Presentation on Groundwater regulation development – the Zambian case

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1. INTRODUCTION

The Water Resources Management Act No. 21 of 2011 (the “WRM Act”) established the Water Resources Management Authority (“WARMA”) and defines its powers and functions.

The WRM Act repealed and replaced the Water Act of 1949 which also meant that WARMA would replace the then Water Board.

WARMA’s core objective is to manage, develop, conserve, protect and preserve water resources both surface and groundwater.
2. WARMA Overview

Key Developments:

- Water Resources Management Authority (WARMA) was born out of the Water Resources Management Act No. 21 of 2011
- WARMA Board was appointed April, 2013 and Management in 2014
- Staff recruitment in progress

WARMA’s Role:

- Allocation of water permits for surface and groundwater resources.
- Protection and conservation of all surface and groundwater resources.
- Catchment management by IWRM principles.
- Presiding over all water conflicts.
- Climate Change Adaptation Support.
- Registering and Licensing of all Drilling Companies in Zambia.
3. Background on Water Sector Reforms

- 1949 Water Act governed Zambia’s Water Sector between 1949 and 2011
- The act only recognized Surface water as a Public good and not groundwater
- Reason to believe water was in abundance in Zambia?
- 1994 water sector reforms with the development of Sector principles
- Major highlight was separation of Water Supply from Water resources management
- Meantime water rights for raw water use continued to be granted by the Water Board
- This paved a way for the formulation of the 2010 National Water Policy
- The policy reflected IWRM principles and reclassified groundwater as Public Water
- Circa 2011, the journey for groundwater regulation began
4. Strategic Approach

Required steps for the implementation:

1. Regulatory Framework Development (SI = Statutory Instruments)
2. Physical and Legal Delineation of Catchments
3. Development of permitting system for surface and groundwater
4. Pricing strategy for surface and groundwater use
5. Human Resource Development Strategy
5. Regulatory Framework Development (SI = Statutory Instruments)

• Review of the WRM Act No. 21 of 2011 displayed 64 instances requiring Subsidiary legislation in order to achieve full implementation of the new Water Act (Jhala, 2011)

• 64 Statutory instruments would be impractical, These were clustered into Eight Thematic categories namely:

I. General provisions
II. Catchments and Sub catchments
III. Groundwater and Boreholes
IV. Dams and other Water Works
V. Licensing of drillers and constructors of water works
VI. Permits for water use and allocation
VII. Water resource protection area
VIII. National monitoring and information system
6. Chronology of groundwater regulation development

III Groundwater and Boreholes

Secure funding from skat, BGR UNICEF (August 2015)

Constitution of Technical Working Group (TWG) - January 2016

V Licensing of Drillers and other Constructors

Thematic Group meetings with consultant develop Technical Content – May – December 2016

TWG broken into Thematic Working Groups - February 2016

VII Water resources Protection areas

Technical content Delivered to Ministry of Justice for legal Drafting (consultancy???) - July 2016

WARMA - Water Resources Management Authority
7. Challenges

• After enactment of the Principle Act for water resources management, there were no funds dedicated to enacting subsidiary legislation leading to ‘firefighting’ in resource mobilization. This consumed much of the time in the lead up to implementation. Forest Act was another case in point.

• ‘Donor cloud-out’ syndrome – This is a situation where donors pledge and along the way, they change targets or deliverables and thus creating a funding gap.

• ‘Scramble’ for regulatory space with other agencies (Environmental Management, Council of Construction, Engineering Institution of Zambia, Business Review Regulatory Agency, Mine Safety Department, Radiation Protection Authority)
8. Groundwater regulation in prospective

- Drilling will be controlled through authorization to drill
- Increased hydrogeological information collected through groundwater completion reports
- Licensing all persons in the trade and business of water
- Declaration of water resources protection areas
Thank you

• UNICEF
• Skat
• BGR

WARMA - Water Resources Management Authority