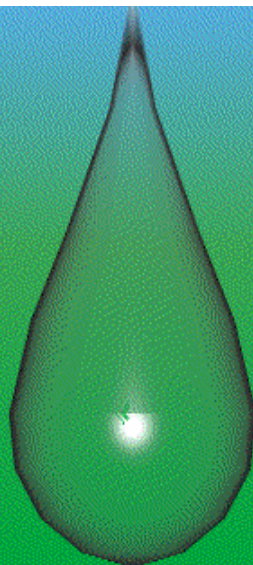




MINISTRY OF NATURAL RESOURCES

Lesotho Water and Sanitation Policy



Final Draft

JANUARY 2007

Almost all the rainwater runoff from Lesotho ends up in the Atlantic Ocean while the country remains in dire need of drinking water for its people. As this water travels, it erodes and transports fertile soil out of the country. It leaves behind gullies, impermeable surfaces, reduced arable land, worsening poverty and hunger. To reverse this trend demands commitment and a concerted effort at all levels of Government.

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FOREWORD

Lesotho has water as its most important natural resource, second to her people. The ownership of all water within Lesotho is vested in the Basotho Nation. The Government of Lesotho has the duty to ensure that this resource is used in a sustainable manner and to the benefit of all users, and the responsibility to provide security of access to water sources and improved sanitation. In pursuit of this responsibility, Government is producing this second water policy to provide direction in dealing with water resources

Government is committed to ensure effective and efficient management and development of this resource in order to maximize socio-economic benefits. It aims to achieve this objective in an equitable manner without compromising the sustainability of vital environmental systems. Proper planning, conservation, development, and management of water resources require a shared vision and ownership. Paramount on Lesotho's development agenda is the alleviation of poverty. Properly focused programmes should allow particularly the poor to have access to potable water supply and improved sanitation facilities. In this regard a minimum standard of 30 litres per capita per day will apply.

The principal challenges facing the water sector include:

- Improved coordination of water programmes and projects through a Sector Wide Approach (SWAp);
- Strengthening capacity of water sector institutions;
- Development of an effective legal and regulatory framework;
- Efficient service delivery and sustainability through appropriate levels of decentralisation;
- Mainstreaming HIV/AIDS, gender and environmental issues;
- Facilitation of partnerships in management and development of water resources; and
- A mechanism to track and measure achievement of developmental goals.

Lesotho's water and sanitation policy is based on the recognition of a need for a holistic and sustainable water resources management and development approach, ensuring as wide a participation of water stakeholders as possible and treating the resource as an economic, environmental and social good. We aim to make a clarion call to all sectors of the society to join hands in managing, conserving, and protecting this valuable resource in order to satisfy our present needs as well as those of future generations. Of vital importance are controlling land degradation, good rangeland management practices, wetlands conservation, controlling pollution and invasive alien species. Concisely, we need to adopt an integrated catchment management.

Apart from addressing specific water resource management issues and in recognition of the fact that water impacts on many other sectors, this policy document is aligned with the National Vision 2020, the Poverty Reduction Strategy, the Millennium Development Goals and other related policies such as those on Decentralization, Energy, Environment, Food Security, Gender, Forestry and Land Reclamation, HIV/AIDS, Industrialisation, National Irrigation Policy, **and** Science and Technology. The Lesotho Water and Sanitation Policy goes all-out to embrace our principle that "*Kopano ke Matla* - Unity is Strength". United we shall stand in the quest for a better future for all of our people.

The Lesotho Water and Sanitation Policy (LWSP) is consistent with the global and regional consensus embodied in Agenda 21, the Dublin Principles, the Helsinki Rules, Johannesburg Plan of Implementation, Global Water Partnership, SADC Declaration, Southern African Vision for Water and Environment, SADC Regional Water Policy, **and** SADC Protocol on Shared Water courses.

The Water Resources Management Policy was adopted in 1999 and was set out to be updated every five years to accommodate domestic and international changes and challenges. Since 1999 a number of changes have taken place: the Government of Lesotho has adopted the National Vision 2020, the Poverty Reduction Strategy and Millennium Development Goals.

Lesotho has also become a signatory to various international agreements that directly and indirectly affect the development of the water sector in Lesotho. It was in the light of these developments that the Government of Lesotho committed itself towards ensuring efficiency in management and development of its water resources through an Integrated Water Resources Management Policy.

The water and sanitation targets feature under Goal – 7 (the environmental sustainability Goal) of the Millennium Development Goals. The wording calls on government to “ half, by 2015, the proportion of people without access to a sustainable source of potable water and basic sanitation. Water for life – the provision of safe drinking water and sanitation is the imperative for human and economic development in poor communities. Access to clean water and safe sanitation therefore correlates closely with other critical MDG targets such as child mortality, gender equity and enrolment in education, and severe poverty. Governments are being encouraged to recognize that without success in water and sanitation, the entire MDG concept will be in jeopardy. Tracking the Millennium Development Goals (MDGs) targets and indicators is the responsibility of all.

The Office of the Commissioner of Water is mandated to promote improved coordination of programmes and activities within the sector. Effective sector wide coordination remains a challenge for proper management and development of the water resources in the country. For this to happen the necessary legal and regulatory framework has to be institutionalised and a SWAp initiated. This will allow us to measure levels of achievements and impacts towards agreed national objectives

Let us all join hands in ensuring a healthier, educated and food sufficient Lesotho

.....
M. Khaketla (Dr.)
Minister of Natural Resources

POLICY CONTEXT

Policy Objectives

The objectives of the Lesotho Water and Sanitation Policy (LWSP) are to promote:

- 1) The proper management of the country's water resources and its sustainable utilization;
- 2) Adequate and sustainable supply of potable water and sanitation services to all of the population of Lesotho;
- 3) Co-ordination and coherence in the management and development of water and other related natural resources, in order to maximise the resultant socio-economic benefits without compromising the sustainability of vital ecosystems; and
- 4) Harmonisation of processes and procedures followed by different development partners and other stakeholders in order to optimise available internal and external resources as well as ensure timely implementation of sector programmes.

Principles

The guiding principles of the Lesotho Water and Sanitation Policy are:

- A. Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment. Its utilization must therefore be sustainable;
- B. Since water sustains life, in order to be effective, the management of water resources demands a holistic approach, linking social and economic development with the protection of natural ecosystems. Effective management of water resources would also link land and water uses across the whole of a catchment area as well as the groundwater aquifer in an integrated management framework;
- C. Water has an economic value and should be recognized as an economic good. Managing water as an economic good is an important way of balancing its competing uses and achieving its equitable, efficient and sustainable utilization while encouraging its conservation and protection;
- D. Water management and development should be based on a participatory approach, involving users, planners and policy-makers. A participatory approach involves raising awareness on the importance of water among policy-makers and the general public. A participatory management approach also requires that, decisions be taken at the lowest appropriate level of governance, with full public consultation and the involvement of users in the planning and implementation of water and sanitation programmes and projects;
- E. Women and girls continue to play a central role in the provision, management and safeguarding of potable water. The pivotal role of women as providers and users of water and as guardians of the living environment requires enabling policies and strategies to empower them to participate at different levels of decision-making in water resources management and development and to share in the benefits of water utilization on the basis of equity;

- F. All the Basotho are entitled to have access to a sustainable supply of potable water and to the provision of basic sanitation services at an affordable cost;
- H. Public-Private Partnerships are essential for sustainable development of water resources and accelerated access to potable water and sanitation services to the un-served and underserved population on account of improved efficiency of operations and investments; and
- I. Each riparian state within a shared watercourse has a right to reasonable and equitable utilization of water within its boundaries. This right may be exercised through an integrated basin management approach and the active participation in planning and implementation of joint programmes aimed at conserving and sustainably utilizing river basin systems.

Policy Statement 1: Water Resources Management

Manage water resources in an integrated and sustainable manner to ensure availability of this resource in adequate quantities and quality for present and future social, economic and environmental needs.

Objectives:

1. To enhance the conservation and protection of the country's water resources and to promote its sustainable management; and
2. To improve the assessment of the nation's surface and ground water resources.

Strategies:

- a) Expand and maintain existing country wide monitoring networks and systems for effective assessment of national water resources;
- b) Develop and maintain a management information system for all water sector related data for ease of storage, retrieval, manipulation and dissemination;
- c) Develop and implement a communication strategy for effective flow of data and information at different levels with a view to avoiding duplication of efforts and increasing sharing of knowledge and experience, efficiency and collaboration;
- d) Promote integrated planning, development and management of water resources at different levels and in different sectors to maximize benefits arising from hydropower, tourism, flood control, irrigation, water supply, water bottling, water for export and others to enhance complementarity and synergies;
- e) Establish and implement water allocation principles and guidelines for different uses based on water demands for sectoral developments;
- f) Develop and implement drought relief strategies and flood management measures for risk reduction and effective mitigation of impacts;

- g) Develop systems and put in place measures and guidelines for retaining surface water runoff for utilization and for the artificial recharge of groundwater;
- h) Promote the adoption of integrated planning for and management of catchments to minimise land degradation and promote sustainable utilization of water and other natural resources;
- i) Encourage water conservation through the promotion of rainwater harvesting to further increase utilizable water resources;
- j) Introduce water use charges taking into account the economic value of water without however compromising the ability of poor communities to utilize water for domestic and other productive purposes; and
- k) Enhance capacity for managing the nation's water resources of the technical and professional personnel as well as of the institutions charged with the mandate of managing the nation's water resources.

Policy Statement 2: Water Supply and Sanitation Services

Ensure access to a sustainable supply of potable water and basic sanitation services for all Basotho

Objectives

1. To accelerate the delivery of water and sanitation services to all Basotho in line with national development goals;
2. To promote increased investment in infrastructure development (reservoirs, conveyance structures, etc) to meet the water demand in urban and rural areas for socio-economic development and for meeting basic consumption and hygiene needs;
3. To devolve provision of water supply and sanitation services to relevant institutions at National, District and Community Council levels;
4. To promote equity in access to water supply and sanitation services taking into account vulnerable and marginalized groups including women, girls and all those affected by HIV/AIDS; and
5. To ensure that the tariffs charged by water and sanitation service providers cover the actual cost, including the capital costs as well as the cost of overheads, of providing water and sanitation services.

Strategies:

- l) Reconstitute water committees as a mechanism for sustainable service delivery at local level;
- m) Empower district and community councils in the effective implementation of water supply and sanitation programmes, including the development of all relevant by-laws;

- n) Establish long term water demands and water supply options for urban and rural areas beyond 2035;
- o) Formulate water supply and sanitation services programmes for the medium (10-15 years) and long term (20-25 years) in order to facilitate the determination of, and access to, funding mechanisms;
- p) Develop and implement principles and guidelines for various forms of Public-Private Partnerships to facilitate sustainable provision of adequate water supply and sanitation services to rural, peri-urban and urban areas;
- q) Develop and implement management systems for existing and planned bulk water storage structures (reservoirs, dams, etc);
- r) Develop and implement programmes aimed at creating public awareness on linkages between water supply, sanitation, health and hygiene;
- s) Establish and implement standards for provision of water supply and sanitation services;
- t) Establish and put into effect tariff structures and cost recovery mechanisms for water supply and sanitation services which ensure that water service providers recover the actual cost, including capital costs, of providing water services;
- u) Introduce a cross-subsidy tariff mechanism to reflect water for basic human needs only (30 litres per capita per day) in the case where customers are unable to afford the cost of lowest service;
- v) Tariffs for non-domestic water supply shall be flat rate and shall not be less than the marginal cost of the water supplied while tariffs for domestic consumers shall be banded, but nevertheless its weighted average shall not be less than the marginal cost of the water supplied;
- w) As a way of promoting equity, the Government shall endeavour to ensure that the maximum expenditure on water shall not exceed 5% of disposable income, and that the water service providers apply a uniform tariff in all areas as opposed to regional tariffs;
- x) Put in place mechanisms to ensure that a proportion of the revenues from the Lesotho Highlands water is utilized to increase coverage of water supply systems in underserved areas;
- y) Implement the Aftercare Strategy for rural water supply systems in order to improve sustainability of access to potable water; and
- z) Introduce systems for monitoring and evaluating the performance of water supply and sanitation systems at community level.

Policy Statement 3: Water and Environment

Protect and conserve water resources and minimize the adverse impacts of socio-economic development activities on water

Objectives:

1. To promote integrated water resources management with a view to reducing the negative impacts of human activities and natural processes on sensitive ecosystems;
2. To encourage the implementation of catchment management principles and practices as the basis for managing the country's water resources;
3. To enhance protection of water resources against various forms of pollution and to minimise the risk of over-exploitation; and
4. To ensure integration of environmental and other inter-sectoral issues, among them HIV/AIDS and gender equity into water resources programmes and activities.

Strategies:

- a) Develop and implement relevant environmental standards and guidelines for aquatic ecosystems;
- b) Promote environmental education aimed at creating awareness of conservation and sustainable use of water resources for all groups including among others industrialists, herders, farmers, youths, councillors;
- c) Require the prevention of pollution at source through the adoption of cleaner technologies and management systems;
- d) Implement an industrial wastewater policy to effectively control discharges from industrial processes on the basis of the "Polluter Pays Principle" and the adoption of cleaner manufacturing and processing technologies;
- e) Implement integrated waste management and pollution control measures for the effective protection of water resources from potential non-point and point sources of pollution, including from solid and hazardous wastes disposal sites;
- f) Adopt and implement internationally recognised principles on wetlands management, among them principles drawn from the RAMSAR Convention on Wetlands of International Importance as Waterfowl Habitat;
- g) Put in place mechanisms for the conservation of wetlands by protecting them from overgrazing and other hazards, particularly fire;
- h) Promote Strategic Environmental Assessment (SEA) of policies and strategies, programmes and plans for water resources development in order to enhance sustainable development; and

- i) Adopt Environment Impact Assessment (EIA) for all water resources development projects with emphasis on environmental protection, poverty alleviation, and reduction of the spread of the HIV/AIDS pandemic;

Policy Statement 4: Trans-boundary Water Resources

Manage trans-boundary water resources on the basis of Lesotho's sovereignty in a way that ensures maximum benefits while taking cognisance of her obligations to downstream users under international law.

Objectives:

1. To strengthen co-operation with riparian states in an effort to find solutions to the challenges of managing trans-boundary water basins; and
2. To promote joint planning and management of the development of trans-boundary water resources while maximising benefits for the people of Lesotho.

Strategies:

- a) Cooperate with other riparian countries in the development, optimal utilization and protection of trans-boundary waters without compromising the country's sovereignty;
- b) Establish a comprehensive monitoring system in collaboration with other riparian states for the collection, processing and sharing of data on integrated water resources management and development;
- c) Adopt a comprehensive and integrated management framework for the Orange-Senqu River Basin to maximize the water resources benefits to the people of Lesotho and those of the other riparian states;
- d) Promote a bilateral initiative for the development and implementation of an integrated planning framework for the Mohokare /Caledon River basin water resources; and
- e) Cooperate in the establishment of a Management Information System for water resources that is compatible with national data management systems for ease of information sharing among riparian states.

Policy Statement 5: Sector Wide Approach

Adopt a sector wide approach to water resources management and to water supply and sanitation services development, in order to ensure effective and efficient use of internal and external resources

Objectives:

1. To promote a sector wide approach for water sector management and development in order to facilitate replacement of project-based approach with comprehensive sector-wide programmes;
2. To promote optimal use of national and international funding for the management of water resources and the development of water supply and sanitation services through increased coherence between policy spending and results, and to reduce transaction costs; and
3. To improve coordination of water sector planning, programming and activities in order to enhance the chances of the attainment of developmental objectives and to facilitate monitoring and evaluation.

Strategies:

- a) Strengthen the capacity of the Water Commissioner's office to enable it to play its leadership role in the facilitation of sector wide collaboration, agreements, and negotiations, management, planning and reporting framework;
- b) Review and implement relevant water sector policies in order to facilitate participation in accelerated water resources management and development programmes;
- c) Develop and implement integrated water sector programmes that promote coherence between sectoral policy, spending and results through greater transparency and wider dialogue;
- d) Establish and implement a medium term expenditure framework for both internal and external resources that meet the requirements of the agreed sector programme with harmonized processes and procedures;
- e) Institutionalise performance monitoring and evaluation systems using agreed sector indicators including MDG targets and achievements at all levels of implementation;
- f) Establish and maintain a central management information system for the water sector for ease of storage, retrieval and processing of information;
- g) Establish and formalise a procedure for donor coordination for effective pooling of resources; and

- h) Establish and implement mechanisms for systematic dissemination of information on various aspects of water sector programmes in order to broaden ownership by all stakeholders, clients and beneficiaries.

Policy Statement 6: Stakeholder Involvement

Ensure participatory approach with effective involvement of all stakeholders at different levels in water resources management and development in order to ensure sustainability of sector programmes.

Objectives

1. To promote effective stakeholder participation in the formulation and implementation of all sector programmes;
2. To ensure participation of all gender groupings in the formulation and implementation of all sector programmes;
3. To facilitate the involvement of the private sector as an important stakeholder in the management of water resources and in the provision of water services.

Strategy:

- a) Adopt and prepare guidelines for participatory approach at different phases of development programmes and projects with focus on traditional leaders; women, youth groupings, the disabled, orphans and all other vulnerable groups in affected communities;
- b) Promote and facilitate the participation of Non-Governmental Organizations (NGOs), Community Based Organisations (CBOs) and Civil Society in integrated water resources management;
- c) Develop and implement guidelines for facilitating private sector participation at different levels of water sector programmes and activities;
- d) Identify options and opportunities for the participation of the private sector in the management of water resources and in the provision of water services; and
- e) Facilitate the role of the private sector by creating an enabling environment for public private partnerships in water resources management and water services provision.

Policy Statement 7: Institutional Arrangements and Legislative Framework

Put in place appropriate institutional arrangements and a legislative framework for the sustainable development and management of the nation's water resources and for the supply of water and sanitation services.

Objectives:

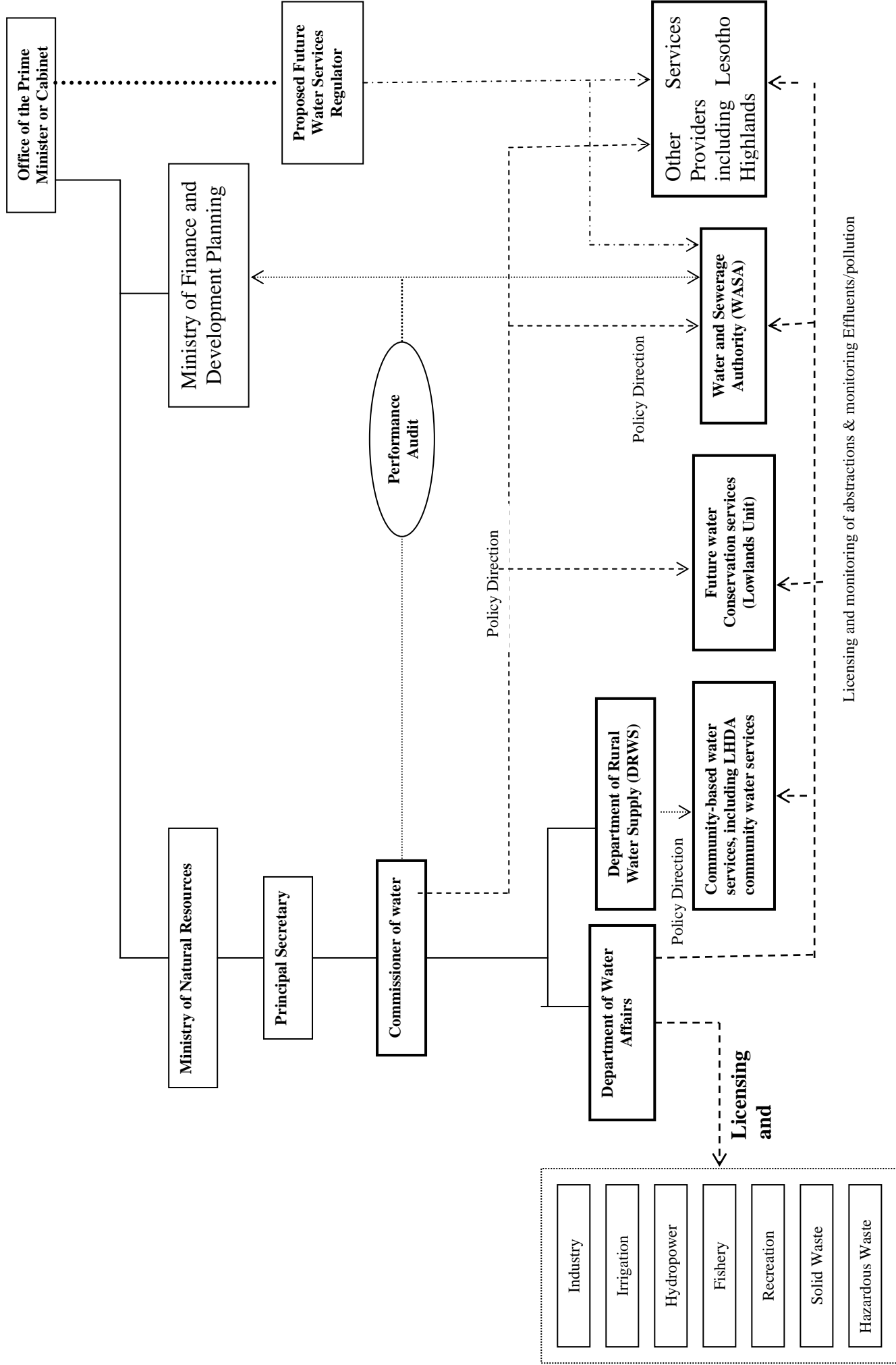
1. To improve institutional and legal framework for implementation of the Water and Sanitation Policy;
2. To foster clarity and separation of roles and responsibilities in water resources development and management; and water and sanitation services delivery to match the needs of Basotho.

Strategies:

- a) Introduce and effect institutional reforms. In this regard, the priorities of Government in the medium to long term include the following:
 - i. Strengthen policy development and monitoring;
 - ii. Establish and operationalise a bulk water authority for raw water. The authority will operate and maintain large dams and reservoirs;
 - iii. Establish and operationalise an independent economic and services regulator with respect to tariffs for treated water, water distribution, and bulk supply of raw water;
 - iv. Provide for urban water utility, WASA to have responsibility for treatment and distribution of treated water;
 - v. Facilitate the establishment of water distributors at various levels;
 - vi. Establish and operationalise asset management agency. The agency will coordinate large investments for expansion water distribution networks and other related infrastructure
- b) Where need arises, establish project implementation units (PIUs) to catalyse implementation of complex projects that require specialized expertise. In the event where PIU is needed, an oversight board, with necessary expertise for quality control, will be formed to provide policy guidance to the former;
- c) Separate water resources development and management from the provision of water supply and sanitation services;
- d) Devolve water resources development and management functions to lower level institutions;

- e) Promote involvement of other stakeholders, including local communities and the private sector in the management of water resources and in the provision of water supply and sanitation services;
- f) Introduce and implement a legislative and regulatory framework for the management and development of water resources, covering *inter alia*, water rights; dispute resolution; public participation; water pollution control; water quality standard setting; catchment management; and introduce a basis for charging for water use among other issues. In this regard, the Government's priority in the short term is to:
 - i. Enact water resources management, and water supply and sanitation services bills. The former bill will among others elaborate the roles and responsibilities of key players within the sector particularly those of the Commissioner of Water;
 - ii. Review corporate governance arrangements for utility companies to be in line with international and regional standards for corporate agencies.

PROPOSED ORGANISATIONAL STRUCTURE OF THE WATER SECTOR IN LESOTHO



Monitoring and Evaluation

Objectives:

The on-going monitoring and assessment of water resources and coverage of water and sanitation services are of vital importance to our ability to manage and protect the resource and more importantly ensuring provision of adequate services to the majority of Basotho. The information generated through this process is essential for monitoring progress in the implementation of the LWSP as well as evaluating its effectiveness. The existing initiatives within the water sector should be strengthened to produce a comprehensive monitoring and evaluation system. Such a system will facilitate attainment of the following objectives:

1. To provide the Government and other stakeholder with up-to-date information on progress made in the implementation of the Lesotho Water and Sanitation Policy;
2. To identify weaknesses in the implementation strategies which need to be corrected to ensure effective policy implementation; and
3. To make proposals for appropriate policy reviews.

Strategies:

- a) Establish and maintain a monitoring and evaluation programme in consultation with stakeholders;
- b) In collaboration with stakeholders, develop or adapt indicators to be used in monitoring progress made in the attainment of set objectives;
- c) Harmonise national indicators with those proposed at regional and international levels;
- d) Establish a multi-stakeholder technical committee to monitor progress made in the implementation of the policy;
- e) Facilitate data exchange between various stakeholders dealing with water and sanitation issues;
- f) Regular reports showing state of water resources and sectoral programmes will be produced by the Office of the Commissioner in collaboration with all key stakeholders and such reports will be presented to parliament; and
- g) Develop and implement mechanisms to ensure all reports produced as part of monitoring and evaluation are made available to the public while observing legitimate confidentiality concerns;

- h) Review the Policy once every five years to bring it in line with developments at various levels.

GLOSSARY OF TERMS

1. **Conservation:** protection, maintenance, rehabilitation, restoration and enhancement of natural resources and includes the management of the use of natural resources to ensure the sustainability of such use.
2. **Development:** the process of improving the quality of all human lives. Important aspects of development are raising people's living levels, creating conditions conducive to the growth of people's self-esteem and increasing people's freedom of choice.
3. **Economic good:** a scarce resource that is limited in quantities in comparison to the demand for the resource. Treating water as an economic good that has economic market value recognizes that water has an opportunity cost.
4. **Economic growth:** the steady process by which the productive capacity of the economy is increased over time to bring about rising levels of national output and income.
5. **Gender:** the socially and culturally constructed roles, privileges, responsibilities, power and influence, social relations, expectations and value of males and females, girls and boys. There are significant differences in what females and males can or cannot do in one society when compared to another. In all cultures, the roles of females and males are distinct, as are their access to productive resources and their authority to make decisions. Typically, in most cases, males are held responsible for the productive activities outside the home, while the domains of females are the reproductive and productive activities within the home. In most developing countries societies, females have limited access to income, land, credit, education, limited ownership and control over these resources.
6. **Gender mainstreaming (UN):** the process of assessing the implications of women and men of any planned action, including legislation, policies and programmes, in any area and at different levels. It is a strategy of making concerns and experiences of women and an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes, in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal is to achieve gender equality.
7. **Integrated Water Resources Management (IWRM):** The institutionalised activities of water resources development, utilisation, allocation conservation and control..
8. **Public -Private Partnership (PPP):** Involvement of the private sector in water resources management including development of service delivery and operation. This can take several forms, with different features with respect to privatised asset ownership, Lease Contract, Financial Management Contracts etc. PPP will require setting up an independent body for mediation and regulation purposes of contracts entered into between government and the private sector.

9. **Participatory approach:** a planning approach in which all stakeholders, and in particular the envisaged beneficiaries are part of the decision making process.
10. **Policy coordination:** voluntary and largely unenforceable alignments of national policies and measures in particular fields.
11. **Policy harmonization:** agreement on the manner in which each member state will exercise or use a particular instrument over which it retains control.
12. **Potable water:** water, which is fit for drinking i.e. clean AND wholesome.
13. **Poverty:** the situation facing that in society whose material needs are least satisfied. Inability to afford an adequate standard of consumption because of low income is referred to as income poverty. If, apart from low income, malnutrition, poor health, low survival rates, low literacy levels characterize a country, inadequate housing and living conditions, etc., then there is a human poverty.
14. **Privatisation:** the sale of public assets to individuals or private business interests.
15. **Sanitation:** An adequate sanitation facility must meet social, cultural, technology, user satisfaction and environment friendly criteria. Adequate sanitation means access to safe excreta disposal facilities, services to households, public facilities, and disposal of liquid and solid waste without contamination of water sources, health hazards to people or deterioration of the environment.
16. **Sector Wide Approach:** a way of working together between government, development partners and stakeholders in collaboration, agreements, and negotiations, management, planning and reporting framework.
17. **Shared watercourse:** Water sources (surface as well as groundwater) that cross borders of countries or constitute borders between countries.
18. **Social good:** water as a commodity to which social value is attached, arising from the fact that water is an essential building block for life, the universal right of all to have access to water is generally accepted.
19. **Sustainable development:** a pattern of development that permits future generations to live at least as well as the current generation.
20. **Sustainable use:** use in a way and at a rate that does not lead to the long term decline of natural resources.
21. **Watercourse:** a system of surface and ground waters consisting by virtue of their physical relationship a unitary whole normally flowing into a common terminus such as the sea, lake or aquifer.
22. **Water Demand Management:** the use of price, quantitative restrictions and other devices (e.g. leakage detection and control) to control the demand for water.