


## FACTSHEET ON WATER USER ASSOCIATIONS IN THE USANGU PLAINS OF THE RUAHA BASIN, TANZANIA

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### Introduction

Water User Associations (WUAs) play important role in the allocation, use and management of water resource. WUAs have a potential to regulate and harmonize water allocation and reduce conflicts. WUAs have been widely supported and accepted as a solution to amicable allocation mechanisms and sound intersectoral water management. In Tanzania, WUA have been popular in the past decade. There are several WUAs the Usangu plains. This fact sheet focuses on the formation process, legislative status, operations, and organizational life and finance capacity of WUAs.

### Legislative provision for WUAs

The new water policy recognizes WUAs as the lowest level of water management organization and encourages the formation and transfer of water rights to the same. The principal water act –Water Utilization (Control and Regulation) Act No.42 of 1974 and 1981 amendment do provide for WUAs. The 1997 amendment acknowledged WUAs as a promising set-up for handling water resource management. The principal act its subsequent amendments do not clearly empower WUAs to carry out water resources management; however fragments of various legislation gives various Water User Entities (WUEs) mandate to register and carry out statutory water management practices.

**Table 1. Various options for registering and operating Water User Entities**

Water User Entity	Where they register	Legislative provision
Water User Associations	Ministry of Water and Livestock Development	Water Utilization Act, amendment no.8, 1997
	Ministry of Home Affairs	Cap. 337 of the Civil Society Act (like NGOs)
Water User Groups	District Councils where they are based	Local Government Act. No. 8, 1992
Companies	Ministry of Finance	Companies Act no. 212, Section 3(1)
Cooperative Societies	Ministry of Cooperatives and Marketing	Cooperative Societies Act No. 14, 1982
Corporation Sole		Corporation Act No.25, 1974
Trustees	Ministry of Justice and Constitutional Affairs	Trustee Act Cap.375

This loose coordination and multiple registry makes it difficult to follow up WUEs and their cooperate performances since each of the five category has a different legal requirement for performance. For example, while WUAs and Cooperatives must operate democratically by holding regular meetings and voting under the one-man one-vote principle, these are not prerequisites for Companies or Trustees. Companies and Cooperation Sole may also foster individualism and profit maximization that may implicate the poor. As of now, the River Basin Water Office in Iringa does not know details of registration of WUEs. As a result, some WUAs have been granted water rights but they are yet to register.

### What is the role of the Ministry responsible for Water?

In the Ministry of Water and Livestock Development, the Directorate of Rural Water Supplies (DRWS) is registering Water User Entities as Water User Association, Water User Groups or Trustees dealing with domestic water or related uses. The Directorate of Water Resources has not registered any WUE but is expected to follow the trends of DRWS. Water User Entities (Registered by the DRWS under the Ministry of Water and Livestock Development) as of June 2003 are as follows:

**Table 3: Water User Entities registered in the DRWS of the MWLD**

No	Type of Entity	Basin			Total
		Rufiji	Pangani	L. Victoria	
1	Water User Associations	12	3	25	40
2	Water User Groups	0	0	1709**	1709
3	Water Companies	21*	2	0	22
4	Trustees	0	2	0	2
5	Cooperative societies	0	0	0	0
6	Corporation Sole	0	0	0	0

\* All water companies are in Morogoro Region

\*\* All water User Groups are Shinyanga and Morogoro and are made up domestic water users who use pumps.

The DRWS of the MWLD is encouraging formation of WUEs mainly for domestic water users. These are smaller and many in number, covering a small geographical area. In table 3. above, most WUGs in Lake Viictoria basin as small as a group of users in a single stand pipe! Some are reasonably large, encompassing the whole village. There is no standard size of the WUGs.

**Water User Entities (WUEs) in the Usangu Plains**

**Table 4. Nature of WUEs in the Usangu Plains**

No	Nature of user entities	No. of water rights	Percent
1	Water User Associations	16*	55
2	Water User Group	0	0
3	Cooperative Societies	4	14
4	Corporation Sole	0	0
5	Company	0	0
6	Trustee	0	0
7	Informal (not registered)	9	31
	<b>Total</b>	<b>29</b>	<b>100</b>

- ❑ Currently there are few WUEs in the Usangu plains which can not hold all water rights
- ❑ WUAs makes up about a half of all WUEs in the Usangu plains
- ❑ Cooperative Societies only 14%
- ❑ There are considerable informal unregistered groups that have water rights. These are about a third of all WUEs.

\* 7 of the WUAs above are actually irrigation project committee in irrigation schemes than WUAs.

**What are pressing issues about the WUAs?**

- ❑ Most water users have not been transformed to WUAs. Procedures for getting WUAs registered are tedious, time consuming and bureaucratic. Water users are expected to group up, prepare a draft constitution and forward it for registration. They are also expected to choose the type of entity under which register their organization. The whole process requires finance, organization, skills and legal understanding, which majority of local water users do not have.
- ❑ The present WUAs are concentrated in mid catchments, no WUA in the upper catchments, nor in the lower plains.
- ❑ The scope of operation for WUAs is not defined; it is not known whether they cater for sub-catchment or whole catchment and the operational linkages between/among WUAs in the upper and lower zones of the river is not provided for.
- ❑ Some donor-funded projects have picked up a challenge of supporting the formation of WUAs in the Usangu plains. RBM is supporting the formation of a catchment-wide WUA and WWF is supporting the formation of primary local level WUAs in the Mkoji and Chimala catchment respectively. Unless there is a standard guideline for formation and operations, there may be diverse WUAs that differ among themselves in practices and principles, a matter that may cause disorganization.
- ❑ RBWO has no mandate whatsoever to force water user groups to register as WUAs.
- ❑ WUAs are somewhat dominated by village elites who can write, read and speak out in the meetings. Ordinary villagers cannot make their way up the leadership position of WUAs.
- ❑ WUAs are not pro-poor; there is no deliberate arrangement to see to it that water requirements of the poor are met.

**Table 5. WUAs in the Usangu Plains**

No	Water use	No. of WUAs
	Irrigation	15
	Irrigation and Domestic	0
	Domestic	1
	Domestic and Livestock	0
	Livestock	0
	Livestock and Irrigation	0
	Others	0
	<b>Total</b>	<b>16</b>

- Almost all WUAs (94%) are formed by irrigators! As such, irrigators feel more 'qualified' to use water resources than other users.
- Livestock keepers, although are in serious need for water for livestock in the peak of the dry season, they have not been empowered to form any WUA, nor are they covered in the statutory water uses.
- The formation of WUAs have not been pro-intersectoral water allocation. Sectoral WUAs may turn out to be a new frontier for water conflicts.

**Table 6. Legal status of WUAs in the Usangu plains (n=16)**

No	Parameter	Associations			
		YES	%	NO	%
1	Have constitutions	14	88	02	12
2	Have functional committees	08	50	08	50
3	Hold Annual General Meetings	06	38	10	62
4	Hold other meetings regularly	04	25	12	75
5	Leaders are elected regularly by ballots	09	56	07	44
6	Operate in the principle of one man one vote (democratic)	09	56	07	44
7	Has accounts in Bank	07	44	09	56
8	Has some sort of account (in hand)	05	31		
10	Accounts are regularly audited	03	19	13	81

- Most WUAs (88%) have constitutions. However, majority of them do not follow important provisions in their constitutions; for example, although constitutions stipulate that leaders should be elected at regular intervals by secret ballots, only 56% of the WUA had done this in the past 3 years. Some WUAs simply appointed their leaders through a simple consensus when the former one(s) messed up. Some WUAs had never met for election and some simply passed their leaders to next term of leadership because they had performed better (as in Inyala ward).
- Only a half of WUAs (50%) had active, functional committees. The rest had nominal committee that does not take over responsibilities of water management seriously. This has culminated into various mismanagement outcomes such as nepotism (*mwana-wa-pepa* as famously known in Inyala and Imezu villages), conflicts and failure to abide to water rosters.
- Most WUAs do not meet regularly to discharge their collective responsibilities as provided for in their constitutions. For example, 38% of the WUAs in the Usangu plains hold their annual general meetings (AGMs). Even some those that hold AGMs do not meet regularly to discuss matters of their interest, making those that meet regularly to constitute only a quarter (25%) of the WUAs.
- Some WUAs are not democratic enough. They tend to be dominated by village elites who can write, read and explain themselves lucidly in various forums within and without the villages. Of the WUA studied in the Usangu plains, only 56% operate under the principle of one-man, one-vote and elect their leaders regularly by secret ballots.

#### Finance Management in the WUAs

WUAs are expected to be autonomous organization that can operate their own accounts and take over the operations and maintenance of water management infrastructures. WUAs have been promoted in Tanzania since 1997 and by now WUAs would have put up a sustainable structure, which can accommodate the O&M as well as other organizational costs. Only 44% of the WUAs have accounts in bank. Some 31% have some finance arrangements where funds of the WUAs are kept by the responsible officers in their homes. The remaining (25%) does not have finances whatsoever!

Most WUAs do not abide to financial regulations. Only 19% have their accounts regularly audited. The rest (81%) do not audit accounts, thus providing doubts and allegations about finance mismanagement amount the members. While WUAs stand to be blamed for un-audited accounts, macro-institutional framework for auditing has seriously implicated WUAs. The audit exercise is very expensive, especially when it involves raw documents prepared by unqualified

accountants in the WUAs. COASCO (Cooperatives Audit Services Company), a government quasi-audit company which is statutory empowered to audit primary cooperative societies at a subsidized rate is legally authorized to audit WUAs; thus complicating the audit process.

**What is the effect of WUAs not meeting frequently?**

The organizational life is the function of regular meetings of its members and committees. If WUAs cannot meet, they may not be efficient in solving various challenges that arise among water users in the daily undertakings. The figure below shows the impact of delayed meetings in WUAs.

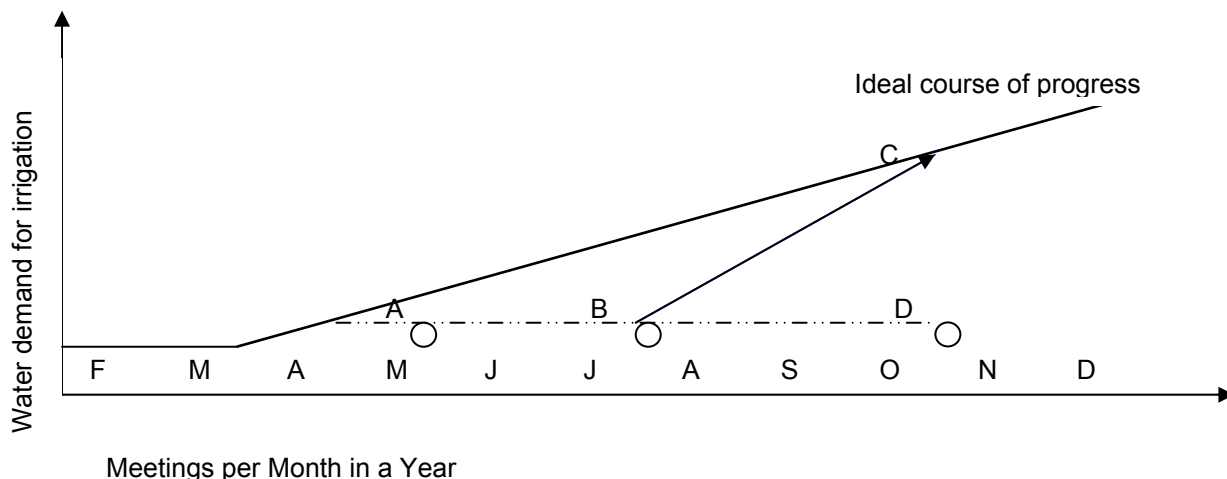


Fig.1 Effects of failure of WUAs to meet as planned

WUAs do not meet frequently. This affects their operations and performance. Figure 1 illustrates the effects;

Point A, problem related to water allocation is recognized at, say, monthly meeting in the end of April when the long rains ends. Assume the problem to be a misunderstanding in the levels of water allocation between two irrigators. At Point B i.e. by July, appropriate action is taken to handle the problem; that is, advice the irrigators and give a directive on the allocation. By the beginning of October when it's just about the peak of the dry season, a solution has been employed and the relations are brought to normalcy.

Point D shows the problem is recognized but it is too late to design a solution strategy. As a result, the conflict has reached advanced stage and cannot be handled within WUAs.

**What role do Ward Councilors play in water management in collaboration with WUAs**

**Different Roles Played by Ward Councilors toward water management**

Roles Played by Ward Councilors	Wards in Rujewa District			Wards in Mbeya Rural District	
	Ruiwa	Igurusi	Utengule	Inyala	Tembela
Mobilizing funds for repair or laying of domestic water systems	√	√	√		
Mobilizing community to repair intakes and canals				√	√
Mobilizing community members towards formation of WUAs				√	
Mobilizing community towards application for water rights	√				
Mobilizing community towards setting by-laws	√			√	
Negotiation for water with upstream users	√				
Informal arbitration of water related conflicts	√				

WUAs have not fully partnered with Ward Councilors in developing water management solutions. This is a potential areas that need to be focused on by both WUAs and Ward Councilors.