

“Ruaha +10”

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THE ROLE OF WATER RIGHTS

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INTRODUCTION

- Water, is a basic natural resource to sustain life and for social- economic development.
- Needs to be efficiently and effectively used.
- Every citizen has a right of access to water
- Proper Laws and Regulations have to be in place and adhered to.
- The water law in Tanzania is highlighted.
- Water Rights are discussed

WATER RIGHTS

- Water rights administration is a multi-disciplinary practice that has evolved in each country.
- Research on functioning and applicability of Water Rights lacking
- Awareness of integrated and inter-disciplinary research projects is lacking.

WATER LAW

- The Water Utilization (Control and Regulation) Act No 42 of 1974 and its subsequent amendments govern the present water management in the country.
- Section 8 of this Act states that all water in Tanzania is vested upon the Republic.
- Section 14 states that no Person shall divert, dam, store, abstract or use water or for any such purpose construct or maintain any works, except in accordance with an existing right or with a Water Right granted under this Act.

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- A water right is therefore a right to use water for definite purpose(s). It is not an ownership of water or water sources as the word tries to connote.
- The water Law that entails r granting of Water Rights puts all the procedures and regulations that if followed, will allow water utilization in different uses and users without unnecessary conflicts.
- Furthermore, having such regulations puts the government in good position to exercise its powers in controlling its water resources builds awareness to users that water has a value and has a regulator.

GRANTING PROCEDURES

- Filling and submitting Water Right Applications forms & fees to the water Officers
- The WO acknowledges receipt of the aboves.
- The WO requests further information from sources he deems important and as per the W/Act.
- In most large water use projects the applicant is asked to submit an **EIA** Study Report.
- The WO will submit the application to the Principal Water Officer for information and for announcement in the Govt Gazette.
- The application published in the Government Gazette will also be made public at the respective District Commissioner' Notice board for 40 days.

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- The Basin Water Board discusses and advises the relevant WO on steps to take.
- WO will offer a Provisional Water Right Grant to last for a year
- If the works are not complete in the prescribed time the applicant will ask for an extension of time.
- Relevant Regional Water Engineer inspects the works and advices the Water Officer.

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- If satisfied, WO issues a Final Grant.
- Water right granted does not imply any guarantee that the quantity of water thereon referred to is or will be available.
- The WO on account of drought, the supply of water from any source is insufficient for the needs of the persons using it, the WO may at any time and from time to time, by notifying the holders of water rights suspend or vary all or any rights to abstract or use water from that source for such period as he may deem necessary.

WATER USES AND WATER RIGHTS IN THE GREAT RUAHA

- The uses include domestic, irrigation, power generation, livestock and wildlife.
- Irrigation include the large irrigation projects e.g. Kapunga, Mbarali and Madibira.
- Small irrigation farming in upper and lower catchment areas.
- In most cases, irrigation in the lower catchment is conducted during wet season.

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- Dry season irrigation is mostly concentrated in the upper catchment areas.
- Power generation plants in the area include those of Mtera and Kidatu.
- The oldest water right in the Great catchment was issued in 1951.
- The number of water rights and applications does not reflect exactly the number of users or the number of abstractions.

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- Some users abstract water from different sources without following the proper procedures.
- There exist about 300 legal water rights including the applications within the Great Ruaha catchment.

Status of Water Abstractions surveyed year 2003

Status of Abstractions	Number	Total (%)
Without Water Right	573	38
With Water Right	941	62
TOTAL	1514	100

ADVANTAGES OF WATER RIGHTS

- Government Control of water resources;
- Proper water management on property;
- Awareness of the users and proper valuation of the water resources;
- Conflict handling and Resolution
- Contribution to management costs
- Resource Management and Planning
- Bases for International Negotiations and Protocols

WATER RIGHT PROBLEMS AND WEAKNESSES

PROBLEMS

- Having a policy or a law is one thing and its implementation is another.
- Society unaware of the Nat'l Water Law.
- Many people believe water is God given.
- People care less for downstream users.
- Building up of awareness is a lengthy process and hence need time and resources.
- The Water Act is being revised to match the prevailing conditions.

WEAKNESSES

- Delays in Granting Water Rights.
- Stakeholders lack representation to the boards. The Minister responsible for Water Affairs appoints board members.
- Applications are not discussed at the community level before proceeding to Water Boards.

FUTURE OF WATER RIGHTS

Future Water Rights (NAWAPO, 2002)

- *To develop equal and fair procedures in access and allocation of the water resources.*
- To ensure that social and productive sectors, and the environment receive their adequate share of the water resources.
- *To ensure effectiveness and efficiency of water resources utilization.*
- To promote the management of water quality and conservation.

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- To improve the management and conservation of ecosystems and wetlands.
- To promote integrated planning and management of water resources.
- *To raise public awareness and broaden stakeholder participation in the planning and management of water resources.*
- To ensure financial sustainability and autonomy of Basin Water Boards

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- To promote regional and international cooperation in the planning, management and utilization of water resources.
- To provide the basis for future institutional framework and legislation for water resources management.