

conference call

Water reform in Africa: buying a maternity dress for a woman who is not yet pregnant

In a consultative workshop of the newly established Mazowe Catchment Council in Zimbabwe, villagers commented on the new Integrated Water Resources Management (IWRM) concepts such as basin-level 'water allocation': 'We are wasting time discussing what should happen tomorrow when we have nothing now and are unlikely to see these plans materializing. This is like buying a maternity dress for a woman who is not yet pregnant. You should build dams in rural areas first before you can talk about water allocation' (Chikozho and Latham, 2005).

This illustrates, in a nutshell, how informal, largely agrarian water users without even minimal access to infrastructure for domestic and productive water uses perceive the new water reform as introduced in Zimbabwe and many other African countries since the 1990s. While these reforms, under the banner of Integrated Water Resources Management (IWRM), may at least partially work in the formal water economy, they fail to match the informal sector of the majority of small-scale water users in rural Africa.

This alarming gap was the central theme of the international workshop 'African Water Laws: Plural Legislative Frameworks for Rural Water Management in Africa', held in South Africa from 26–28 January 2005. The workshop was convened by the International Water Management Institute and eight partners, and attended by water lawyers, water resource planners and practitioners, technical and social scientists, and NGOs from Africa, Asia and Latin America. The 33 papers and concluding recommendations are downloadable from (www.nri.org/waterlaw/workshop/papers.htm).

IWRM reform, including the introduction of administrative water rights systems, tends to ignore local community-based water arrangements that have stood the test of time in Africa's harsh environments. Studies of community-based water arrangements in

Ghana, Niger, Kenya, Zimbabwe, Tanzania, Malawi, Zambia, Eritrea and Ethiopia highlight the effectiveness of local community-based water arrangements. These arrangements are characterized by: high flexibility, resilience, and adaptation to local needs and opportunities; security for those who make investments in infrastructure that they are also entitled to reap the benefits; the ability of community groups to engage in collective action to mobilize funding and labour inputs; transparent and relatively equitable regulations for sharing water, including open access for all to drinking water; safety nets for the most marginalized; and highly sophisticated conflict-resolution procedures.

Of course, recognizing the strengths of local community-based water arrangements is not to say that they are ideal. Control over water often remains relatively weak, which keeps the agriculture-based livelihoods of an expanding population too dependent upon seasonal and yearly variation and an unpredictable rainfall. Indeed, there is a need to improve the availability of technologies and to catalyse accountable collective action for investments, operation, and maintenance – an endeavour strongly supported by governments and international development agencies until the 1990s.

Problems with statutory IWRM reform. The nation-wide introduction of IWRM water reform and administrative water rights slowed down the pace of, or even stopped, this infrastructure development agenda. In spite of relative water abundance, the water agenda for appropriate storage and further development shifted to regulation that risks adding new burdens to small-scale rural water users without any benefit.

The new laws stipulate that whoever abstracts and uses water for production – as the majority has done for centuries without any contact with government – needs to register to obtain a certificate, and to pay a fee for basin and national water resources management – in addition to any water-use fees for infrastructure and direct water supply or irrigation services. The general need to pay for collective goods is often more or less accepted, even though the concept of paying for using water is totally alien to customary norms. However, payment to distant basin or national governors without seeing any improved service delivery meets fierce protest, as reported in

Zimbabwe and Tanzania. Registering millions of scattered remote informal water users is bound to become a logistic nightmare anyway, with the costs of collecting fees outweighing the amounts collected.

The new administrative water rights systems in Africa further risk aggravating conflicts over water, which typically occur in the dry season. Effective community-based arrangements for sharing water over longer stretches of the rivers, or between pastoralists and agriculturalists, are disrupted. As reported in small-scale informal river abstraction irrigation in Tanzania, those who got a formal water right and paid for it, typically the well-organized male élite, now use that to claim more water over their fellows. It is true that it incites some other water users to also register, get a water right, and pay. However, the most remote, illiterate, unorganized water users who are most unlikely to ever register are even more excluded from their share in dry-season flows. Anyhow, under-resourced water departments in poor rural areas without much infrastructure or measuring devices have hardly any concrete means to either guarantee the water rights they issue or curtail excessive use. Moreover, formal water rights which refer, at best, to annual average water volumes may be somewhat appropriate for tariff setting, but they are useless for managing water conflicts during the dry season when minimum quantities have to be shared.

Lastly, formal registration requirements for domestic water supply services, for example in Niger and Kenya, have become so bureaucratic that informal small-scale users are bound to go 'illegal' if they want to improve people's minimum access to domestic water.

Recommendations from the workshop for IWRM in rural Africa.

- Revive the water development agenda, wherever water resources are available but underdeveloped.
- Build on and strengthen local community-based arrangements in mitigating localized and seasonal competition over water.
- Introduce water administration only in situations where the logistic costs of collecting fees are less than the revenue, and where a tangible service can be delivered in return.

*Barbara van Koppen, International Water Management Institute (IWMI)
b.vankoppen@cgiar.org*