

COOPERATION IN MANAGEMENT OF WATER RESOURCES IN THE RUIZI CATCHMENT, SOUTHWESTERN UGANDA

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ABSTRACT: Transboundary water resources management is one of the new areas in the sustainable management of water resources in Uganda. The area of lakes shared between Uganda and neighboring countries is approximately 79,000 sq. kilometers. Most of the water resources in the country cut across district boundaries. Cross-sectoral institutional framework for water resources management is vital to manage transboundary water resources with an enabling legal and policy framework in place. River Ruizi is one of such rivers that transect five districts in Southwestern Uganda with a weak or inadequate enabling environment to manage the water resource across the districts. Through this study, the existing practices and weakness of the legal and policy framework are elaborated and a proposed harmonization of policies is suggested for the Districts sharing water resources in Uganda.

1 GENERAL INTRODUCTION

1.1 Background

The River Ruizi transects five districts located in Western Uganda. This river is the major source of economic activities in the districts. Several activities take place within and at the river banks of the resource. Such activities include cattle rearing, brick making, use of the papyrus reed for making baskets, mats and art pieces, agriculture growing and planting of eucalyptus tree planting. These activities are all done without notification of downstream users as a result the river has deteriorated both in quantity and quality and drying up of wetlands fringing the river.

The Reform Study of the Directorate of Water Resources Management provides a unique opportunity to build on the efforts made to protect, use and manage freshwater resources in a sustainable manner. In the current study, highlights of existing legal and policy frameworks are evaluated in establishing the integration of transboundary context in managing shared water resources at District level.

1.2 Study area

The study area covers a total geographical area of approximately 8,346 sq km, subdivided as follows: Land Area 78217 sq km, wetlands 240 sq km, Forests 207 sq km and open water area 85 sq km. The lowland areas are occupied by the wetland systems. The figure shows the location of the Ruizi in Uganda and geographical extent.

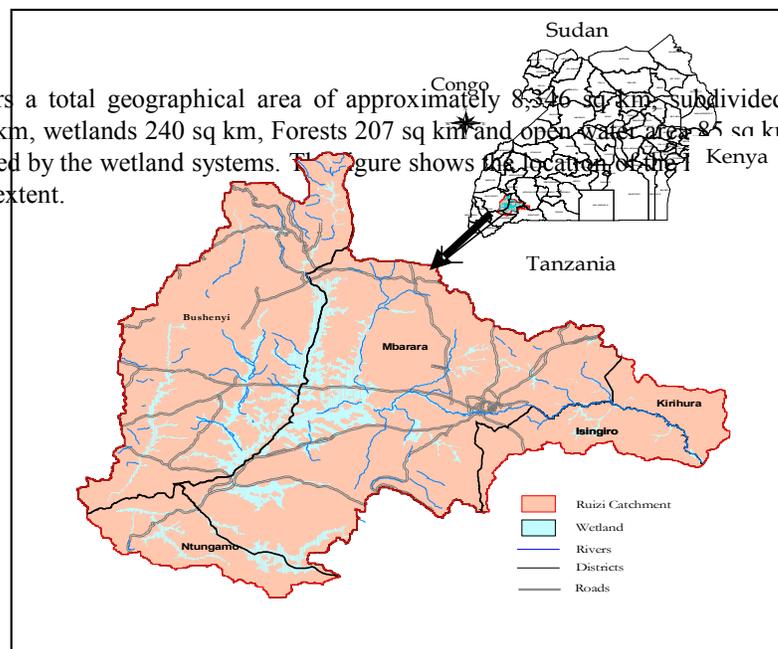


Figure 1. Location of R. Rwizi and the various districts through which it transects

1.3 Topography

The average altitude is 1800 metres above the sea level. The landscape is generally hilly especially in the South and Northwest and consists of rolling hills intercepted by wide and narrow long valleys.

1.4 Objectives of the study

The major objectives of the study are to:

- Study existing practices of the legal & policy frameworks for integrated water resources management in the catchment.
- Examine the weakness in the legal & policy frameworks for IWRM

2 FINDINGS

There is a comprehensive policy and legal framework for management of water resources in Uganda. This framework encompasses, in addition to water resources, water supply, the environment, institutions, a set of interrelated policies and laws (acts), among which are: The National Water Policy (1999); The Water Act (1995); The Environment Act (1995), The National Water and Sewerage Corporation Act (1995), and the Local Government Act (1997), among others. The acts are underpinned by a series of strategies, regulations, standards and guidelines from which the Districts develop policies for management of the environment.

Though many of the above instruments have existed for a decade or longer, some of their goals are not yet fully realized, especially at local government and grassroots levels.

2. Existing practices of the legal and policy frameworks related to water resources

2.1.1 National Water Policy

The National Water Policy (NWP), adopted in 1999, provides the overall policy framework for the water sector. The National Water Policy promotes the principles of integrated water resources management as a means to ensuring sustainable management and utilization of Uganda's water resources.

The policy also recognizes water as both a social and economic good, whose allocation should give first priority to domestic use. The Policy is based on the principle of "some for all, rather than all for some" adopted from the 1990 "New Delhi Statement". It emphasizes operation and maintenance as an important and integral part of all water and sanitation programs and projects to ensure their long-term sustainability. The policy also highlights the key role played by women in water development and management activities.

The National Water Policy also supports the water resources management strategy contained in the Water Action Plan (WAP). The key strategy elements in the WAP are those supporting an enabling environment, those guiding institutional development and improving planning and implementation capacity and prioritization of water allocation and use.

2.1.2 National Environment Management Policy (NEMP)

The NEMP sets out the overall policy goals, objectives and principles for environmental management in Uganda. The overall policy goal is:

"Sustainable social and economic development, which maintains or enhances environmental quality and resource productivity on a long-term basis that meets the needs of the present generation without compromising the ability of future generations to meet their own needs."

This Policy also allows for the formulation of sectoral or lower level policies concerning environment and natural resources management. Some of the policies that have been formulated in conformity with the NEMP include: the National Water Policy (1999), the National Wetlands Management Policy (1996), the Fisheries Policy (2000), the Forestry Policy (2001), the draft National Soils Policy, and a number of District Environment Management Policies.

2.1.3 National Wetlands Policy (NWP)

The National Wetlands Policy (1995) aims at promoting conservation of Uganda's wetlands in order to sustain their ecological, social and economic functions for the present and future generations. Many wetlands in Uganda also have transboundary significance, serving as habitats for migratory waterfowl and other fauna as well as being part of transboundary river and lake basins and catchments

2.1.4 The Water Act, 1995

This act provides the legal framework for use, protection and management of water resources and water supply. The Water Act, enacted in 1995, is the principle law for the water sector, which incorporates legislation for both water resources management and water supply and sanitation. The Water Act is a modern water law, in that it is flexible, deferring details to regulations that can more easily be changed as conditions change and provides for delegation of powers and broad exemptions from regulation.

At the outset the Act confirms that all water in Uganda is vested in the government and that rights to use water; to construct or operate any works; or to pollute water can only be conferred under the provisions of the Act. Besides general rights to use water for domestic purposes, fire-fighting, subsistence garden irrigation, the Act does not authorize allocation of permanent water rights, but rather provides for the issuance of time-bound permits to abstract water, to construct hydraulic works and to discharge waste.

The basic foundation of most of the Act's provisions is the balance between protecting the environment and ensuring the availability of water of sufficient quality and quantity to the population.

2.1.5 The Local Governments Act, Cap. 243

This act provides for the decentralization of environmental services and establishes the District Environmental Committees and Local Committees charged with observance of all activities that may have an impact on the environment.

2.2 Weakness in the legal & policy frameworks for Integrated Water Resources Management

In spite of the above legal and policy frameworks in place below are some of the areas of weakness;

- There is a lack of effective policy framework and implementation mechanisms in place at district level.
- There is also the lack of effective implementation of existing legislation and regulatory mechanisms
- Harmonization of policies, legislation and action plans of the multi-sectoral units through an ecosystem approach.
- Most importantly the integration is the transboundary waters into the policies and legislative framework in deficient.

3 CONCLUSIONS AND RECOMMENDATIONS

- The policies and legal framework both nationally and locally in relation to transboundary water resources is of limited awareness and needs to be emphasized at district level to create cooperation, equitable and sustainable utilization of shared resources. This would in the long run improve the governance of water resources nationally.
- Integration is the transboundary water use into the policies and legislative framework. The National Water Policy should provide explicit provisions for the management of water resources. This would promote interdistrict transboundary water cooperation as a tool for conflict prevention and benefit sharing.
- Promotion of joint water management and transboundary institutions in the basin.
- Promotion of improvement of intra-sectoral and inter-sectoral water use of the districts for sustainable utilisation of water in the basin.

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