

Ten Years of the drying up of the Great Ruaha River:

Institutional and Legal Initiatives to Manage Water

C.S. Sokile, B. van Koppen & B.A. Lankford

Institutional interventions

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

Organization	Direct initiatives on water management
RBWO/RBM	Launch of RBW Board, water rights +water fees, concrete intakes, WUAs and Apex body, office at Rujewa
WWF	Ruaha water program, support boreholes, formation of WUAs at Chimala SC, support furrow survey
DANIDA/WB	DANIDA wetland program, World Bank irrigation efficiency via infrastructure & WUGs, through SIIP and RBM
TANESCO	Commission of several studies and task force, research unit(?) Subsidize power by controversial IPTL
Research Orgs.	SMWUC, RIPARWIN, DANIDA/WB, FAO/FNPP, individual researchers
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

Year	Legislation
1997	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)
1999(?)	Usangu Game Reserve gazetted
1999	Land Act 1999 and Village Act 1999 passed giving the village councils powers to manage water and other natural resources
2003	Water Act amendments in progress Environmental Act draft in final progress
Local agreements and bye-laws	
1999	Gate partial closure program starts in the perennial rivers
2000	Water Managers meeting starts Several bye-laws in the upper catchments esp. Mkoji
2001	Local agreements; irrigation rotation, control of areas under irrigation etc
2003	Initial discussions in workshops, FGD, RBG as supported by RIPARWIN

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?

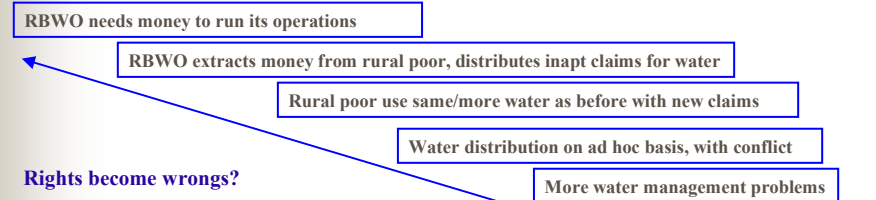
- Why charge in the first place? (deter misuse, strengthen ownership thus reduce conflicts, support O & M)
- What are the practical implications?
 - Fees aggravating use, not deterring use
 - Fees aggravating use conflicts
 - Fees counter-productive financially; collection costs more than what is collected

- Formal water rights & fees = command and control

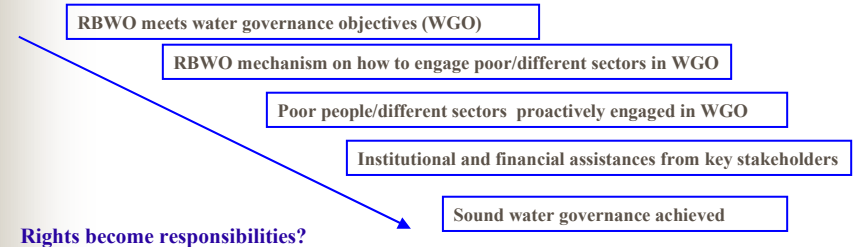
Are any alternative ways of managing water?

- User to user purchasing of water (economic tools and markets)
- Devolvement to local users (subsidiarity)
- Or a combination of all three?

Current 'extractive' framework



Proposed 'supportive' framework



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