Legal challenges to improve groundwater management: The case of Ethiopia

Dr Jenny Grönwall, LL.B, LL.M SIWI







FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

MINISTRY OF WATER RESOURCES

WATER SECTOR DEVELOPMENT PROGRA

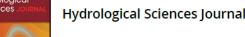
MAIN REPORT VOLUME I

IWMI Working Paper

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Gender Dimensions of
Community-based Groundwater
Governance in Ethiopia: Using
Citizen Science as an Entry Point

Likimyelesh Nigussie, Jennie Barron, Alemseged Tamiru Haile, Nicole Lefore and John Gowing



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Regional-scale interactions between groundwater and surface water under changing aridity: evidence from the River Awash Basin, Ethiopia

Seifu Kebede , Katrina Charles , Samuel Godfrey , Alan MacDonald & Richard G. Taylor



REACH

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Flesh and bones: Working with the grain to imp management of water

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Department of Geography, University of Sheffield, Broomhall, Sheffield 510 2TG, United Kingdom l'Ancaster Environment Centre, Lancaster University, Lancaster, LAI 4 4YQ, United Kingdom Department of Geography, Chancelor College, University of Malawi, Zomba, P.O. Box 280, Malawi

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Keywords: Community-based management Water governance Working with the grain Institutional bricolage Africa Ethiopia, Malawi and Uganda ABSTRACT

Despite cogent critiques and limited succe policies for natural resource management to strengthen CBM by 'working with the advocates, such approaches ensure that in therefore more likely to be effective. Impically, and operationally challenging. In community-managed water in rural Eth arrangements by undertaking an in-depti also undertake yearlong studies in 12 co. This focus on the local is complemented sustainability assessments, our multi-co.

Groundwater in Ethiopia

Seifu Kebede

Features, Numbers and Opportunities



Point of departure, Ethiopia's policy landscape

- As for SSA at large, water resources development has historically centred around surface water
 - → GW less well understood ⇒ inadequately regulated
- The large potential role & contribution of GW has been recognized in the past 10+ yrs
- Current National Policy & Strategy provisions on GW build on a development paradigm, not sustainability

Best practices for GW policy

- GW governance is a complex *process* that requires coordination across multiple spatial and time scales, sectors and administrative levels
 - + with actors from international to local level
- Avoid silos, ensure integration & holistic approaches
- Implementation of permit system is costly
 - → consider widened but different *de minimis* exemptions

Best practices for GW policy, cont'd

- 1. GW is used by all sectors, but must be prioritized for drinking water purposes.
- 2. Clear mandates and power division needed.
- 3. Because GW is 'invisible', it is difficult (costly, time-consuming) to know how much there is, where, and what quality it has. NB differences betw. shallow & deep aquifers
 - → Use the precautionary principle!



Best practices: What to regulate

- The 'greening' of groundwater law
- Dealing with both diffuse & point sources of pollution – BAT
- Selective targeting of aquifers under stress
- Countering effects of groundwater depletion recharge, RWH
- Master /Basin plans for overall allocation caps
- Drinking water source protection
- The role of groundwater users in governance
- Ensure that drillers are appropriately qualified + well spacing

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ኤኤራል ነጋሪት ጋዜጣ FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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PROCLAMATION NO. 197/2000 ETHIOPIAN WATER RESOURCES MANAGEMENT PROCLAMATION

WHEREAS, it has become necessary to issue a water resources management, protection and utilization Proclamation to put the water resources of Ethiopia to the highest social and economic benefit for its people through appropriate protection and due management;

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE General Provisions

1. Short Title

This Proclamation may be cited as the "Ethiopian Water Resources Management Proclamation No. 197/2000."

. Definitions

Unless the context requires otherwise, in this Proclamation:

- "Depletion of water" means a decrease in the quantity of water below its normal level at a given season, whether due to man-made or natural causes;
- "Domestic use" means the use of water for drinking, cooking, sanitation, or other domestic purposes;
- "Force majeure" means as defined in the Civil Code of Ethiopia.

Unit Price 4.

アフンナ フルロア・デーボー 東光点 Negarit G.P.O.Box 80,001

Best practices: Who does what

Federal level: coordination, ensure integration w. pollution prevention, reporting

(NATIONAL LEVEL)

STRATEGIC PLANNING

- provision for aquifer resource/vulnerability assessment
- design and implementation of national/ regional/ basin groundwater policies
- definition of protection (conservation or control) area policy
- mandate for drought or emergency actions
- status of groundwater plans and use priorities

From Nanni, Foster et al. 2004 Groundwater legislation & regulatory provision from customary rules to integrated catchment planning. World Bank GW-MATE.

(LOWEST APPROPRIATE LEVEL*)

LAND-USE MANAGEMENT

- procedures for groundwater protection zones
- provisions for aquifer recharge area conservation

REGULATION OF WATER USERS

- administration of abstraction/use rights
- administration of wastewater discharge permits
- promotion of user/stakeholders/associations
- appeal and sanction procedures

^{*} depending on size of country or other factors

Water policy – revised (draft)

Ensure that the exploitation of GW shall be based on abstraction of the maximum amount equal to the sustainable yield,

maintaining long-term, dynamically stable storage of highquality GW as determined by competent authorities after consultation with local communities, as appropriate, and establish regulatory norms.

Revisions to law: recommendations

- Demand AND supply management
- Endorse the precautionary principle, source protection/ polluters pay principle
- Stipulate mandatory recharge measures with every abstraction permit

Water from culvert is channeled into check-dams which enhances groundwater recharge, Tigray, Northern Ethiopia



https://upgro.org/2015/03/22/roads-for-water-new-research-puts-ethiopian-farmers-in-the-driving-seat/

Revisions to law: recommendations 2

- Leave No One Behind: HH /domestic use = prio. 1
 Consider SDG 6 (+ interlinked targets)
 JMP reporting + UNICEF
 universal access / the human right to safe drinking water
- Agricultural use /Food production = prio. 2
 Consider SDG 2 Zero hunger
 Shallow wells ATA, JICA, REACH & other research programs
- Industrial use incl. cash crops = prio. 3
 SDG 12 Sustainable production
 Users + polluters pay = incentive for resource efficiency

Thank you!

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