

Towards a developed water resources management plan

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WATER RESOURCES: I salute the Secretary to the Ministry of Agriculture, Irrigation and Mahaweli Development for displaying courage to publish the draft National Water Resources Management Policy (NWRMP) even though the draft needs substantial review.

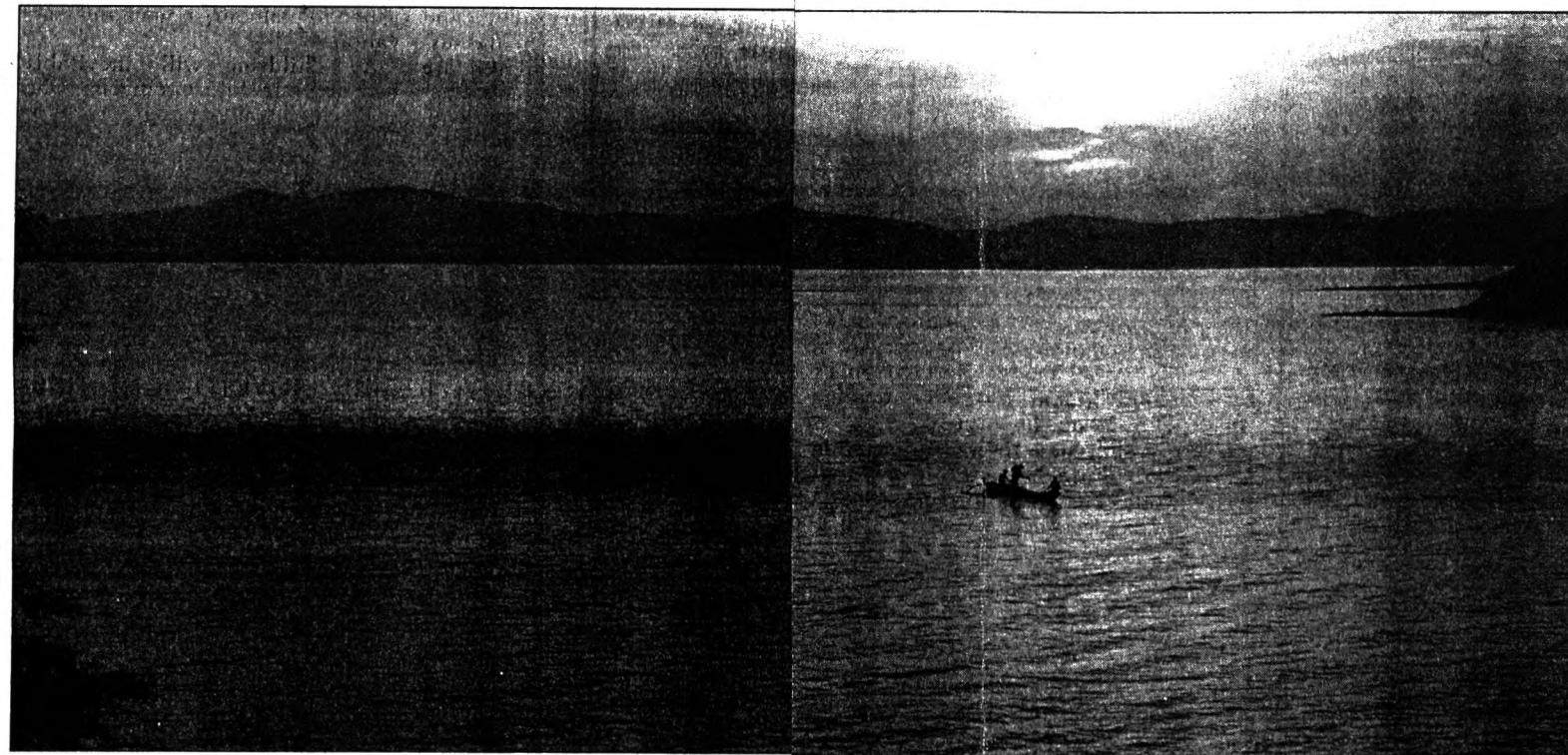
The policy development process in Sri Lanka has a chequered past. In March 2000, National Water Resources Policy and Institutional Arrangement was approved by the Cabinet. However, public may remember how the water policy was made the red herring by all successive governments, particularly during times of elections. The current draft too may face the same fate unless policy proponents understand the principle, contents and logic presented in the policy.

Justification given in the draft policy clearly identifies the growing competition for water among different stakeholders. Therefore, what we need is a rational water allocation policy considering the limited nature of the resources.

Often we find statements to say "when Sri Lanka had a predominantly rural agro based economy with few industries and only a limited population; Integrated Water Resources Management (IWRM) was not a pressing problem". It is fashionable to use such quotations where IWRM is presented as the panacea for all water use problems. Once Mahatma Gandhi said that there is "enough water for one's need but not for one's greed", thus it is how one manages the limited quantity of water that matters in future.

Increasingly, IWRM is being proposed as the way forward. I have no qualms about IWRM as a 'concept'. Technically it is possible to accept IWRM as a means to manage limited water resources but is it practically possible? Integrated water resources management is nothing new to Sri Lanka, however, current wave of IWRM began in mid 1990s with the Global Water Partnership (GWP) taking a lead role to promote IWRM in the international arena.

One of the key concerns in IWRM is consensus among stakeholders. The concept assumes consensus, openness and inclusiveness in decision making with respect to rational allocation of water among stakeholders. All sounds good in theory. Practically it is the most difficult. Especially, in South Asian context, even intra institutional



WATER RESOURCES: absolutely essential for national sustenance

consensus is difficult not to mention of inter institutional agreements. This was evident in the very temple of GWP in South Asia. GWP South Asia regional office had to be discontinued due to poor consensus, understanding and inclusiveness among its own stakeholders. Therefore, it is always good to understand the issues and relevant actors in water resources management before boarding the IWRM bandwagon.

Current list of policy principles presented in the draft policy have undergone many changes over time due to political sensitivity. In the process of change some policy principles have lost its dimension as principles governing water. For instance, the first two policy principles in the published draft policy are 'statement of facts'. It says "water is a limited resource" and "water is a basic need" these are unchallengeable facts. In the confusion between principles and statements, policy has sacrificed the 'human rights' aspect of water to 'basic needs'. This can have implications in allocations priorities. One of the fundamental problems in the draft policy is the attempt to avoid some of the important interventions. For instance, policy appears to be shying away from the new institutional arrangement. It has used many words to cover up what is to be the "National Water

Resources Authority" (NWRA). Similarly, groundwater regulation, a function identified with NWRA is delegated to a "relevant institution". Currently there is no institution to regulate groundwater use. Original water policy (approved in 2000) explicitly mentions that NWRA will regulate groundwater use through a system of 'entitlements' or 'permits'. If the current draft policy assumes a different mechanism then it should be presented upfront without trying to cover up through "relevant institutions"

Ownership

The underlying principle of the original Water Policy of March 2000, was to establish property rights to water which could then behave as a 'commodity'. Civil society challenge against the water policy in early 2000 was due to establishing ownership to a 'common property'. Policy development process has failed to realize the importance of the 'human rights' aspect of water. This is reflected in the present draft too. Being a signatory to the UN general comment No. 15 of 2002, on "UN committee on economic, social and cultural rights", water has to be recognized and respected as a 'human right' which is indispensable for leading a life in human dignity. Policy drafters have paid scant respect to this conven-

tion or had no knowledge on the UN covenant.

The draft policy considers water as a "public asset" ignoring the importance of water as a common good. Definition for 'ownership of water' is much debated. Over the long process of policy development, definitions given to ownership of water changed from, State ownership (2000), basic need and natural capital (2003), fundamental right (September 2004), public property (February 2005), common resources (April 2005). Such is the diversity of confusion. Ownership to water can determine whether it is a 'commodity' or a 'social good'. Currently, water is 'scarce' resources, it has a utility value but ownership rights are not established. With established ownership rights, water can become a full fledge commodity, which can then be transferred or traded provided there is a demand in the market.

This was the thinking behind the original policy of 2000. Some of these elements are still present in the current draft policy. If ownership is established, water rights can be transferred through a mechanism of 'entitlements or permits'. The draft policy avoids mentioning either of these measures but say through 'appropriate mechanisms'. Further, I am doubtful whether a 'public asset' can be transferred without the approval from public.

All this confusion and ambiguity is a result of poor understanding on the contents of the policy.

Water allocation

This is the most important section of the policy but the draft does not appear to give adequate attention to a clear strategy for water allocation among different users. It appears that the policy proposes an allocation mechanism for all water users including innumerable small scale water users. However, I would assume that allocation mechanism proposed in the draft policy refers only to "bulk water" users. Small scale water users will have their own arrangement to allocate water from bulk users. Draft policy stresses the importance of participatory decision making process among all stakeholders.

It is very good if this can be as simple as it sounds. Thuruwila water conflict in Anuradhapura, clearly illustrate the difficulty of arriving at consensus among water providers (irrigation verses domestic) though both are expected to serve the public. Draft policy has singled out River Basin Organizations (RBOs) as the 'focal point' for implementing the water resources plan. It has entrusted the RBOs to ensure efficient and equitable allocation of water among stakeholders. This to me is very idealistic.

Given the dynamics of local institutions how feasible is this proposition? What is the current status of Kala Oya River Basin Committee? Those involved in policy formulation will have to take stock of all these before thinking of new institutions for water allocation.

The draft policy brings back the same three tier institutional arrangement which was highly contested during post 2000 policy debate. Creating another authority for water resources management is very sensitive given the traditions of water institutions in Sri Lanka. Although this institution is expected to coordinate and regulate water resources with a small staff, in reality this is not possible. Past experience suggests that when such institutions are assigned under subject specific ministers, they become huge gigantic monsters with a staff of no less than 1000-2000. This is the political reality of our country. NWRA was once thought as the 'Apex body' for water resources management (common feature in South East Asian water sector reforms). What would be the position of other water related institutions if NWRA is the water 'Apex body' in Sri Lanka? Will NWRA function as the umbrella organization? All these are questions for the concern water professionals. Therefore, while establishing an institution to regulate and coordinate water resources is good in theory, practically it will create more confusion and opposition than coordination.

Certainly, we need a water resources allocation policy. We need to get our water allocation priorities right under both normal and disaster situations. Water resources have to be identified as a common resource with the State as the custodian.

Water allocation has to be governed by a well developed water resources management plan. Priority will have to be given to surface and ground water resources assessments including a comprehensive demand assessment.

Macro level water allocation policy should be the responsibility of the State (in partnership with other stakeholders) according to a defined allocation plan while micro level water allocation can be through RBOs or Community Based Organizations (CBOs) where appropriate. However, it is advisable to test the new allocation and institutional arrangement in a few selected river basins before recommending to the country as a whole.