

NATIONAL WATER RESOURCES POLICY

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National Water Resources Policy (Draft)

1. THE VISION

National Water Resources Policy envisions “A society that values the sustainable use of water resources and recognizes the goal of a balanced environment conducive to social and economic development”.

2. THE NEED FOR A NATIONAL WATER RESOURCES POLICY

When Sri Lanka had a predominantly rural, agro based economy with few industries and only a limited population Integrated Water Resources Management was not a pressing issue. In the more recent past, however, this picture has changed dramatically. Demand for water in every economic sphere is increasing with an unhealthy competition resulting in an unregulated exploitation threatening depletion and degradation of quantity and quality of a resource. With the transformation of the agrarian society into an urban society, the main issue that the water sector is faced with is to meet the growing sectorial water demands i.e. domestic industrial, irrigation agriculture and hydropower while maintaining a minimum flow to sustain the ecological health of our water bodies. Although Sri Lanka has a high rainfall on an average basis wide variation of regional water availability is causing water stress in dry zone areas.

Competition among water users, lack of compliance on the part of the pollution control, poor land use policy is threatening critical watersheds. Lack of data and information for real time water planning is a setback for equitable water allocation. Absence of a legal basis to safeguard water rights discourages promotion of user commitment for protection and conservation. Degradation of river environment due to sand and clay mining waste dumping are major issues causing damage to river health and water resources systems.

Opportunities for further development of water resources being limited, expensive and fraught with socio-environmental issues, a greater part of the future demand has to be met from re-allocation of already harnessed water resources. Issues that could emerge with such allocations need to be addressed. The present legal provisions are scattered across a number of legal enactments implemented through functional agencies and are grossly inadequate to deal with the present situations. Some of the alarming environmental evidence has prompted the government to take action in the past decade to reform the natural resources management structure of the country.

The National Water Resources Policy therefore needs to adopt effective measures to regulate water allocations, prepare plans for integrated water resources development, management and conservation of water resources while introducing legislation to recognise the rights of water users and grant water rights to them. National Water Resources Policy anticipates empowering stakeholders in the decision-making process for sharing the already harnessed resources.

3. SCOPE

The National Water Resources Policy applies only to fresh and brackish waters of Sri Lanka; Marine waters are excluded from this policy.

4. OBJECTIVES

The overall objective of the National water policy is to encourage Integrated Water Resources development and management, to ensure that the national water resources are conserved and efficiently managed and equitably allocated among all stakeholders to meet the needs of the society and the environment.

In reaching the overall goal, the Policy is intended to:

- Facilitate national development.
- Ensure the water security of the nation;
- Conserve and recognize the value of the scarce water resources.
- Ensure a flexible water allocation criteria which will promote social harmony among competing uses;
- Recognise water rights of current and new users;
- Promote adherence to standards in the maintenance of water quality of all water sources required for various water users;
- Promote sustainable management and development of both surface and ground water resources.
- Ensure that national, provincial and local interests are harmonized in the management of water resources.
- Promote stakeholder participation in decision making through a transparent approach for good governance.
- Ensure water allocation for irrigated agriculture for nations' food security.
- Recognize equitable allocation of water for competing demands and for other social activities, while maintaining the basic environmental needs.
- Conserve develop and manage watersheds to ensure optimum land use in relation to social well-being.
- Encourage public private partner ships in the management of the resource

5. PRINCIPLES

The National Water Resources Policy is based on the following principles:

- Water is a basic need for all living beings
- The need to ensure access to safe water for the present and future generation as a fundamental right of all citizens
- Water is a limited and valuable resource
- Water for domestic needs will be given priority in allocating water from existing resources and developing and managing new water resources
- River Basin / sub basin / connected basins will be the hydrological unit for planning and management of water resources
- Water rights will be recognized, with regulations governing allocations in line with national priorities
- Ground water extraction will be monitored and appropriately regulated through the relevant institutions in ground water sensitive areas.
- Management of water resources will be devolved or decentralized as provided in the Constitution.
- All developers including state agencies need to obtain the approval of the NWRA for development of water resources.
- The State will promote the integration of gender concerns in policies, plans and programmes in water sector activities.

6. POLICY STRATEGY

6.1 Ownership

- All water resources including rain water surface and ground water in Sri Lanka is a public property.

6.2 Water Rights

- Riparian rights, prior rights and customary rights to water will be recognized.
- Water rights will be transferable subject to regulation and zoning stipulations based on national interest.
- Appropriate instruments will be used to regulate large scale water users in order to safeguard small scale users.
- Third party rights to water will be recognized.

6.3 Role of the State

- Facilitate development of water resources to the extent possible.
- Foster participatory approach as a key principal in conservation, development and management of all water resources in a sustainable manner.
- Promote open and transparent approaches in all its endeavours in managing the nations' water resources and water rights of the people.
- Ensure adequate water for environment and social needs at all times.
- Establish policy, legal and institutional framework for Integrated Water resources Management.
- Transfer appropriate water management measures to stakeholders and user groups, to the extent possible.

6.4 Development and Management

- National Water Resources Management Plan will be the framework for future development and management of water resources
- Implementation of the National Water Resources Management Policy will commence on phase out basis.
- Connected river basins, river basins. Sub basin, aquifer or parts there of will be the unit of implementation of the National Water Policy.
- De-centralization of management of water resources will be in accordance with the Constitution of the Country.
- The government will from time to time gazette water management areas on the recommendation of the National Water Resources Authority.
- Appropriate Ground Water management measures will be introduced to regulate the use and sustainable utilisation.
- Rainwater harvesting will be promoted specially in areas where safe drinking water is an acute problem.

6.5 Conservation

All measures will be taken to minimize excessive use of water through demand management and to promote economic efficiency and accountability of water use in all sectors. Watershed management through extensive soil conservation, catchment area protection, preservation of forest and increasing forest cover will be promoted. The National Water Resources Policy recognizes the importance of water quality management and will introduce anti degradation measures to minimise contamination of water bodies due to point and diffused sources of pollution.

6.6 Water Allocation

The system of water allocation will be based on a participatory decision making process representing all stakeholders with technical input on optimal operation for meeting anticipated seasonal and multi-seasonal water demands for various regions and sectors, and the environment

Allocation of water among different users will be in accordance with the water resources management plans prepared for the each river basin region, river basin or aquifer. River Basin Committees (RBC) will process and monitor requests from the eligible users for allocation. In doing so, they will ensure efficient and equitable water allocations among stakeholders including provisions for environmental requirements.

6.7 Priority in Allocation

Water resources management measures will be introduced to reserve water for allocation to different uses such as domestic, agriculture, and irrigation, aquaculture, and hydropower generation, and industry, commercial, environmental and cultural needs. However at times of water shortages, priority will be given to meet the basic water requirement of drinking and sanitation.

6.8 Cost Recovery

The administrative costs incurred by the NWRA in performing regulatory functions will be met by the STATE. Management cost will be recovered from water allocated to bulk users

6.9 Management Areas and Plans

Based on water resources issues and management needs and on the recommendation of the NWRA water resources management areas will be declared. Comprehensive water resources management plans will be formulated in collaboration with partner agencies for declared areas. Sustainable groundwater management will be encouraged through identification of distinctive characteristics specific to different aquifers. Groundwater sensitive areas will be declared as "Groundwater Management Areas".

6.10. Data and Information Management

The NWRA will establish a well developed system for water related data for planning and management of the resources. A database need to be established consists of storing, transferring and dissemination of data and information to improve the data collection mechanism and its reliability. Technical assistance will be provided to the respective water resources management agencies to improve their data bases. Information and data sharing will be based on agreements between custodian agencies.

7. INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTATION

The National water resources policy provides a three tier institutional arrangement to be responsible for its implementation, namely, National Water Resources Authority, National Water Resources Council and the Water Resources Tribunal.

7.1 National Water Resources Authority

The NWRA will function as an apex agency to implement the policy. It will be a mall body, and work in collaboration with partner agencies to carryout delegated functions. The NWRA will not engage in project implementation activities but function as a regulatory body. Since the National Water Resources Authority has to be an independent agency devoid of sectorial interests it will not be placed under a line ministry but would come directly under the head of state

7.2 Water Resource Council

WRC will be an advisory coordinating body on water resources management. Its membership will consist of representatives from Government, academia, private sector, NGOs and representatives of River basin organizations (RBOs). WRT will be an independent appeal tribunal coming within the purview of the Judicial Services Commission.

7.3 Water Resources Tribunal (WRT)

As far as possible, disputes in the allocation of water and conflicts between users and NWRA will be settled through negotiations. In the event of failure to reach settlement, the matter will be referred to the WRT for final decision. WRT will be an independent appeal tribunal coming within the purview of the Judicial Services Commission

7.4. River Basin / Aquifer Committees

The establishment of River Basin Committees will be facilitated by the NWRA in identified river basins or their clusters. RBCC in consultation with the NWRA will be responsible for the formulation and monitoring of water resources management plans at basin and regional levels. RBCC will be the pivotal unit in the water resources management policy and be the critical link to provincial, divisional, local government and other stakeholders at river basin level.

8. INTER AGENCY CO-ORDINATION

The multidisciplinary approach needed for Integrated Water Resources Management is promoted through inter agency coordination. Comprehensive plans for declared areas to address water resources issues will be formulated with the involvement of partner agencies and stakeholders. NWRA will facilitate agreement on respective responsibilities in the implementation of the plan at basin level.

9. AWARENESS AND CAPACITY BUILDING

The NWRA in exercising its mandate will promote research, training and capacity building of water sector agencies to meet IWRM goals. Facilitate mobilising partner institutions such as Universities, Research organizations, Govt. departments, private sector institutions and NGOO for consultation and awareness to promote stakeholder commitment for water resources management. NWRA will commission water related research.