets out the policy objectives, principles and strategies of government to water resources development, utilisation, management, protection and use
- **Water Supply and Sanitation Policy (2008)**
 - Develop reliable and accessible sources of safe water supplies for improved drinking water sources with sufficient capacity on a sustainable basis to serve all Namibians at affordable cost
 - Guarantee safe and affordable sanitation encouraging decentralised sanitation systems where appropriate.

OTHER DOCUMENTS

- **Namibia Water Resources Management Review (1998)**
Made recommendations that will enable Namibia to achieve equitable access to and the sustainable development of freshwater resources by all sections of the population especially the rural and urban poor in order to promote long-term social and economic development
- **Vision 2030 (water sub-vision)**
Namibia's freshwater resources are kept free of pollution and are used to ensure social well-being, support economic development, and to maintain natural habitats
- **IWRM Plan 2010**
The goal of IWRM in Namibia is to achieve a sustainable water resources management regime contributing to social equity, economic efficiency and environmental sustainability.

WATER RESOURCES MANAGEMENT ACT CONTENT

The Act comprises 19 Parts, and those relevant to BMC's are:

1. Preliminary provisions
2. Functions and powers of minister
3. Water advisory council
4. Basin management committees
5. Management of rural water supply
6. National water master plan
7. Licence to abstract and use water
8. Control and protection of groundwater
9. Internationally shared water resources
10. Water pollution control
11. Protection of water resources
12. Water use, conservation and efficient water management practices
13. Dam safety and flood management
14. Water regulatory board

THANK YOU FOR YOUR ATTENTION