

7.0 INSTITUTIONAL ARRANGEMENTS FOR PLAN IMPLEMENTATION

7.1 Proposed New Legislation and the NWRA

The government has proposed new legislation for integrated water resources management with the draft National Water Resources (NWR) Act according to which water resources is to be managed on river basin / water region basis that consist of one or more river basins taken as a cluster that are located adjacent to each other. The comprehensive planning of water resources at basin, parts of basins, regional and national levels would be promoted that would focus on issue based management approach ensuring sustainable development options as a means to resolve the issues. These measures would adopt integrated approaches linking upstream and downstream users, water quantity and quality, surface and groundwater coupled to management of riverine and critical watershed areas safeguarding the water sources and minimizing impacts on water resources. The basin plans would highlight strategies for water conservation adopting water saving technologies, awareness creation, economic value of water use, application of regulations and procedures in water use such as administration of water permits and ensuring equitable sharing of water resources through bulk water allocation. The NWR Act also provides for transferable water rights subject to conditions safeguarding third party interests, food security and downstream adverse impacts etc. and would be subjected to stakeholder consultations, consensus building and government approval.

Preparation of comprehensive basin plans would be supported by the River Basin Committees as an advisory group consisting of all representatives of stakeholders such as government agencies including provincial, local authorities, district/ divisional secretaries, bulk water users such as farmer organizations, community groups in water supply schemes, those involved in industry and commercial services, NGOs etc. While Regional Plans would be supported by a Regional Water Resources Council (Water Parliament) consisting of all above stakeholder groups at regional level. The National Water Resources Authority (NWRA) is to be established under the NWR Act to implement the provisions of the Act with a view to allocate water resources equitably among all stakeholders including the vulnerable groups of the population. It has powers to control regional water resources management agencies and the river basin offices to be established to manage 103 river basins, some of the smaller ones to be combined with inter-provincial river basins to form into five water regions. Each of the Regional Water Resources Management Agencies are to be governed by a Regional Board consisting of three members, while serving as the Secretariat to the Regional Water Resources Council.

7.2 Kala Oya Basin Committee – roles and functions, existing and proposed arrangements

7.2.1 Establishment of Kala-Oya Basin Committee (KOBBC)

Considering the importance of stakeholder participation in decision making in integrated water resources management, it is proposed to establish a River Basin Committee for Kala-Oya river basin. Preparation of the Comprehensive Plan and its implementation are to be guided and directed by a River Basin Committee consisting representatives of all basin stakeholders.

The Responsibilities of the Kala-Oya River basin Committee (KOBBC) will be as follows:

- Provide guidance and direction for the preparation and implementation of Comprehensive Plan for management of water resources (quantity and quality), water use and other natural resources impacting on water
- Provide guidance in the formulation of basin management policies and procedures
- Involve in resolution of conflicts and disputes arising from equitable use of water and impacts emanating from other natural resources
- Assist in awareness creation and consensus building for basin management plans
- Assist in identification of basin wide issues on water and other natural resources impacting on water and in resolving them on a prioritized basis according to the intensity and impacts on the people
- Advise on projects relating to water resources development, major water uses, supportive projects for basin management in the restoration of water quality, riverine control, environmental improvements and watershed enrichment, etc.,
- Monitoring of the implementation of Comprehensive Plans by the Basin Offices, other line agencies, administration units, NGOs/ CBOs and water user associations
- Impact evaluation on a periodic basis
- Advise the Kala-Oya River basin Office

The proposed members for the Kala-Oya river basin (KOBBC) are listed below :
Government members;

1. Chief Secretary/ NCP
2. Chief Secretary / CP
3. Chief Secretary/ NWP
4. District Secretary/ A'pura
5. District Secretary/ Matale
6. District Secretary / Puttalam
7. DD/ Irrigation Department, A' pura
8. Deputy Commissioner / Dept. of Agrarian Services - A' pura
9. Deputy / Assistant General Manager, NWSDB, A'Pura
10. Park Warden, Wilpattu National Park
11. Regional Manager/Water Resources Board- A'pura
12. Representative of DG/ Dept. of Agriculture
13. Range Forest Officer, Matale/ Forest Department

Depending on the issues to be discussed at the meetings of the KOBBC, one or more than one representative of any agency / administrative unit could be represented. In addition, River basin Manager could invite relevant officials from any one or more than one agency or administrative unit within Kala Oya basin to attend the KOBBC meetings.

Total number of government representatives - 13

The following nominees will represent sub-sectoral water uses associated with the Water User Groups, private sector water users and NGOs and will be subjected to change:

- Minor tanks - Leader of a Farmer Organization - 1
- Major Systems - Leaders of Farmer Organizations - 4
- Agro-wells and Rainwater agriculture- Farmer representative - 1
- Inland fisheries - Leader of Tank Fishermen Organization - 1
- System H - Farmer Leader Representatives - 3
- Private sector - 2
- NGOs - 2

Total number of private sector/ NGOs and Water user representatives - 14

The River Basin Manager could invite any additional individual or a representative of any private sector or water user group or any NGO for a meeting of the KOBC depending on the relevance of his or her contribution to highlight any related issue or to resolve an issue in the basin.

The Chairman of the Committee would be the Chief Secretary of NCP as it represents 52% of the Basin. The Kala-Oya River Basin Manager will also be a member and serve as the Secretary of the KOBC. Hence the total number of members of the Kala-Oya River Basin Committee will be 25. The

The Kala-Oya River Basin Office (KOBO) has been established initially to co-ordinate activities relating to preparation of the Comprehensive river basin Plan. The powers to issue Water Permits for bulk water users including irrigation schemes, water supply schemes or individual bulk water users either as service providers or as major water using industries or commercial establishments would be delegated to Mahaweli Regional Water Resources Management Agency/ KOBO under the proposed NWR Act.

The achievements gained in System H in terms of farmer empowerment, raising of funds to meet O & M costs, private sector involvement in market stabilization and efficient service provision, productivity enhancement, efficient water use through allocation of bulk water rations etc. could be replicated elsewhere in the basin as a means of upgrading the socio economic status of the community. However it would also be necessary to develop the irrigation infrastructure to meet on-farm demands through further modernization programs to enable the farmers to raise full cost recovery of O & M expenditure.

It is also important to establish a uniform system for farmer empowerment process throughout the basin to enable all irrigation schemes to hand over all O & M functions to farmer organizations or farmer associations / Farmer Companies according to set criteria. The rehabilitation of irrigation systems managed by the Irrigation Department need to be given high priority if any productivity improvements are to be envisaged in the future. It has been noted that many or all irrigation schemes in the basin such as Rajangana, Dewahuwa, Usgala Siyambalangamuwa etc. have been neglected for the past 20 years and the farmers have complained against takeover of such schemes due to deteriorated conditions of the canal network.

The studies are required for modernization of irrigation infrastructure to meet on-farm demands, development of operational and maintenance guide, development of detail procedures for bulk water administration systems, sustainability of irrigation system maintenance etc. which may have to be initiated almost immediately.

7.3 Kala Oya Basin Office – roles and functions, powers, existing and proposed arrangements

The MASL has already established the Kala-Oya River basin Office (KOBO) to lead and direct the activities relating to planning and management of water and other natural resources through a co-ordinated arrangement coupled to application of effective regulatory mechanisms with the other related agencies and Administration units. The current issues arising from weak implementation of the regulations would be complimented by supporting the existing regulatory agencies with appropriate measures either through community empowerment or through capacity strengthening programs.

More specifically, KOBO will perform the following functions at Kala-Oya River Basin:

- Serve as a Secretariat for the operation of the Kala-Oya River basin Committee (KOBC) where the River basin Manager would serve as the Secretary
- Serve as the lead/ complementary agency for planning and management of water and other natural resources within Kala-Oya basin through effective regulation of water resources and co-ordination and monitoring of activities relating to management of other natural resources and environmental impacts on water through integrated water resources management approaches
- Issue of water permits among the bulk water users / service providers including government agencies such as Irrigation Department, National Water Supply and Drainage Board, private sector large scale water users either as service providers or industry/ commercial users under the powers to be derived from the NWR Act
- Resource assessments including issue identification pertaining to water and other natural resources and preparation of river basin plans, updating of comprehensive plans thus responding to growing demands
- Strengthening the data and information systems including improvements to data collection points and methods to increase reliability and efficiency of data use
- Developing co-ordinating mechanisms with related agencies mandated for provision of services to water sub-sectoral uses/ private sector service providers and natural resources management, administration units, local authorities, NGOs and water user organizations etc. with a view to ensure smooth implementation of the Comprehensive river basin plans
- Monitoring of river basin plan implementation
- Evaluation of progress made at divisional level in resolving location specific issues

- Developing proposals to seek funding support for resolution of issues in the basin that can be implemented by many stakeholders through effective co-ordination and monitoring mechanisms
- Evaluation of proposals for development opportunities proposed to be undertaken by the public and private sector agencies/ NGOs and water user organizations

Develop partnership arrangements with agencies such as Irrigation Department, Central Environmental Authority, Water Resources Board, Universities, Coast Conservation Department, NGOs etc. to perform certain functions through collaborative/ co-operative programs.

7.4 Proposed Regional Water Resource Management Agency – roles and functions, powers

The roles and functions of the Mahaweli Regional Water Resources Management Agency (MWRA) would be mainly to prepare the Regional water resources management plan for Mahaweli region and its implementation through partnership building with the relevant line agencies, provincial/ local authorities and district/ divisional administration and the NGOs. Bulk water administration such as granting of permits, monitoring of conditions and evaluation of applications for transfer of water permits etc. It would also be responsible for operation, maintenance and including adoption of safety measures of water regulatory infrastructure in upstream locations such as dams and reservoirs for multi-purpose uses. The catchment management associated with upstream dams would also be one of the important functions of the MWRA. Establishment of co-ordination and facilitation processes for management of watersheds particularly with regard to water source protection, land use management, water quality management, riverine management are important aspects of basin and regional water resources management. Formulation of forestry and environmental management plans for Mahaweli region would be another responsibility of the organization. The MWRA would serve as a Secretariat for the Mahaweli Regional Water Resources Council which would serve as an advisory body for planning and implementation of regional water resources plans. The MWRA would derive powers for integrated water resources management from the proposed National Water Resources (NWR) Act

7.5 Coordination with Implementing Agencies

The comprehensive basin plan is considered as a product of the basin stakeholders including the water sub-sectoral line agencies, natural resources management agencies, environmental management agencies, Administration Units, Water User Associations and the NGOs, individual bulk water users operating in the basin and the school children. The Basin Plan would be made a public document through extensive consultation and awareness creation among the above categories of basin stakeholders with a view to seek their co-operation for its implementation. Implementation responsibilities of the basin plan would rest with all of the above stakeholder categories. Infact many of the development and management proposals that contain in the basin plan would be those submitted by the respective agencies and stakeholder groups to resolve basin wide issues pertaining to water and other natural resources.

However, all of these proposals would be evaluated, selected and prioritized by a competing panel of professionals such as Basin Technical Co-ordinating Committees (described below) in the light of availability of water, their impacts on water resources and the benefits for the majority basin population. The investments proposed in the basin plan would have to be raised both through the respective government agency / administration unit and the private sector/ NGOs/ Water User Associations etc. It is suggested that the investments identified in the basin plan should be the basis of budgetary allocation for the respective agency projects in that basin. Accordingly, the criteria in selecting the projects by the National planning Department for inclusion in the National Budget should be based on the proposals included in the basin plan.

Hence it is imperative to develop an effective co-ordination mechanism to ensure co-operation of all stakeholders at basin level and national level including the National Planning Department and the respective national level line agencies for the implementation of the basin plan.

The existing co-ordinating arrangements at the national, provincial, District, Divisional and local authority levels should be strengthened and should be coupled to river basin committees and proposed Regional Water Resources Management Councils that would have to recognize the importance of the basin plan preparation and implementation as a means of resolving major issues in the water and other natural resources sectors that have an impact on the water sector.

7.5.1 Coordinating mechanism for management of natural resources

Several line agencies are responsible for the management of natural resources in the KOB. Laws, Regulations and Institutions responsible for natural resource management in the KalaOya basin are given in Table 4.8.1. Uncoordinated and conflicting approaches of the individual line agencies responsible for management of specific natural resources have already led to deterioration and depletion of resources. Conflicts have already arisen between different stakeholder agencies regarding the area of responsibility pertaining to management of extraction levels of natural resources. Natural resources cannot be managed in isolation from each other without disrupting the natural balances and affecting the water quality. Therefore Kala Oya Basin Office (KOB) will play a coordination role to ensure sustainable use of natural resources in the basins. It should play a leading catalytic role in coordinating the other relevant line agencies, administration units, community organizations, etc. in the basin for the above course. The broad objective is to agree upon policies and decisions that promote the sustainable use of the natural resources in the basin taking into consideration social and economic issues as well. The driving force will be the transparency at all levels and the shared knowledge base. Partnerships (through Memorandum of Understanding) will be established with the relevant line agencies and administration units.

Table 7.5.1: Laws, Regulations and Institutions responsible for natural resource management in the KalaOya basin

Line Agency	Laws & Regulations	Specific Sector	Area of Authority
Irrigation Department	Irrigation Ordinance and amendments	Irrigation development / management	Planning, Construction, Rehabilitation, Operation and maintenance of irrigation structures, irrigation Water distribution, Irrigation management
Agrarian Development Department	Implementation of Agrarian Development Act of 2000	Registration of Farmer Organizations, Implementation of provisions of the Act pertaining to management of irrigable lands	Management of minor irrigation schemes, anicut schemes,
1. Coast Conservation Dept.	Coastal conservation Act No. 57 of 1981	Management of Coastal Resource	Coastal zone of the Basin.
2. Dept. of Wildlife Conservation	Fauna and Flora protection ordinance No 2 of 1937, 31 of 1942 No 12 of 1944, No 12 of 1945 Act No. 38 of 1949, 44 of 1964 1 of 1970, 49 of 1993	Planning and Management of Conservation Area (Nature reserves - Biodiversity)	Nature Reserves and National Park, Wetlands. (Kala oya Basin)
3. Dept. of Forestry	Forestry ordinance No. 16 of 1907 11 of 1912, 24 of 1918, 23 of 1931, 16 of 1935, 30 of 1945, 8 of 1947 Act : 34 of 1951, 49 of 1954, 13 of 1966, 12 of 1992.	Forest Conservation, Planning and Management of Forest reservation Area	Natural forest reserves and plantations (Biodiversity) Kala Oya Basin.
4. Geological Survey and Mines Bureau	Mines and Minerals Act. No. 33 of 1992.	Management of Mineral Resources.	Kala Oya Basin.
5. Local Authorities	Pradeshia Saba Act. CEA delegated authority.	Management of some of the natural resources. (Sand mining, etc.)	Areas under Local Authorities in the Kala Oya Basin
6. Central Environment Authority	National Environment Act. No. 47 of 1980 amended Act No. 56 of 1988, 1998 and no. 53 of 2000.	Implementation and compliance monitoring of regulations, conditions, for the conservation of natural resources.	Kala Oya Basin

7.5.2 Technical Committee for Co-ordinating line agencies responsible for management of Water and other Natural resources in Kala – Oya Basin. (Basin level)

Conflicting issues arising from new development proposals relating to water and other natural resources in the basin such as impacts on downstream stakeholders, changes to land uses, extraction of forest cover from sensitive water source areas and stream-river-reservoir reservations, extraction of minerals/ sand /gems, etc. would be reviewed by this committee for granting concurrence for approvals by the relevant line agencies/ administration units for implementation of the projects. It would be important to seek concurrence for above proposals from the technical committee of the basin for implementation particularly when new projects are proposed that are not included in the basin plan. The proposals relating to investment projects that are to be included in the basin plan may also be evaluated by the same Panel / Technical Committee. Decisions will be guided in accordance with the policies, regulations and guidelines of the comprehensive basin plan of the KOB.

Members of the proposed Technical Coordinating Committee are as follows:

Basin Manager, Kala Oya Basin - Chairman
 Regional Director / Irrigation Department - A'Pura - Member
 Deputy General Manager, National Water Supply and Drainage Board - A'pura - Member
 Deputy Commissioner, Department of Agrarian Services - A'pura
 Dy. Conservator of Forest (A'pura), Dept. of Forest Conservation - Member
 Dy. Director, Dept. of Wildlife Conservation - Member
 Representative/Geological Survey & Mines Bureau - Member
 Representative / Dept of Coast conservation - Member
 District Environmental officers, Kala Oya Basin - Member
 District Land Use Planners - Member
 Divisional Secretaries, Kala Oya Basin - Member
 Assistant Director, Central Environmental Authority, Matale - Member
 Any other relevant person may be co-opted.

The Committee will study the proposals on major development activities and examine its water demands and review impacts on water resources and in case of water resource development projects impacts on other natural resources taking a holistic view of the related issues according to the comprehensive basin plan and the national regulations. The Basin Manager should make the final decision to grant concurrence based on the recommendations of the committee by obtaining consensus of its members. Basin manager may obtain technical guidance from the regional agency or the NWRA head office before granting approval.

In the event the committee is unable to develop consensus of its members for a particular decision, regarding a dispute between members of line agencies, conflict, or any such issue that may arise within the basin should be submitted to the Technical Coordinating Committees appointed by the regional Agency or the Head office for conflict resolution and for final decision.

7.5.3 Technical Coordinating Committees at Regional and National levels

When request for conflict resolution is received from Technical Coordinating Committee at basin level it is necessary to carefully study the issues and recommendations made by the basin level Technical Co-ordinating Committee and a joint decision should be taken by the Regional level or National level Technical Co-ordinating Committee. Conflict resolution function will be performed by the independent co-ordinating committees operating at the regional or the national level.

Technical Coordinating Committee at Regional and National Levels would comprise of regional heads or Departmental heads of the relevant line agencies at appropriate levels and the River Basin Manger.

7.5.3.1 Existing Co-ordinating Committees at Provincial / District / Divisional levels

The existing co-ordination arrangements at provincial, district and divisional level are briefly outlined below:

(a) District Coordinating Committees (DCC)

The District Coordinating Committee (DCC) is the main coordination mechanism in a district for implementing and coordinating development activities in the district. Before setting up of Provincial Councils under the 13th amendment all the responsibility of implementation and coordination of development activities within the district was vested on the District Secretary. At present the Chief Minister and a Senior Minister from the area appointed by the Government as co-chairpersons presiding the meetings. They meet once in two months to review the progress of each sector and various policy papers to be forwarded to the cabinet of the provincial councils. District Secretary is the secretary of this committee. This committee comprises of all the parliamentarians in the district, provincial council members, pradesiya saba chairmen' (local council), Secretaries of the provincial councils including the chief secretary of the province, heads of provincial line agencies etc. The total number of participants is around 75.

The major issues taken up at this meeting relate to irrigation, agricultural marketing, infrastructure development, social –economic and cultural aspects, administrative and financial aspects etc. Based on the above issues a regional plan is prepared by the respective line agency and the responsibility of DCC will be to ensure that the projects are implemented properly, in time and ensure that the funds are available to implement the plan.

(b) Provincial councils

Provincial council meetings are held once a month. The purpose is to monitor all the development activities within the province. The meeting is chaired by the chairman of the provincial council and all members of both ruling and the opposition parties attend. The provincial budget for capital and recurrent activities in the province are approved and the Governor of the province makes a policy statement based on the financial allocation annually.

(i) District Agricultural Committee (DAC)

The purpose of this meeting is to review the progress of agricultural activities in the district and coordinate and resolve various issues pertaining to implementation of agricultural programmes. The DAC meetings are chaired by the District Secretary of the District and the members include senior staff of the Department of Agriculture, Provincial Department of Agriculture, Department of Agrarian Services, all Divisional Secretaries, Regional Director of Irrigation and the farmer leaders. Total quorum is about 80. Committee meetings are held monthly.

(ii) District Forest Committee

The District Secretary chairs the meetings of the District Forest Committee where members from the respective agencies such as Wild Life, Forest, Police, Timber Corporation and Divisional Secretaries (DS) are represented. Issues such as illicit felling, illicit transport of timber, human elephant conflicts, damages to life, crops and property etc. are discussed. Issuing of timber permits, permits for locations of sand mining will also be discussed. Progress is also reviewed pertaining to reforestation programmes in the district.

(iii) District Environment Committees

District Environment Committee meetings are chaired by the District Secretary and all the relevant programmes associated with the preservation of the environment in the district are co-ordinated and monitored. The committee comprises of Chairmen of Local Authorities, Divisional Secretaries, Environment Officers attached to DSS Divisions. The progress of ongoing environment programmes , tree planting programmes, awareness programmes to protect and conserve environment etc. are reviewed and decisions taken to promote these programmes effectively in the field. Number of participants is about 60.

(iv) Non Government Organization (NGO) Consortium

This is the forum to examine and approve various programmes conducted by the NGOO in the district. The meeting is chaired by the District Secretary and representatives from all the NGOO attend this meeting where annual work plans are examined and approved. The meeting of the consortium is held once in three months to review the progress.

(v) Coordinating committees at Divisional Level

In parallel to the District level co-ordinating committees similar committees operate at Divisional level with the same type of structures to examine plans and programmes operated by the line agencies and administration units at the Divisional level.

(vi) Project Coordinating Committee

Project Coordinating committees are established in major irrigation schemes managed either by Mahaweli Authority or Department of Irrigation. The committee comprises of Resident Project Manager, Irrigation Engineers, Agriculture Officers, Block Mangers, Farmer Leaders in the project area, representatives from the Divisional Secretary, Grama Niladharis, Irrigation Management Division (IMD), Coconut Cultivation Board and Fisheries Department. At this forum they finalize the dates of cultivation, types of crops to be grown, monitor environment conservation programmes, bulk water allocation etc. The meetings are held once in three months before beginning of the cultivation seasons.