

THE GOVERNMENT OF THE KINGDOM OF LESOTHO

WATER RESOURCES MANAGEMENT POLICY

Ministry of Natural Resources
P.O. Box 772
Maseru 100
LESOTHO

1999

WATER RESOURCES MANAGEMENT POLICY

WHY DEVELOP WATER RESOURCES MANAGEMENT POLICY

The water resources activities in the past were done in an uncoordinated manner, as each government ministry, department, and parastatal with interest in water had been planning for its own needs in isolation of the needs and objectives of others. This fragmented planning in the Water Sector has lead to:

- Poor allocation of water to meet current and future demands,
- Conflicts in management of the resource,
- Duplication of efforts and to some extent negligence leading to environmental degradation,
- Poor allocation of public investment for water resources development,
- Poor conservation of water resources.

WATER RESOURCES MANAGEMENT: POLICY AND STRATEGIES STUDY

The Government of Lesotho in view of the problems, engaged consultants to undertake the Water Resources Management: Policy and Strategies Study. The consultants produced a report, highlighting; areas of policies and strategies; and recommending solutions to better shape and improve the Water Sector. Based on some of the findings and recommendations of the Study, the Government of Lesotho on consultation with Basotho Nation formulated and developed **National Water Resources Management Policy**, which is outlined below.

THE WAY FORWARD

The Government of Lesotho is seeking a policy framework for an integrated and sound management of water resources within the country to ensure:

- Sustainable development of water as a resource,
- Adequate supply of potable water even in times of drought,
- Proper assessment and protection of available water resources.

The Government recognizes that the most demanding task in the Water Sector over the coming decades will be the provision of domestic water for the rapidly urbanizing population in the Lowlands. In order to meet this requirement and the national coverage as a whole, there will need to be a considerable investment in water storage, delivery, and distribution. All water resources development projects will have to undertake environmental impact assessment.

POLICY STATEMENT – 1:

The Lesotho Government, on behalf of the Basotho, is the custodian of the Water Resources within the country. It has the duty to ensure that this resource is used responsibly and to the benefit of all users of the resource. In order to do this it has adopted the following policy:

The Government will ensure rational exploitation and Management of Lesotho's water resources.

STRATEGIES

1.1 Improve and develop technical and managerial capabilities of water institutions.

A number of studies have considered the capabilities of organizations involved in the Water Sector. The studies identified much organizational weakness and the need for capacity building.

Bottlenecks and constraints in the institutional framework often affect programs and projects. These factors limit the range of programs and projects, which can be introduced effectively at any time.

The Government will give support to Water Sector by building capacity through intensive structured training of staff, that includes a great deal of on-job training as well as more formal training in all fields of water science and engineering. Formal training will be introduced at secondary level and beyond.

Private Sector involvement in analytical services for water resources and in professional scientific (research) services related to water will be enhanced. These encompass the reorganization and strengthening of the agencies mandated to manage water resources in the country. There will be provision of adequate incentives such as housing, car loan, and retention allowance.

1.2 Improve coordination of Water Sector activities in Lesotho.

There are considerable variations in the scope of technical, resources and usage of information available relating to the Water Sector in Lesotho. Hydrological, hydrogeological and meteorological data collection will be harmonized amongst the sectors that collect it. Department of Water Affairs is mandated to be the National Data Bank on water resources.

Resources planning and management relies on the availability of adequate and correct information relating to the sector. Coordination of Water Sector with other sectors of the economy is necessary. Maximum direct and indirect benefits should be derived from development of water resources by all sectors of the economy. The professionals' capabilities to work with all stakeholders will be enhanced. The Government will internally promote development of tributaries of Mohokare, Makhale, and Orange rivers.

There is a need to rationalize the roles and responsibilities of the agencies i.e. Government department, parastatals and private sector that are currently involved in the Water Sector activities in the country. ***These include other sectors, which have impact on water resources such as National Environment Secretariat (NES), which is working in close collaboration with Water Sector. The NES is preparing for the implementation of Strategic Environment Assessment (SEA), which ensures that environmental issues are incorporated into programs and policies, including those of Forestry Division of the Ministry of Agriculture.*** A new ***Directorate of Water*** whose sole responsibility is water will be created in order to facilitate effective coordination of the Water Sector.

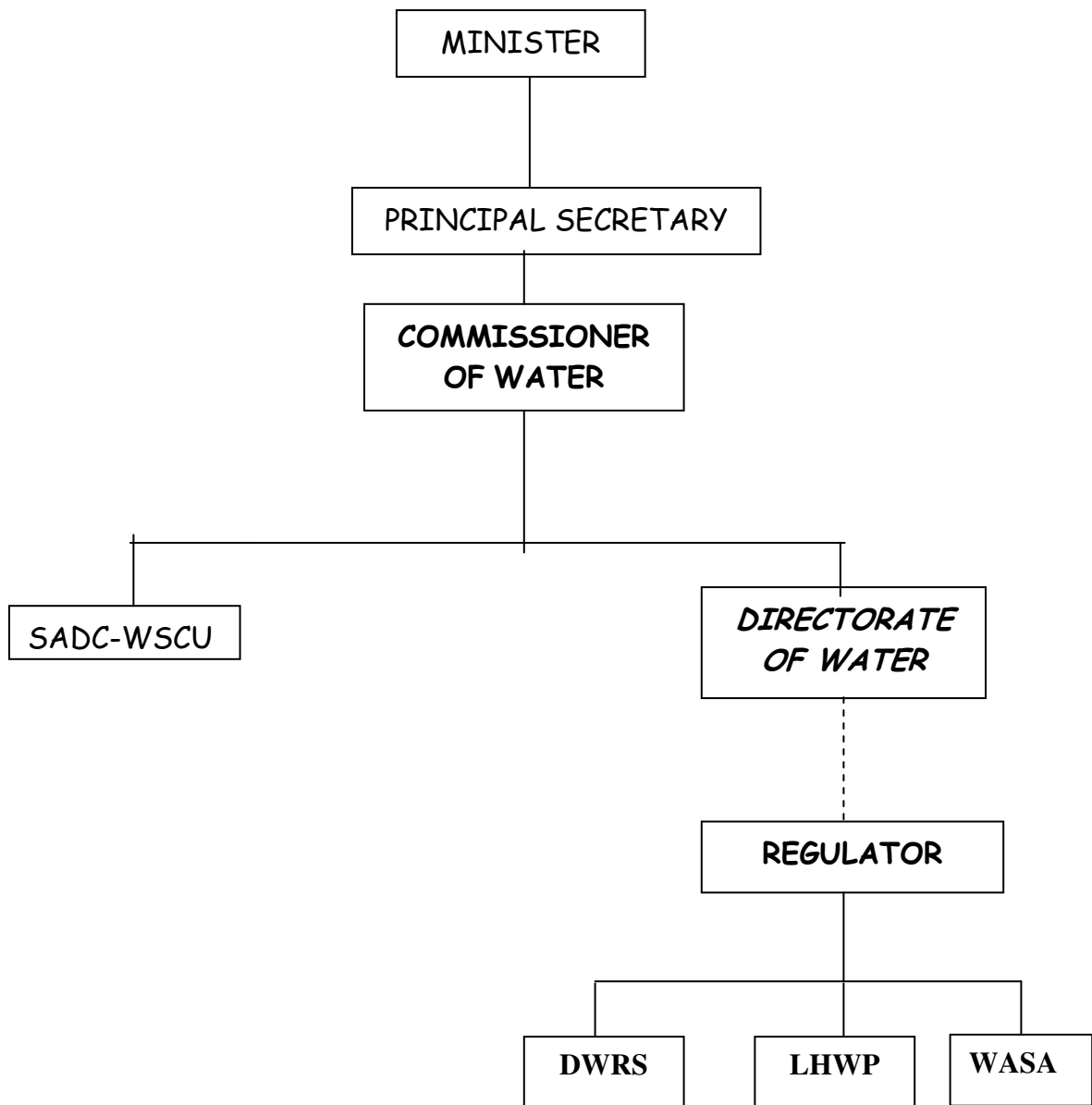
The Principal Secretary for the Ministry will need a ***Directorate of Water which is the current DWA plus Policy, Planning and Strategy Unit (PPSU) under Commissioner of Water*** to provide technical support on policy matters, water resources assessment, coordination and other issues. In addition to this, there will be water utility ***Regulatory Body***, whose function will be to monitor the performance of water utilities including adherence of the policy and strategies. This ***Regulatory Body*** will not be part of the Ministry, but will receive policy guidance from the Ministry responsible for water through ***Directorate of Water***.

The regulator will be responsible for monitoring performance of WASA and other water supply agencies. The Water Law will be amended to reflect the role of Regulatory Body in the Sector.

The other role players in the sector are: WASA for urban and peri-urban water supply; JPTC or LHDA for the implementation of the Lesotho Highlands Water Project; Department of Rural Water Supply for rural water supplies; and the Department of Water Affairs will house the directorate, carry-out water resources assessment and management. The Government of Lesotho is charged with the responsibility of coordinating Southern African Development Community Water Sector programs, and the Water Sector Coordinating Unit (SADC-WSCU) coordinates the SADC region on behalf

of the Lesotho Government, *which does on behalf of the SADC region.*

MINISTRY OF NATURAL RESOURCES



1.3 Government will ensure equitable allocation of water resources among regions and it will be based on the demography and level of development.

The funds available for investment in water for short, medium, and long term plans will be allocated to meet the needs and desires of the community for water infrastructure and development.

Therefore, allocation of potable water among potential uses and users in a region will be distributed equitably, taking into account demographic status and the level of development. Preference will be given to water supply for public (domestic) consumption over other uses.

1.4 Improve the existing legal framework governing the management of water resources.

There is an extensive range of formal legislation relating to water resources management in Lesotho. An improved legal framework will enhance co-ordination and avoid fragmentation and duplication within the Water Sector.

The Water Resources Act-1978 has distinct short falls that are limiting global coverage of Lesotho's water affairs. However, a Water and Sanitation Bill is to be drafted to be enhanced by Parliament. The Law will also be written in Sesotho and made available to all sectors of economy. Regulations defining standards for water supplies and effluent discharges will be issued when the legislation has been enacted.

1.5 Improve data collection, archiving, and analysis on the availability of water resources.

It has already been observed that Lesotho is a relatively water abundant country. There is a need to inventorise data in terms of temporal and spatial distribution of water within the country. For this purpose, comprehensive data has to be collected continuously in the fields of hydrology, hydrogeology, meteorology, and water quality. The data has to be analysed, reviewed, and processed to best summarize the availability of water in the various regions of the country.

To provide essential support for the continued process of upgrading the coverage, quality, and efficiency of the service for water developments, the central service capabilities of the Department (DWA) should be strengthened in the following areas:

- Hydrology, hydrogeology, meteorology, water engineering, and water quality to enable the Department to effectively assess the water resources

of Lesotho and provide full and accurate water information for planning by all sectors of the economy.

- The **Directorate of Water** capabilities to evaluate investment proposals and monitor Water Sector performances.
- The pollution control to provide a full set of professional and analytical services in both surface and underground water.
- The agency will be provided with adequate financial resources to improve its data processing for ease of modeling, and to generate continuous time-series of water resources data.

STRATEGY IMPLEMENTATION:

The following actions should be implemented within Three-Year Rolling Plan, after the adoption of the Policy.

Strategy	Action
I. (a) (b)	Agencies to prepare budget and implement their training plans. Review the functions and responsibilities of the existing institutions and restructure where necessary.
II (a) (b) (c) (d) (e)	<i>Strengthen Ministry of Natural Resources</i> to be custodian of all water in Lesotho Create a <i>Directorate of Water</i> within the ministry. Create a <i>Regulatory Body within the Ministry.</i> Assess and inventorise the needs of the various sectors at District level. Prioritize water needs (domestic water supply ranking highest).
III.	Define service level based on population profiles.
IV.	Enact a Water and Sanitation Bill.
V. (a) (b)	Expand and improve hydrometric network Install a computerized data information.

POLICY STATEMENT – II

As water is a basic necessity, it is the responsibility of Government to strive to ensure adequate access of potable water for every citizen:

Government will ensure access to potable water by all People of Lesotho.

STRATEGIES

2.1 Increase investment in water storage, delivery and distribution.

The scale of the future needs of the peri-urban and rural areas of the Lowlands is not clear. Hence, the most economic means to meet the water needs is increased investment in the point source approach of the water supply. The Lesotho Highlands Revenue Development Fund should be used to increase investment for water resource development to create an enabling environment for public private sector partnership in the Water Sector.

An immediate **Lowlands Water Supply Planning Study** will be undertaken to examine a range of options for meeting the water needs of the Lowlands. Possible options will include a North-South conveyance carrying water from either a Highlands release or Lowland storage.

2.2 Establish two separate management units, one dealing with bulk water supply and the other with distribution.

In the longer-term, the supply and distribution of water will be separated into two functions. A strengthened and structured rural and urban water supply authority with other providers will distribute water while a Bulk Water Supply authority will be created and will be responsible for the delivery of a reliable water supply to the distributors.

The Bulk Water Supply Authority should be responsible for the:

- Development of major water supply schemes serving primarily, the Lowlands
- Conveyance of water (either raw or treated depending upon the economic viability) to major centres.
- Sale of water to water supply authorities and other operators based on an agreed volumetric charge. In this regard, water supply will be competitive to reduce water losses from distribution systems.

2.3 Encourage privatization in the management of the distribution systems.

WASA will be responsible for the provision of potable water in urban and peri-urban areas. Other community driven or private sector efforts will also be encouraged. In particular, viable Local Government entities will be established, and will be encouraged to provide urban and sanitation services.

Communities or individuals who are located in unserved areas and who wish to receive services in advance of the schedule prepared by WASA or any service provider, should have the option of contracting. They should contract with private sector organization to develop and operate the service on their behalf.

In order to provide an improved level of service of efficiency, private management will be brought in to run the system by means of a Lease Contract arrangement or other viable alternatives.

STRATEGY IMPLEMENTATION:

The following actions should be implemented within the three-year Rolling Plan, after the adoption of the Policy.

Strategy	Action
1. (a)	Build multi-purpose dams
(b)	Build large conveyance systems to supply lowlands settlements.
2. (a)	Create a Bulk Water Supply Authority or Agency.
(b)	Create a Water Distribution Management Agency.
(c)	Initiate programme for private movement.
3. (a)	Identify or classify different types of distribution systems
(b)	Allocate different management contracts or lease contract to private sector
(c)	Establish regulations clarifying relations between various management agencies.

POLICY STATEMENT- III

In order to supply water a considerable investment is required and this can only be sustainable if water is also treated as an economic good and charged for, at a rate that reflects the cost of providing that water supply, therefore:

Every citizen is entitled to potable water for basic human needs and any requirement beyond this basic need will be paid for by the user.

STRATEGIES:

3.1 Introduce a fully cost reflective tariff, for private systems.

The Government will embark on a fully cost reflective tariff structure. The customers should pay for the services that they receive and that level of services provided should be based on the community's willingness to fully pay for services. The user will be responsible for repairs of the system up to the meter. This is not only helping to ensure that the resources are allocated effectively, but also that, the utility operators are able to provide services on a sustainable basis.

3.2 Introduce a cost recovery system that covers installation costs for the public system.

Government will shift from being a provider of water services, directly involved in implementation, to being a facilitator that supervises and regulates the work of others. It will accept and encourage the involvement of the private sector in all the key functions of design, construction and maintenance. To date, although the private sector has been involved (notably in drilling of boreholes, installing hand pumps and, more recently, designing gravity systems) the bulk of the work continues to be done directly by Government.

The service provider must, on the whole, be able to recover costs in full. These include not only the costs associated with the labour, materials and power but also those associated with the replacement of assets, interest charges payable and bad debts.

3.3 Introduce cross-subsidy tariff mechanism to reflect water for basic human needs only (30 litres per capita per day)

Some customers however will not be able to afford the full costs even at the lowest level of service. In such cases and further noting that water is also a social good, an element of subsidization will be provided. Subsidy will only be supplemented by metering systems, which will speed up production of services. People living in cities or urban, peri-urban, and rural areas will have equitable services.

STRATEGY IMPLEMENTATION:

The following actions should be implemented within the Three-Year Rolling Plan, after the adoption of the Policy.

Strategy	Action
1. (a) (b)	Identify infrastructure components of the system. Establish a tariff structure, which reflects long-term marginal cost of the systems
2.	Identify infrastructure components of the system including public awareness and education.
3.	Identify infrastructure components of the system including public awareness and education.

POLICY STATEMENT-IV

It is recognized that water as a resource, is to be protected both for it being a limited resource and for the future generations:

All environmental aspects of water resources will be protected.

STRATEGIES:

4.1 Increase and improve natural resources environmental awareness through education.

The environmental education for all age groups and public awareness is a cornerstone to the implementation of environmental activities and sustainable use of renewable resources. This entails putting in place the various means necessary for providing skills and knowledge continuously to the many categories of people involved implementing environmental programmes.

In the awareness, the herd boys cannot read or listen to the radio, hence they are to be sensitized of the importance of environment. This group is responsible for grass burning and overgrazing that leads to soil erosion and sedimentation. Mechanisms to educate the stakeholders will be developed in consultation with them. Farmers will also be trained to use recommended measures to prevent soil erosion, which reduces dam's life span.

Wetlands should be treated as restricted areas, anybody using them for any purpose which will eventually destroy them, will be penalized severely and revenue collected be used as incentives for those (herd boys or farmers) patrolling the wetlands.

All levels of education starting from day care centers, primary up to higher learning institutions like university will also have in their programme curriculum environmental awareness. All Government Departments concerned with environmental aspects will take a lead in preventing people from throwing litter all over.

4.2 Wastewater from industries, commercial entities, municipal, health institutions etc. should be treated before discharge into waterways and the related cost should be borne by the source.

The water and environmental sector will set water quality guidelines that relate to environmental need and the uses of the receiving waters. The sector will also determine discharge limits, which are individually based on local circumstances, and, where necessary, will have power to prohibit discharges. In setting the conditions of individual discharge consents, the sector will take account of the load in the discharge.

The load include; dilution available in the receiving water, the nature of the pollution substance, and the position of the discharge relating to both the position of the other discharges and water abstraction points. Strengthened Department of Water Affairs will monitor industrial and other effluents. The Department will introduce penalties and delegate powers to Local Government, which will collect revenues from defaulters.

In collaboration with other sectors like the environmental sector, including the Ministry of Health will set effluent standards and monitor compliance with them. Use of Lesotho Highlands Revenue Fund for building sewage ponds, treatment plants and laboratories in every city or town. Budget for WASA will be increased for the Company to expand its system's network for sewage treatment, and septic tank emptying.

4.3 Improve legal framework governing environment.

The Range Management Act will be improved and enforceable to regulate the pastures. Environment Act should be improved to force and to rebuke the public from littering and introduce tough penalties for livestock watering and grazing at the wetlands.

STRATEGY IMPLEMENTATION:

The following actions should be implemented within Three Year Rolling Plan, after the adoption of the policy.

Strategy	Action
1. (a)	Conduct workshops at grassroots level on water and environmental awareness.
(b)	Introduce water and environment education into the school curricular from day care, primary up higher learning institutions.
(c)	Produce publications on water and environment.
(d)	Mass media on water and environment education.
(e)	Introduce tin, plastics, and paper collection campaign and privatize transport for tins collected.
(f)	Hold public gatherings, seminars, and workshops to educate public and herd boys for preservation of wetlands.
2. (a)	Sets enforceable water quality standards and monitor compliance.
(b)	Conduct water quality and pollution surveillance: industries, commercial and land fill sites.
(c)	Issue and enforce effluent discharge consents or permits.
3. (a)	Enact and enforce Water and Sanitation Bill.
(b)	Carry out joint funding for wetland rehabilitation by all Orange River riparian.

POLICY STATEMENT - V

Lesotho recognizes its special responsibilities with regard to water as an upstream riparian country, and the source of water of a large part of flows of the Orange River. Government will therefore ensure that:

Water will be managed in a way that ensures maximum benefits to Lesotho while taking cognizance of her obligations to her neighbors and downstream users.

STRATEGIES:

5.1 Taking cognizance of public opinion, undertake a range of studies on the future development of water resources.

Immediate Issues:

The Government will review the implications of all matters surrounding the various options formulated by RSA in her reconnaissance and feasibility studies on Orange River. This is in relation to the timing of implementing Phase-II and the review of the Treaty.

Longer Term Strategic Issues:

As a long-term strategy, the Government will actively promote the undertaking of a broad range of studies for the future development of water resources within the national tributaries of the three major river systems in the country. These can be elevated to possible future international projects of the Orange River in relation to sub-basin transfers as well as inter-basin transfers from the neighboring states.

What Lesotho wants to see within the framework of Southern African Development Community is a dynamic, comprehensive and integrated framework plan for the Greater Orange River Basin as a whole. Such an integrated regional approach will maximize the water resources benefits to the co-riparian states.

5.2 Strengthen and encourage joint planning and management of shared water courses.

Mohokare/Caledon:

One of the most important problems facing Lesotho in her own Water Sector is the supply of water to the increasing populations of the Lowlands. Therefore an integrated planning approach of the Lowlands water will be formulated to address the medium to long-term needs. Obviously the resources of the Mohokare/Caledon and its tributaries in Lesotho will be an important aspect of such studies. The RSA also is an important user, of Caledon water and no doubt will make further demands on this resource in the future.

The Government of Lesotho will promote a co-operative initiative, for the joint planning of the Mohokare /Caledon basin resources. It can be agreed that any joint studies and even implementation plans should be undertaken

without prejudice to the issues of delimitation or demarcation of the boundary.

STRATEGY IMPLEMENTATION:

The following actions should be implemented within Three Year Rolling Plan, after the adoption of the Policy.

Strategy	Action
1. (a) (b)	Carry out Water Supply Planning Studies. Water resource appraisals for possible multi-purpose developments.
2. (a) (b)	Government to negotiate with South African Government for further development of Water resources of shared river basin (Caledon River and etc.) Establish and participate in the Shared River Commissions

POLICY STATEMENT-VI

The Government recognizes that involvement of the water user is essential if sustainable development of water resources is to be attained. To achieve this, the following policy is adopted:

Stakeholders will be involved in every stage of the design and implementation of water resources development projects. The expansion of water supply systems will also be demand driven.

STRATEGIES:

6.1 Promote community-based fora on water resource developments and increase consultation to customers in the identification of their needs.

As the water supplying authority expands network outside of its present limited service area, levels of service in any urban or peri-urban, and rural community will be determined by community preferences and based on willingness to pay for the services to be provided.

In view of willingness to pay, the authority will need to develop innovative approaches and design standards in order to meet a range of needs. The Government will only when necessary, provide technical assistance to the communities.

Water suppliers should carry out sufficient publicity and surveys at the beginning of the design stage for each area network to assess the level of demand for, and distribution of, different levels of service including private connections, and shared water points.

6.2 Improve coordination between Water Sector and other sectors of the economy.

The involvement of stakeholders will become a normal procedure in the development of the Water Sector. The Government will ensure maximum co-ordination, integration of development efforts in all sectors of economy and promote sense of ownership that should in turn contribute to the efficiency, sustainability and success of projects.

The indigenous expertise of Basotho will be encouraged at all levels, as they are familiar with the local environment. Stakeholders normally have information that may not be available to the agencies implementing or financing the projects of the local areas.

6.3 Promote village water committees and improve coordination between them.

The public will elect their own leadership to strengthen coordination between District Councils and the community. Village Development Council as a high authority will have a committee of village water projects or affairs. The latter will be merged with existing Village Water Committees, the proposed community based fora will have power to implement its duties. In view of this, the new committees will be empowered and report directly to the District Councils.

The members of the committee will be elected democratically and Government will not nominate members. The committee will also be able to communicate with Government office responsible for Local Government project planning and implementation.

The members of the committees will have monetary incentives (part of operational costs of water projects) on monthly basis as a means of morally motivating them. Every citizen will abide by community decision on water resources development and Government should introduce heavy penalties to

protect community interests. This arrangement will improve, promote, and speed up implementation process.

STRATEGY IMPLEMENTATION:

The following actions should be implemented within Three Year Rolling Plan, after the adoption of the Policy.

Strategy	Action
1. (a) (b)	Decentralize decision-making at appropriate level. Hold consultative public gatherings
2.	Set up inter-sectoral co-ordination body.
3.	Use Lesotho Highlands Revenue Development Fund for cross-subsidy and incentives.