



NILE BASIN INITIATIVE
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The policy and Legal framework for water quality management the NEL

Region
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Outline of presentation

- Introduction
- Role of Water Quality Laws
- Regulatory efforts and areas of Water quality
- Regulatory Framework applicable to Water Quality in the NEL region
- Some Recommendations

Introduction

- The countries of the NEL region that include Burundi, DRC, Kenya, Rwanda, United Republic of Tanzania and Uganda have made wide ranging policy and legal interventions to address the water pollution and environmental degradation challenges in the Lake Victoria Basin.
- The interventions, which vary from country to country, include the incorporation of water quality management policies in water and environment sector policies the passing of laws and regulations to control pollution and signing and ratifying international instruments.

Role of water quality laws in NEE



- Water quality laws govern the protection of water resources for human health and the environment.
- They provides the foundation for regulations in water standards, monitoring, required inspections and permits, and enforcement.
- These laws may be modified to meet current needs and priorities.
- The laws are legal standards or requirements governing water quality, that is, the concentrations of water pollutants in some regulated volume of water.

Role of water quality laws in NEE



- Such standards are generally expressed as levels of a specific water pollutants (whether chemical, physical, biological, or radiological) that are deemed acceptable in the water volume, and are generally designed relative to the water's intended use - whether for human consumption, industrial or domestic use, recreation, or as aquatic habitat.
- Additionally, these laws provide regulations on the alteration of the chemical, physical, radiological, and biological characteristics of water resources.

Regulatory efforts and areas of Water quality

- **Regulatory efforts may include:**
- identifying and categorizing water pollutants,
- dictating acceptable pollutant concentrations in water resources,
- and limiting pollutant discharges from effluent sources.
- **Regulatory areas include:**
- sewage treatment and disposal,
- industrial and agricultural waste water management,
- control of surface runoff from construction sites and
- and urban environments.

Regulatory framework applicable to Water Quality in the NEL region



- **International Regulatory Framework**
- Regulatory jurisdictions may be coterminous with political boundaries (e.g., certain treaty responsibilities may apply to water pollution in all of Earth's international waters.
- International water law deals with managing water resources that pass through multiple sovereign states and territories.
- The international water law principles are developed through Conventions/agreements or international custom. These customs are sometimes codified by international organizations, principally the United Nations

Regulatory framework applicable to Water Quality in the NEL region



- **Obligation not to cause significant harm**
- no state in an international drainage basin is allowed to use the watercourses in their territory in a way that would cause significant harm to other basin states or to their environment, including harm to human health or safety, to the use of the waters for beneficial purposes or to the living organisms of the watercourse systems. (Recognised under the UN Watercourses Convention 1997 UNECE Water Convention, 1992, CBD, 1992, Berlin Rules 2004, 1992 1972 Stockholm Declaration, 1972 & Rio Declaration)

Regulatory framework applicable to Water Quality in the NEL region



- **Principles of notification, consultation and negotiation**
- Any riparian state in an international watercourse has the right to advance notice, consultation and bargaining in situations where another riparian's planned use of a shared watercourse can endanger its rights or interests (recognized under UN Watercourses Convention, UNECE Water Convention, Rio Declaration, CBD)

Regulatory framework applicable to Water Quality in the NEL region



- **Gaps and challenges of applying International Law in regulating Water Quality in NEL region**
- None of the NEL countries is a signatory 1992 Water Convention & 1997 Watercourses Convention;
- Some the countries such as South Sudan and DRC are not signatories to some of Conventions such as Basel Convention, Stockholm convention & African-Eurasian Migratory Waterbirds & the African-Eurasian Water-Bird Agreement;
- There is limited implementation of obligations under the Conventions/ agreements

Regulatory Framework applicable to Water Quality in the NEL region



- **Polluters-pays principle:**
- Polluters-pays principle: Polluter Pays Principle implies that the costs associated with pollution are to be paid by polluters, not by government or society. (UNECE Water Convention, Basel Convention, International Convention for the Prevention of Pollution from Ships (MARPOL) 1973 Agenda 21 The Rio, Convention
- Environmental Social Impact Assessment (ESIA) is that decisions affecting the environment should be made through a comprehensive evaluation of predicted impacts (CBD, Rio Declaration)

Regulatory framework applicable to Water Quality in the NEL region



- **The following instruments have been developed:**
- Treaty for the Establishment of the East African Community (1999, amended 2006 and 2007)
- The Protocol for Sustainable Development of Lake Victoria Basin, 2003
- EAC Protocol for Environment and Natural Resources Management (2006)
- The Convention for the Establishment of the Lake Victoria Fisheries Organization (LVFO) (1994)
- The Lake Victoria Transport Act (2007)
- Lake Victoria Basin Commission Act (2019)

Regional Instruments

- **The measures in the instruments include:**
- Requiring Partner States to take measures to control water pollution arising from development activities and to reduce municipal waste
- adopt common environmental standards for the control of atmospheric, terrestrial and water pollution arising from urban and industrial development activities.
- exchange information on atmospheric, industrial and other forms of pollution and conservation technology.

Regional regulatory framework continued



- **Harmonize the policies and regulations for the sustainable and integrated management of shared natural resources and ecosystems**
- application of polluter pays principle and costs recovered from the polluter shall be used for cleanup operations and restorations by that Partner States.
- monitoring, evaluating and ensuring compliance to policies and agreed actions concerning the Lake Victoria Basin;
- States are required to take all appropriate legal, economic realities of the Basin to prevention of pollution from non-point sources.

Regional regulatory framework continued



- **Gaps in the Regional Framework**
- The Nile River Basin Cooperative Framework 2010 is not in force;
- No specific policy /protocol on water quality regulation;
- The EAC countries have not met the targets of Goal 6 of SDG.
- Limited implementation of the EAC instruments such as the EAC Industrial and Municipal Effluents Standards 2016 and the Data, Information and Knowledge Sharing Protocol on the Lake Victoria Basin, 2012

National regulatory framework

- **The national policies and laws contain the following measures:**
- Water pollution classification;
- Water quality standards;
- Water and Waste Discharge licenses & permits
- Data collection and access

National regulatory framework cont'd

- **The national frameworks have the following gaps:**
- Limited implementation and enforcement of the policy and legal provisions for water quality management.
- In some countries there are limited water quality standards and guidelines at the national level and limited ordinances and byelaws at the local government levels.
- South Sudan lacks the necessary legal framework for managing the water and environmental sectors. Water and Environment Bill drafted in the mid-2000s have not been enacted to date.

National regulatory framework cont'd

- Several laws (including Water Acts) in the NEL countries have no regulations for their implementation.
- In most countries, the regulation of sanitation is not so closely integrated with management of water. Commonly, solid waste and storm water management, and in some cases management of human faeces, are regulated out outside the water sector.
- There is no harmonization in water sampling and laboratory testing methods & no harmonized policy & legal approach for data handling or exchange.

National regulatory framework cont'd

- In some countries, the roles and responsibilities for communities and local authorities regarding the planning, financing and operation and maintenance of water and sanitation facilities has not been clearly spelt out in the policy and legal framework.
- The legal framework does not have strong provisions on disposals into water bodies for example plastics, human excreta.
- Outdated legislation e.g. Public Health legislation.

Some recommendations

- All the EAC Partner States need to consider acceding and ratifying to the CFA, UN UNECE Water Convention and the UN Watercourses Conventions
- EAC through LVBC need develop mechanisms to strengthen water quality policy and legal framework implementation, e.g. via a platform for sharing experiences and good practices;
- EAC Partner States need to develop a roadmap because each country has an administrative organization and procedures that are specific to its domestic legal order.
- Promote harmonization & approximation of water quality laws and applying principles between countries, basins & regions.



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Thank You
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