

WATER MANAGEMENT IN FEDERAL AND FEDERAL-TYPE
COUNTRIES: NIGERIAN PERSPECTIVES

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OUTLINE OF PRESENTATION

-INTRODUCTION

-SIGNIFICANT FEATURES OF WATER RESOURCES MANAGEMENT IN
NIGERIA

-LEGAL FRAMEWORK: Legislative Summaries

-MAJOR ISSUES AND CHALLENGES
(Legal Framework: Need for New Approach)

-RECOMMENDATIONS AND CONCLUSION

INTRODUCTION

- Nigeria: Federation of 36 States and a Federal Capital Territory

- Water Resources in Nigeria:
8 Hydrological Zones Drained by Rivers Niger and Benue

- Irrigation and Dams

- Constitutional Structure
 - * Water Supply on Current Legislative List
 - * Lack of Inter-sectoral Co-ordination
 - * Need for Proper Blend of Institutional, Policy, Economic, Financial and Regulatory Framework

SIGNIFICANT FEATURES OF WATER MANAGEMENT

- Weak Data Base
- Fragmented Responsibility
- Weak Institutional Framework (RBDAs)
- National Water Resources Institute
- Response to Natural Disasters

LEGISLATIVE SUMMARIES

A: Customary Laws (Traditional Practices)

- Right to water is communal
- water right is subject to reasonable use
- Private right to water not recognized for domestic use
- Restriction on water rights preserves points of stream from pollution.

LEGISLATIVE SUMMARIES (Contd.)

B: Statutory Enactments

Several Laws touching on water, sanitation and Environment.

- * Water Works Act, 1915
- * The Minerals Act, 1917
- * The Public Health Act, 1917
- * The Oil in Navigable Water Act, 1968
- * The Petroleum Act, 1969
- * The Petroleum (Drilling and Production) Regulations Act, 1969
- * The RBDA Decree 25 of 1976
- * The Water Decree No. 101 of 1993

LEGISLATIVE SUMMARIES (Contd.)

- STATE AND LOCAL GOVERNMENTS:
 - * Each pursuing a different Agenda
 - * Local Governments Exercise additional authority

- Legislative instruments do not recognize role of Private Sector Investors

- Lack of Consultation result in:
 - * Unclear definition of responsibilities
 - * Improper conflict resolution mechanisms
 - * Failure to recognize role and interest of stakeholders.

MAJOR ISSUES AND CHALLENGES

MAJOR ISSUES AND CHALLENGES

- The major issues and challenges which call for reform include, in the main, the following:
- The need to approve a national water policy framework document as absence of policy framework

Perpetuates:

- 1) Fragmented responsibility for water
- 2) Lack of inter-sectoral co-ordination
- 3) Need for proper blend of institutional, policy, economic, financial and regulatory framework.

- * Development of incentives for proper private sector participation
- * The need to promote inter-sectoral linkages and control, optimum watershed management with respect to abstraction, pollution control, and overall sustainable development.
- * The need to modify existing laws and/ or enact new ones to achieve all the above major issues and challenges

LEGAL FRAMEWORK

Need for New Approach

* Need to establish and enforce standards, regulate and control criteria for:

- Pollution Control
- Watershed management
- Environmental preservation

RECOMMENDATIONS

ENCOURAGING PRIVATE INVESTMENT

- * Investors to be guaranteed regulatory mechanism free from undue interference from vested interest groups.
- * Synchronizing federal and state laws to ensure availability of raw water
- * Government to shoulder some responsibilities to cushion the effects of investors' financial risks

FAIR REGULATORY FRAMEWORK

* Ensure independence of regulatory agency through:

1 Insulating of agency from any conflict of interest

2 Guarantee continuity during change of government

3 Instilling confidence in public and private sector suppliers.

FAIR REGULATORY FRAMEWORK (Contd.)

- * participatory management to be the basis for regulatory framework
 - Focuses on the interest of the consumers
 - Protect investors from arbitrary actions
 - Eliminate costs of regulatory interventions
 - Provide incentives for enhanced efficiency.

CONCLUSION

- * Water resources of the country to be put to beneficial use to the optimum level of which they are capable.
- * Funds- Public and Private- for the promotion and expansion of the beneficial use of water resources should be invested to the that best interest and welfare of the people.
- * Regulatory and control should be vested in a “National Water Commission”.

BLESS YOU ALL

AND

THANK YOU FOR LISTENING