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Selling the Earth's Blood!

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Although Sri Lankan Constitution is silent on water resources, the South Africa Constitution states that "Everyone has the right to have access to sufficient water"

This should be the same rights for the all living being including Sri Lankans and its ecopartners.

Sri Lanka is the country that owns the most historical irrigation system. Today the new generation of the King Parakramabahu has stated in its National Water Resources Policy "that all surface and ground water are owned by the state and managed by the government in partnership with water users on behalf of all Sri Lankans. "

King Dewanampiyatissa was told three centuries before the birth of Christ, we are its guardians not owners.' The government is the trustee of the water resources and they cannot be the owners. Water is a fundamental right of the people. Can the Government breach that right?

If water becomes a government property, would we have a fundamental right to use such water? If the government does not allow the use of water should we stop cultivation, drinking and using water for other purposes? Can the government be the owner of the water under the soil of our land? If the water is owned by the state then what happens to the air we breath. If the government says that the air is owned by the state should we get a permit to breath? If we accept that state owns water then the question is who owns the rain?

However, more and more water is being taken out of the hands of the small communities, siphoned-off for bigger causes, and later reallocated at higher prices. The human and environmental consequences of short-sighted management cannot be underestimated.

Water is a powerful symbol throughout the world, carrying with it ideas of baptism and new life, cleansing and healing, and the promise of growth and prosperity. In contrast, in a region of growing demands on a limited resource, the increasing scarcity of water could result in devastating conflicts and catastrophes.

In this context water should be managed, conserve and protected. Colonial rulers brought the laws to get the land rights through the Waste Land Ordinance. At that time the land was a scarce item since they wanted big lands for the cultivation of Tea and Coffee. In those days water was available throughout the country. Clearing of such watersheds made water a scarce material. Now the Multinationals who are behind the World Bank, ADB and the IMF want to rape both land and water in the name of globalization.

Dr. Baouman of the International Rice Research Institute states that –

" If we force farmers to save water, then land productivity will go down. Land will no longer be the scarcest commodity. And, if farmers must pay for their water, then they'll want to measure their efficiency in terms of water productivity. "

The big argument of the policy makers is that paddy farmers waste the water resources. If we take the amount of water used by the plants, and compare this with the amount that is getting lost through seepage, percolation, and evaporation in the field, then we get an average efficiency level of about 30 percent. That means 70 percent of irrigation water is lost. " But is it really lost?" Large amounts of it flows back into the system and is used again downstream.

So the issue is not whether farmers waste the water, but whether our irrigation system is efficient enough to reuse that water. In most recent irrigation systems once water flows out of the field it is never use for irrigation again. What king Parakramabahu did was construct a system that collected the water leaving the paddy field. That is how he ensured that a drop of water will not go into the sea without being used for agriculture.

Furthermore, we had rice varieties which did not need such large amounts of water. The brother organization of International Water Management Institute (IWMI) which is International Rice Research Institute (IRRI) destroyed these varieties during the Green Revolution. Now they want to discourage people from engaging in paddy cultivation. The constitution of this organization clearly spelled that water pricing and preparation of water policy is within their mandate.

If the policy considers the flow from the paddy field as a waste of water, why didn't it considers the pollution downstream? A single industry can pollute the entire water in Kelani, Kalu, Bolgoda, Lunawa, Muthurajawela and Negombo lagoons. Shrimp farmers polluted the whole Lagoon system in the North Western Province. How can they be not responsible for the water wastage? If the policy really considers the wasting of water, the water taxes should have started from those polluters. The polluter tax could have the alternative way of doing the same.

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Water is already a disputed resource. People in the Kirindi Oya Basin already have disputes with Pelwatta Sugar Company on this issue. Water in Kantale Tank and even in Mahaweli is subject to disputes. In spite of this the poor farmers still have access to water, because there is no written right or entitlement to those powerful companies.

However the National Water Resources Policy will ensure that the water users need to obtain the Water Entitlement from the proposed National Water Resource Authority.

The Draft water Resource Regulation states that –

"After the date specified in a Notice under section 23 of the Act, no person indicate in that Notice shall divert, abstract or use water resources, except under an in accordance with a water entitlement issues to him by the National Water Resources Authority"

The policy also states that –

"the right to water will be granted through Water Entitlement".

It also states –

"Small scale users and individual water users supplied through group schemes will be exempted from the requirement to hold an entitlement. "(Page ii)

It is clear that the proposed water Resource Law is bound to protect the rights of the water entitlement holders. If the small users do not have such entitlements the Law will not protect their rights. Who can believe that this will not happen in the future?

The policy further states that "Small users will be exempted from the requirement to hold water entitlement, BUT local governments will be encouraged to register small wells and to apply guidelines on well density in ground water management areas".

While ground water management is necessary, this statement implies that the public will have to register their small wells.

Regulation 3 (1)states –

"An application for a water entitlement shall be submitted to the Authority in triplicate, and shall:- (e) be accompanied by the fee specifies in schedule II hereto."

Schedule II indicates the application fees which are –

(a) Registration of existing use Rs 500

(b) Application for water entitlement Rs. 1000

(c) Renewal of water entitlement Rs. 500

(d) Declaration or transfer of water entitlement Rs. 150

(e) Application for transfer of water entitlement Rs. 1000

Therefore one can believe that the registration fee for an existing well is also Rs. 500..

Ambilipitiya Pradeshiya Saba already collects Rs 500 from a user of a tube well. This could be another scheme for the implementation of this policy.

It is clear that not only an application fee but also an entitlement fee will be levied. This will depend on the quality, scarcity, etc. of the water.

The said water entitlement can be transferred, mortgaged or sold to any other person. Also this entitlement is necessary for drawing water from a surface water well, tube well, aquifer, river, reservoir, tank or any other water sources.

Regulation 8 state that "the holder of a water entitlement may apply to the Authority for the renewal of his entitlement, at least (six) months before the date of expiry of that entitlement."

This shows that the entitlement is not forever and that the holder has to pay a fee from time to time to the authority. Although the small users do not need to get an entitlement, the Farmer organizations or the water distribution facilities will have to obtain that entitlement. This means that finally the cost will be levied on the small farmer or the individual users by those entities.

Therefore the price of electricity, water and all other products which use water as a raw material or in the process will definitely increase.

At present the Policy states that the users will have to bear the cost share of the water schemes. In the future the Government can ask the people to pay the full cost since the government does no have money to manage those schemes. I do not see any limit to the price increases.

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