Ten Years of the drying up of the Great Ruaha River: 
Institutional and Legal Initiatives to Manage Water

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### Institutional interventions

- Organizational
- Legislative
- Local level
  - may be grouped as;
  - Direct
  - Indirect

### Direct initiatives on water management

<table>
<thead>
<tr>
<th>Organization</th>
<th>Activities</th>
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<tbody>
<tr>
<td>RBWO/RBM</td>
<td>Launch of RBW Board, water rights + water fees, concrete intakes, WUAs and Apex body, office at Rujewa</td>
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<tr>
<td>WWF</td>
<td>Ruaha water program, support boreholes, formation of WUAs at Chimala SC, support furrow survey</td>
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<tr>
<td>DANIDA/WB</td>
<td>DANIDA wetland program, World Bank irrigation efficiency via infrastructure &amp; WUGs, through SIIP and RBM</td>
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<tr>
<td>TANESCO</td>
<td>Commission of several studies and task force, research unit(?)</td>
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<tr>
<td>Research Orgs.</td>
<td>SMWUC, RIPARWIN, DANIDA/WB, FAO/FNPP, individual researchers</td>
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### Indirect activities affecting water management

- AMSDP: Marketing of rain fed + irrigated crops
- DAI PESA: Promotion of paddy production and marketing
- Enterprise Works: Marketing of produce, loaning inputs

### Legislation

<table>
<thead>
<tr>
<th>Year</th>
<th>Legislation</th>
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<tbody>
<tr>
<td>1997</td>
<td>WU Act amended by Act no. 8, allowing basin to be and financially autonomous legal entities, National Environ. Policy launched (EIA added on water) Regional Admin. Act no. 19 passed- (Regional secretariat monitor water)</td>
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<tr>
<td>1999</td>
<td>Usangu Game Reserve gazetted</td>
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<tr>
<td>1999</td>
<td>Land Act 1999 and Village Act 1999 passed giving the village councils powers to manage water and other natural resources</td>
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<td>2003</td>
<td>Water Act amendments in progress Environmental Act draft in final progress</td>
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<td>1997</td>
<td>Gate partial closure program starts in the perennial rivers</td>
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<td>2000</td>
<td>Water Managers meeting starts Several bye-laws in the upper catchments esp. Mkoji</td>
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<td>2001</td>
<td>Local agreements; irrigation rotation, control of areas under irrigation etc</td>
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<tr>
<td>2003</td>
<td>Initial discussions in workshops, FGD, RBG as supported by RIPARWIN</td>
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Water rights and water user fees; the controversial tool

- Water rights
  - origin; purpose; inclination and their inheritances in the present legislation
- WRs have weaknesses;
  - issue
  - season blind
  - permanent
  - not tailored to hydrological supply conditions
  - does not recognise other changing demands
  - require water measurement which appears unlikely
  - local rights ignored, etc

Institutional Bargaining: Review
Water right & Water Prices?

- Why charge in the first place? (deter misuse, strengthen ownership thus reduce conflicts, support O &M)
- What are the practical implications?
  - Fees aggravating use, not deterring use
  - Fees aggravating use conflicts
  - Fees counter-productive financially; collection costs more than what is collected

Formal water rights & fees = command and control
Are any alternative ways of managing water?
- User to user purchasing of water (economic tools and markets)
- Devolvement to local users (subsidiarity)
- Or a combination of all three?

Current 'extractive' framework

- RBWO needs money to run its operations
- RBWO extracts money from rural poor, distributes inapt claims for water
- Rural poor use same/more water as before with new claims
- Water distribution on ad hoc basis, with conflict
- More water management problems

Proposed ‘supportive’ framework

- RBWO meets water governance objectives (WGO)
- RBWO mechanism on how to engage poor/different sectors in WGO
- Poor people/different sectors proactively engaged in WGO
- Institutional and financial assistances from key stakeholders
- Sound water governance achieved

Rights become wrongs?

Rights become responsibilities?
Conclusion

- Success not yet fully realized
- Institutions are loosely coordinated and operate in isolation
- Lack of comprehensive strategic development & management plan for the basin
- Some efforts have been counterproductive and need a critical review

Ways forward?

- A need to coordinate parallel initiatives
- Designate, appoint or establish an umbrella coordinating organ for all: Redefine the roles of RBWO
- Review all water rights to conform to the nature of resource and characteristics of use
  - Proportional water rights
  - Time-defined water rights
  - Tradable water rights
  - User- to –user agreements
- Rethink about water fees: how to support RBWO?
  - Tax key commercial users only (HEP, towns, RNP, Large scale irrigators
  - Finance RBWO from general taxation

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