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Lake Naivasha Challenges in Water sector reforms: Governance and policy issues

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Introduction

- Water is life & without water there is no life!
- Quite often this resource is poorly valued as evident from the wanton misuse, pollution and inadequacies in conservation measures (both resources and time)
- water governance can at times be a state of confusion- total lack of water institutions/fragmented institutional structures or conflicting decision-making structures.





Water issues in Naivasha basin

- Access to water resources & riparian rights
- Land use & governance
- Conflicting upstream and downstream interests
- Tendencies to divert public resources for personal gain
- Unpredictability in the use of laws and regulations and licensing practices- These impede voluntary action and encourage



Water governance

- The way societies choose to govern their water resources
- Has profound impacts on people's lives and their ability to prosper, as well as on environmental sustainability
- Institutionalizing water governance leads to some groups or individuals benefiting while others lose out.
- Fair water provision can be a matter of daily survival
- Water governance & its implementation mechanisms has impacts on river flows, groundwater tables and pollution levels, thereby affecting both upstream and tail-end water users (a number of rivers are now seasonal).
- Better governance = improving people's livelihood opportunities + providing backbone for governments to alleviate poverty & increase chances of sustainable development.
- water & poverty are related. 1 out of every 5 children in poor countries fails to reach fifth birthday, mainly due to infectious and environmental diseases that arise from poor water quality.





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- Water still remains an area generally heavily dependent on public investment and regulations.
- Despite the push for increased privatization, the water-services sector remains one of the last public 'bastions'
- By 2000, national, provincial and local governments in 93 countries had begun to privatize drinking water and wastewater services; between 1995 and 1999, governments around the world privatized an average of thirty-six water supply or wastewater treatment systems annually
- Social and political unrest impact negatively on water governance
- Water governance is about the exercise of power in policy-making and whether or not to implement particular policies. It is decision-making
- Process- a dynamics of policy and decision-making, informal and formal legislation, collective action, negotiation and consensus-building and how these interact with other institutions.



CRITERIA FOR EFFECTIVE GOVERNANCE

- Participation: all citizens, should have a voice, directly or through intermediary throughout the processes of policy- and decision-making "an inclusive approach".
- Transparency: free flow of information in society & information must be accessible to those concerned.
- Equity: all groups in society, -opportunities to improve their well-being.
- Effectiveness and efficiency: results that meet needs while making the best use of resources.
- Rule of law: legal frameworks fair and enforced impartially, including human rights.
- Accountability: accountable to the public.
- Coherency: complexity of water resources issues, appropriate policies and actions must be coherent, consistent and easily understood.
- Responsiveness: serve all stakeholders and respond properly to changes in demand and preferences, or other new circumstances.
- Integration: enhance and promote holistic approaches.
- Ethical considerations: based on the ethical principles of the societies in which it functions, for example, by respecting traditional water rights.





Water Governance in Practice:

- One of the biggest challenges within the water sector regards why and how certain decisions are made, what stakeholders are involved, what principles, rules and regulations (formal and informal institutions) apply,
- Is process-oriented linked to politics and preoccupied with how various actors relate to each other.
- Due to the varying characteristics of water resources and the myriad socio-economic and political frameworks, governing mechanisms vary considerably across countries, including
 - differences in reformed items,
 - pace towards implementing water reforms,
 - level of the reform and
 - degree of targeting environmental and social objectives.



Making National water policies

- Associated with a larger reform agenda, e.g financial constraints and cost recovery
- The need to increase supplies through multi-stakeholder participation, enhancing demand management, decentralization
- A wide range of legislation on water rights, participation, economic incentive instruments, technology. E.g. South Africa and Zimbabwe includes an important component of improved integrated management of water. Water management at the basin level also extends to the management of river basins and groundwater aquifers shared between sovereign states.
- Harmonization of water policies and joint water management plans.
- IWRM- challenges to and opportunities for an improved integration of land and water governance.





- **Issues**
- Who decides what interests should be reflected in plans and policies?
- How should policy processes be governed to ensure relevant stakeholder interests are duly reflected?
- How should conflicting interests and disputes be resolved?
- What are the appropriate formal and informal institutions and conflict resolution mechanisms for efficient and equitable water decisions?
- Is there really a need to integrate all water issues?
- Similar challenges like proper tenure and access to water services
- **Major questions:**
- Who is in charge of integration?
- Who implements integration?
- What are the roles and responsibilities of governments, the private sector and civil society and the international community?



THE POLICY PROCESS

- Involves a multitude of decisions, actors and processes.
- Linear and idealized input-output version of policy-making. Typical stages for policy are inputs that constitute the basis for formulation of policy, the content of the policy, implementation and a feedback loop to input.
- straightforward linear process, but rather a 'messy' business, in which various actors with different interests, stakes and powers are trying to influence the policy outcome while different policy stages are interlinked and sometimes done in a simultaneous fashion.
- What the policy process looks like, what actors are involved and other concerns depend on what water challenges the policy is intended to address.
- In practice, decision-making is done by and through various kinds of organizations and formal and informal regulations, such as water licensing or customary allocation decisions.





Where to begin

- Reform programme will be successful if there is economic rationality in its design, political sensitivity in its implementation and close and constant attention to political-economic interactions and socio-institutional factors, so as to determine in each case the dynamics to follow- complete understanding of the forces that lead to policy development, policies are followed through to implementation.
- Effective feedback and assessment mechanisms, so that the consequences of policy implementation can inform future policy development.
- Components critical for successful -studies in policy implementation
- Stakeholder analysis- involved in a proposed



Challenges

- Water management is a complex activity;
- A mobile resource attached to many different and sometimes competing, economic, social and environmental values.
- Water users compete for the same resource and
- struggle for increasing control, they also need to cooperate if they want to make effective use of water and sustain the water's quantity and quality in the long run. e.g. where formal and informal normative systems sometimes clash. In South Africa, water management moved from a pre-colonial collective activity to a publicly regulated resource under Roman-Dutch law. It was then transformed under Anglo-Saxon jurisprudence when it was captured as a private resource to the benefit of a small minority. A main objective of the current 1998 Water Act in South Africa is to redistribute water rights by granting water permits to sections of society that were previously discriminated against.
- Minimization and resolution of water conflicts and disputes require clear and coherent water rights that contain management principles and strategies that can cooperate with fluctuations of water supply and demand.

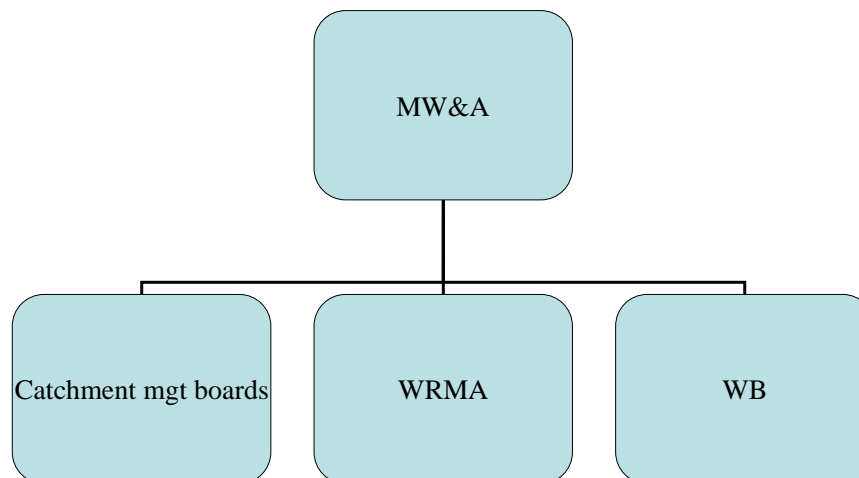




- Water rights provide the backbone of water management strategies, define who has access to water and in what ways the user can take part in local water decision-making' specify roles and responsibilities regarding operation, maintenance, monitoring and policing.
- Water rights manifest social relationships and local power structures of who is included or excluded from the benefits of water and what the various rights and responsibilities include. Water management practices in the Andes, for example, have shown that social and political inequalities can prevent successful collective action. However, this also showed that collective management of water can lead to more equitable water distribution, in addition to strengthening the bargaining position of weaker stakeholders
- The critical importance of water rights is not unique to small-scale agriculture or indigenous systems but is
- water rights and ownership often have a complex relationship with water governance

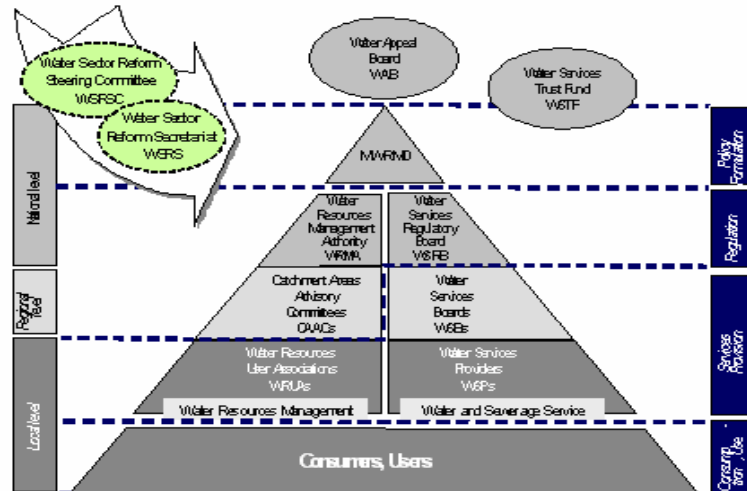


The Naivasha process



The Water Act 2002 separates policy formulation, regulation and services provision, it defines clear roles for sector actors and a decentralized institutional framework

INSTITUTIONAL SET-UP UNDER WATER ACT 2002



Source: WERS

Transitional institutions (reformatives)



Water resources in Naivasha Basin

- Water company-RWSB
- WRUAs-RVWRMA
- Catchment conservation boards



Manure transported from Morogoro town for use in Tchenzema village, Mgeta Division



Encroachment and Clearance of vegetation for farming-Mgeta side

Farm clearing using fire and
encroachment to the forest reserve-
Vinile Village



Farming on the hill tops-
Tchenzema







Conserved river bank



Our wetlands our future



We too have a say



We are ready to face the challenges. Let us work together





