

Nile Basin Initiative–Water Resources Planning &
Management Project

Baseline and Needs Assessment of National Water Policies
of the Nile Basin Countries:
A Regional Synthesis

Water Policy Component

December 2006

1 Executive summary

This report assesses the current status of water policy in Nile basin countries. It is intended to help in planning future development and implementation of the water policy process, one of four components of the Water Resource Management Project (WRMP). The report has been sponsored by the German Government with funds provided through the Federal Ministry for Economic Cooperation and Development (BMZ) and facilitation through the German Development Cooperation (GTZ).

Although prepared in English, it is recommended that the final version of the report is translated into both French and Arabic to assist in widening access to the information across all Nile countries.

The long-term goal of the WRMP is to ensure that Nile Basin water resources are developed and managed such that they support socioeconomic development in the region. Better understanding of good practice in water policy development can facilitate this goal.

The water policy component has five sub-components:

- 1) Enhancing regional coordination and cooperation;
- 2) Baseline and needs assessment for water policies of the Nile Basin Countries;
- 3) Preparing guidelines and good practice for policy formulation and implementation;
- 4) Capacity building and skills development in the domain of water policy formulation and implementation;
- 5) Establishing a Policy Support Facility (PSF) to facilitate learning by doing, and to promote greater balance of technical capacity across sectors and countries within the basin.

Under the Shared Vision Project (SVP), the PSF will provide advisory support to assist riparian governments in addressing national policy formulation and implementation issues within a regional context.

This report has synthesised the findings of baseline studies and needs assessments prepared by National Consultants for each Nile basin country in mid-2005 according to the following timetable:

- i) Receipt of initial national report drafts in mid-2005;
- ii) Following review and feedback by the Water Policy Lead Specialist and other advisors, resubmission of national drafts, where necessary, in late 2005;
- iii) Synthesis of draft national reports into a zero draft regional report in December 2005;
- iv) Circulation of the zero draft ahead of a regional meeting in January 2006;
- v) Receipt of comments and feedback on the Zero Draft at the workshop and production of first full draft (Draft 1.1) in February 2006;
- vi) Receipt of feedback on draft by 17th February and incorporation into Final Draft;
- vii) Circulation of Final Draft in May 2006;
- viii) Discussion at meeting in June 2006;
- ix) Receipt of feedback and completion of report by October 2006

Policy and complexity:

Policy development and implementation is an arrangement of issues, processes and institutions that are seldom linear in their relationship(s). The policy process in the water sector is, at heart, highly complex and frequently the direction taken by a policy process is subject to the influences of many different constituencies of interest reflecting a range of ideas on resource availability, access and management issues. Often interests are embedded in particular institutions and suggest narratives—or stories on why particular approaches

are necessary in a given policy—that may be part of long-standing positions held by different institutions. Irrigation institutions may, for instance, in a particular context hold a narrative that reinforces the need to expand the command area or improve water use efficiency. Environmental institutions, by contrast, may have narratives that reinforce the need for greater environmental flows and water quality monitoring.

Balancing competing narratives and achieving an acceptable compromise within the processes of policy formation—and in the final policy document output—is a key challenge for national ‘policy makers’. Moreover, helping to ensure that final national policy outputs complement rather than contradict the positions of other countries sharing a transboundary resource is a particularly challenging goal. In the Nile context this has been referred to as the need for a ‘convergence’ of national agendas into a regional ‘cooperative agenda’ (Sadoff, et al, 2002).

The actual process of policy development is subject to a variety of interpretations in theory and practice. Some interpretations assess change in terms of policy steps or rapid progress, perhaps surrounding particular ‘emblematic events’ including floods and droughts, or following major political upheaval (Haajer, 1996). In these cases change is achieved in a short space of time. Other interpretations regard policy development as slower and more incremental. No one interpretation can characterise a complete process of change, particularly across a number of countries: in the Nile basin, for instance, many different types of process may be reflected in different national processes at different times, for instance in terms of the level to which stakeholder from different sections of society are included in a policy process.

Effective policy processes in the water sector are central to overcoming developmental challenges facing Nile countries and communities. The river basin poses complex physical and social challenges. These are driven by great inter-annual and spatial variability in flow characteristics and the complexity of the river regimes in the two major sub-basins—the White Nile and Blue Nile and the huge diversity in resource users at the state, sub-state and community levels. Nearly 350 million people—or approximately half of Africa’s population—inhabit the 10 riparian states of whom some 190 million are within the basin confines itself. The population is expected to double in the next 25 years adding major pressure to states that include some of the world’s poorest.

The NBI is addressing the sectoral development challenge including establishing a series of investment projects in the basin that allow for the optimisation and sharing of benefits between riparians. These include enhancing energy availability, increasing overall food production, developing substantial transport links and facilitating industrial development, in addition to broader contributions in the fields of environmental conservation and conflict reduction.

Creating an environment in which better policy processes can assist in the generation and sharing of such benefits will help both to strengthen the NBI and widen regional cooperation leading to enhanced capacity for all countries to continue to generate—and share equitably—future benefits.

Key institutional challenges

Effective institutional environments in each country are critical to the development and implementation of sound policy. Given the benefits that can emerge if national policy enhances capacity for regional cooperation, national institutional performance has an important regional dimension to it as well. However, there is both literature and experience from the case studies that underlines the difficulty in achieving effective implementation even after the successful design and adoption of policy. On paper, policy can simply ‘evaporate’ at lower levels if institutional environments and buy-in by key stakeholders are lacking

or fail adequately to address implementation needs. Analysis of the national reports on institutional challenges faced by countries highlighted the following:

Roles and responsibilities: A high frequency of overlapping and conflicting roles and responsibilities between institutions existed, linked to which was poor inter-sectoral collaboration and control. Some countries noted a lack of overall cooperation within the sector between different institutional (frequently ministerial or departmental) jurisdictions. Both protective institutional responses and lack of effective coordinating mechanisms featured as reasons.

Decentralisation and central vs. local capacity: Processes of decentralisation were noted across most countries often as part of wider political or administrative change. In the case of federal structures, in particular, concern existed that roles and responsibilities between levels remained ill-defined and resulted in implementation inertia and even failure. Clearer definition of institutional roles and responsibilities within policy was an important issue flagged and was linked to a recognised need for greater capacity in achieving accountability, monitoring performance and enforcing sanction against institutional underperformers.

Linked to issues of local capacity was the requirement for greater stakeholder involvement and awareness raising at lower levels. This often reflected a lack of public information accompanying policy reform processes, although in only a few instances did the reports make explicit mention of sharing responsibilities with civil society as part of policy development and implementation. Evident tensions between the recognised need for greater local involvement yet continued centralised institutional roles posed the question what were the responsibilities of central institutions if not implementation? This prompted discussion of a role for central institutions in areas such as national data development on resource availability and demand at an aggregate level, and by sector. It was widely acknowledged that better availability of such information could enable more effective country engagement in transboundary processes. Some countries recognised trade-offs between the benefits of decentralised management on the one hand and capacity to implement policy at lower levels with, on the other, the key role of national/federal institutions in driving forwards transboundary cooperation. Overall, however, there was little discussion of local transboundary issues or approaches. Nor did a particularly clear picture emerge of what ‘worked best’ in decentralisation, in part because most processes had only been current for a few years. Nevertheless, careful tracking, recording and dissemination of this experience is critical and suggests a need for further research and analysis.

Process facilitation: Some countries highlighted the need for help in inter-institutional facilitation during policy formation, including help in guiding stronger and more inclusive processes at a national level. Occasionally, however, it was acknowledged that there exist political ‘distractions’ which hinder management of the policy environment. Quite frequently, reports discussed institutional and legislative fragmentation including countries where successive older laws remained on the statutes leading to unresolved clashes and contradictions with evolving water legislation. Navigating and repairing this fragmented landscape was noted as a key task in effective policy reform, including the need for careful review and consolidation of existing legislation.

Major institutional support required:

- Strengthening or building strong institutions in the countries was a key need identified, in both human resource capacity and knowledge, and in systems and approaches to policy development;
- Improving legislative environments to avoid policy confusion was a focus of some support requests, including assistance in drafting effective national regulations and codes;
- Developing technical capacity was a key request, in both specific technical and broader development

- areas including rural development, community participation and effective dialogue with partners;
- Development of process capacity was a second major area of support, and needs assessment focused on developing the ‘tools of the trade’ for policy formulation, including capacity in decision-making, management of processes, knowledge and communications management both in-country and across the region, organisation of experience-sharing events, development of effective databases and institutional development for effective coordination and consensus-building processes; one key suggestion was the development of roadmap for such capacity development in each country.

Major policy content challenges

In all countries, bar one, there are existing policies either drafted, completed and/or awaiting implementation. Much of this activity stems from the post-1992 era, reflecting global policy change and the widespread adoption of IWRM principles. Whilst some countries are adopting decentralised catchment management approaches, others are lagging behind or adopting different approaches. The content of existing national policy varied widely between countries, reflecting both the different stages of policy development in different countries and widely different social, economic and geographic contexts. In spite of the variety, a number of critical issues emerged.

Reflecting broader global shifts in policy reform processes: Some countries noted that major changes to global development policy during the 1990s required reflection in national policy, including the need to augment the range and type of institutions involved in developing and implementing policy. Of particular note was the frequent mention of anticipated private sector engagement and the need to support this.

Reflecting changing regional realities in policy: Also noted was the need for policy content to reflect changing relations between the resource and surrounding social environments, particularly in terms of such issues as rapid population growth and declining per capita water availability. Few policies adequately reflected transboundary issues, barring reference to international (bi- and multilateral) agreements to which countries were already party. This is not surprising, given that many policy processes were established prior to the development of the NBI. Nevertheless, a challenge noted was the need to find ways of reflecting the changing regional water management environment in national policy, which suggests a need for a more dynamic and responsive approach to policy reform.

Informing policy environments: Issues requiring greater reflection in policy included analysis of equitable and reasonable water utilization (national and international), rainwater harvesting, pastoralism, the private sector, cost sharing and water pricing. Some of these reflected a need to address ‘new principles’ of management as enshrined in post-Dublin Statement global water policy; others refer to specific national priorities. One comment on the process of forming policy was the need to ‘replace prescription with demand-driven participation’. This reflected a strong belief that in order for effective implementation to take place policy had to be owned publicly. Related to this was the need to create environments that enabled more effective dissemination, not least because policies included sometimes sensitive issues including water tariffs and rights.

Major policy content support required:

- Particular content issues raised and for which support was requested included achieving greater attention in policy to food security and energy issues, legal rights, national norms on water quality, IWRM principles and training in IWRM preparation planning and design, as well as gender mainstreaming;
- A second major content issue was the request for greater integration of regional issues in policy and

assistance in doing so, including better regional sharing of information.

Key implementation challenges

Much of the analysis of national findings focused on the challenges facing implementation. This received particular note because nearly all countries had been or were now involved in implementing a completed policy, sector plan or legislation or were re-evaluating an earlier process of policy formation. Many challenges related to implementation within weak institutional environments were evident, with particular awareness of the need to build substantial capacity at more decentralised levels.

Public awareness and key stakeholders: Some countries noted the lack of an effective approach to private sector and civil society involvement in policy implementation. Included in this was a recognition that greater involvement might require greater incentives, including possibly offering assistance, guidance and training to private sector organisations that are significant in local-level implementation. Linked to this was the problem of general low public awareness of policy and policy processes leaving potential beneficiaries in a position of ignorance; hence the need to build greater stakeholder involvement as part of awareness-raising, without which policy implementation could fail to achieve traction at lower levels and in the long term its intended benefits.

Monitoring and evaluation: This was often raised as an important issue. Without indicators linked to a proper monitoring and evaluation framework implementation would fail to become a learning-based process, and capacity to enforce new regulations and identify and track areas of weak local capacity would be impaired.

Leadership and legislation: The need for a strong lead institution or set of institutions that were well-coordinated should be complemented by an effective legislative environment in which there was consistency with other sectors. In particular it would be difficult to address transboundary issues without a significant level of leadership, coordination and complementarity. Significantly, some countries mentioned the high costs of implementation and the need for specific financing of the policy process to help ensure that policy was translated into practice. Other countries raised concerns that the wider economic environment could seriously impair implementation if revenues generated under new systems were inadequate to fund new institutional arrangements such as decentralised catchment boards.

Stability and instability: Broader social and economic stability was also a prerequisite for effective implementation. In some countries political instability and high political ‘turnover’ of key individuals affected both capacity to ensure political will was applied to the process and the existence of an executive arm of government with sufficient experience to push a policy process along. There was also concern in some cases that future political actors might not wish to continue to support an existing process.

Major implementation support required:

- *Equalising technical capacity:* This was required to ‘level the playing field’ for implementation and ranged from joint training programmes, help in assessing training and capacity building needs, to study tours of different countries and contexts;
- *Capacity to monitor and evaluate processes and impacts:* Monitoring was a major area of weakness including assessing bottlenecks in implementation, evaluation of process and impact, and, more generally, establishing systems that could track achievements against objectives at all levels and help to develop staff capacity;
- *Clearer definition of institutional arrangements for implementation:* This covered a range of issues,

including help in reassessing mechanisms of coordination and enforcing legislation, developing collaborative frameworks at a national level, and training in assessing institutional constraints and supporting the development of frameworks for assessing different user needs;

- *Support to stakeholder involvement*: Finally, building capacity in stakeholder involvement and public awareness-raising was highlighted, including the need to combine training with specific policy sub-themes such as IWRM sensitization and strategies for promoting private sector involvement.

Condensed summary of support needs

Under the different sub-themes under policy this table summarises the needs identified across the countries and the type of support required.

	Needs identified	Support requested
Process	<ul style="list-style-type: none"> • Information management • Technical capacity • Financial assistance • Legislative consistency 	<ul style="list-style-type: none"> • Annual support workshops • Technical assistance • Creation of shared databases • Training in specific areas • Capacity development ‘road-mapping’ • Support for policy revision and updating
Content	<ul style="list-style-type: none"> • Specific assistance on key thematic issues • Collective work on a regional cooperation framework • Collation of national water use data by sector • IWRM preparation, planning and design 	<ul style="list-style-type: none"> • Support for integration of regional issues in national policy and planning • Technical support on transboundary principles and issues • Facilitation of expertise-sharing within the basin • Help in establishing basin-wide national norms on water quality • Training in specific topics such as gender mainstreaming and conflict resolution
Implementation	<ul style="list-style-type: none"> • Training of trainers for implementation issues and new roles • Mechanisms for process monitoring, feedback and review • Public awareness-raising approaches • Legal reform and alignment • Better institutional management 	<ul style="list-style-type: none"> • Establishment of joint training programmes, including needs identification • Supervise and evaluate implementation processes • Support study tours • Establish joint training sessions on issues including public awareness raising • Provide technical assistance on stakeholder sensitization, effective performance monitoring

Indicative table of key issues and policy status across the nine riparian countries

Key issues	Burundi	DRC	Egypt	Ethiopia	Kenya	Rwanda	Sudan	Tanzania	Uganda
Institutions									
Overlapping & conflicting responsibilities	✓	✓	✓	✓			✓	✓	
Poor inter-sectoral collaboration and control	✓	✓				✓	✓		
Lack of overall responsible body	✓	✓				✓			
Complicated centre-local relations			✓	✓			✓		✓
Need for greater decentralisation of WRM		✓	✓			✓			
Active policy of decentralisation			✓		✓		✓	✓	
Discussion over role of the centre			✓	✓			✓		
Content and status									
Mention of transboundary issues (weaker lighter; stronger darker)	✓		✓	✓	✓	✓	✓	✓	✓
Policy implemented			✓	✓	✓	✓	✓	✓	✓
Finalised but pending	✓								
Redrafting in progress		✓					✓		
No policy document		✓							
Implementation									
Need for lower-level capacity development		✓		✓			✓		
Low integration of private sector / civil society	✓	✓	✓	✓	✓		✓		✓
Low public awareness / stakeholder involvement	✓	✓	✓	✓		✓	✓		✓
Monitoring and evaluation lacking	✓	✓		✓					✓
Weak management / enforcement capacity	✓	✓		✓			✓	✓	✓
Need for effective and consistent legislation	✓	✓	✓		✓	✓	✓	✓	✓
High costs / need for process financing	✓	✓	✓		✓			✓	