

**PLANNING INSTRUMENTS AND PROCESSES IN WATER RESOURCES  
MANAGEMENT IN BOTSWANA**

DRAFT REPORT

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## **1 INTRODUCTION**

The Okavango River rises in the headwaters of the Cuito and Cubango Rivers in the highlands of Angola, and then flows through the North-Eastern part of Namibia, before entering into Botswana where it splits into the Okavango fan or what is commonly called the Okavango Delta. The administrative area around the Botswana part of the Okavango River system is known as Ngamiland District. The Ngamiland District occupies the North Western part of Botswana, bordering the north eastern part of Namibia, including the Caprivi strip. For administrative purposes, Maun has been identified as the district headquarters because it is considered peri-urban and has the largest population in the entire district.

The Okavango Delta was selected as a wetland of international importance because it plays a substantial hydrological, biological and ecological role in the natural functioning of a major river basin. This was in accordance with the Ramsar Convention article 2.2 (Ramsar Convention, 1971. For this reason, some call it the Okavango Delta Ramsar Site (ODRS). It is worth noting that the ODRS is the largest declared Ramsar site in the world.

The ownership of the land within which the Okavango Delta Ramsar Site falls is defined by the land tenure system in Botswana, namely Tribal Land; State Land and Freehold Land. It's worth mentioning that about 95.4% of the total area of the Okavango Delta Ramsar Site falls under Tribal Land Tenure system, while only 4.6% constitute State Land Tenure system. Noteworthy is the fact that there is no Freehold Land in the Okavango Delta Ramsar Site. It is equally important to note that the only state land in the ODRS is NG 41.

Because of its international importance, the complex and fragile nature of the Okavango ecosystem and the many development players in the area, the need for coordinated planning in the Okavango Delta cannot be overemphasized. The sections below provide the development planning framework for the Okavango Delta.

## **2 NATIONAL DEVELOPMENT PLANNING IN BOTSWANA**

Botswana has a two tier system of governance, central and local government. Local government is a strong pillar of democracy in Botswana and it facilitates locally based decision making and community participation. Local government is made up of District and Town Councils, Tribal Administration, Land Boards and District Commissioners. When it comes to development planning, however, central government, through the Ministry of Local Government, controls and approves budgets and is responsible for human resources allocation for local authorities.

Development planning in Botswana involves many institutions at both local and central government level. Communities, Local Authorities and other district level institutions have a role to play in local level development through a 'decentralised system.' This is in line with the government's commitment to the concept of bottom-up planning. Local government organisations contribute significantly to decentralised district level development planning through their own projects. These have to be prioritised, elaborated, accepted and

implemented through various mechanisms involving horizontal and vertical linkages. Local level plans are usually prepared concurrently with national development plans as they have to be aligned with national goals and priorities.

The sections below provide an analysis of the main planning documents, both central and local level, that guide development planning in the Okavango Delta.

## **2.1 Vision 2016**

Botswana has developed a national vision, as encapsulated in Vision 2016 document, in which various stakeholders make inputs and implements through different channels. Vision 2016 is now the blue print for planning processes in Botswana. It was developed in 1997, and it is expected to run until 2016, which will coincide with Botswana attaining 50 years of independence. The vision sets goals for Botswana towards the year 2016, identifies challenges in achieving them and sets out strategies to overcome those challenges. A total of seven strategic goals have been developed by the vision and these are expected to be incorporated into Botswana's national development planning processes; these are:

1. An open, democratic and accountable nation
2. A prosperous, productive and innovative nation
3. An educated and informed nation
4. A moral and tolerant nation
5. A united and proud nation
6. A compassionate, just and caring nation
7. A safe and secure nation

The issues of environment, natural resource development and utilisation, population growth, poverty reduction and sustainable growth are clearly articulated and feature prominently in the prosperity and productivity strategic objective of Vision 2016.

## **2.2 National Development Plan 10**

Development planning in Botswana has always been guided by the national principles of democracy, development, self reliance and unity. But in the National Development Plan 10 (NDP10), these principles have been augmented with the vision 2016 principle of "Botho", which means being humane and compassionate. With only seven years before the end of Botswana's long term vision 2016, the NDP10 had to be aligned with the nation's vision so as to accelerate and speed up progress towards its implementation. Therefore, instead of the 6 years planning period, NDP10 will run for 7 years (2009-2016) so as to coincide with the end of vision 2016. The theme for NDP10 is "Accelerating Achievements of Vision 2016 through NDP10". A key emphasis of this development plan is to accelerate diversification of the economy.

The current development plan is unique when compared to previous ones as it followed a different, but integrated approach to development planning. The process and approach is explained below:

1. The first stage was the preparation and submission of critical issues that emerged during the previous planning phase (NDP9) by all ministries and departments. The Ministry of Finance and Development Planning then consolidated these and developed a key policy paper, which is a summary of all issues from the different ministries. This set out the critical macro policies, programs and strategic issues that were addressed by the new development plan.
2. This was followed by a set of policy documents from the different ministries and departments/ agencies, which outlined the key priorities and issues for their sector. Using the budget ceiling provided, each ministry then developed a set of projects that are a priority for the sector and which they would like to see implemented in the next planning phase.
3. Using the old approach of development planning, each ministry would then draft sectoral chapters. But with the new approach of Integrated Result-Based Management adopted by NDP10, Thematic Working Groups (TWGs) prepared thematic chapters based on the vision pillar. The TWGs were composed of Deputy Permanent Secretaries of the ministries indicated below (Dr. E. Makwhaje-, Acting Director Micro Economic Planning in the Ministry of Finance and Development Planning, Pers. Com.). These were constituted during preparation of NDP 10 as follows:
  - **Educated & Informed Nation:** (MoESD<sup>1</sup>, DPSM,<sup>2</sup> MoA<sup>3</sup>, MoH<sup>4</sup>, MYSC<sup>5</sup>, MLHA<sup>6</sup>, MFDP<sup>7</sup>)
  - **Prosperous, Productive & Innovation** (MFDP, MTI<sup>8</sup>, MMEWR<sup>9</sup>, MEWT<sup>10</sup>, MLHA)
  - **Knowledge Society** (MTC<sup>11</sup>, MIST<sup>12</sup> & MSP<sup>13</sup>)
  - **Infrastructure, Science & Tech.** (MMWER, MLH<sup>14</sup>, MTC, & MIST)
  - **Sustainable Environment**(MEWT)
  - **Save, Secure & Peaceful** (MJDS<sup>15</sup>, MLHA, MSP & MOFAIC<sup>16</sup>)
  - **Compassionate Just & Caring** (MLG<sup>17</sup>, MoH, & MSP)
  - **Open Democratic & Acc.** (MSP, DPSM, MJDS, MLG & Parliament)
  - **United, Proud & Tolerant** (MYSC)

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<sup>1</sup> MoESD- Ministry of Education and Skills Development

<sup>2</sup> DPSM- Directorate of Public Services Management

<sup>3</sup> MOA- Ministry of Agriculture

<sup>4</sup> MOH- Ministry of Health

<sup>5</sup> MYSC- Ministry of Youth, Sport and Culture

<sup>6</sup> MLHA- Ministry of Labour and Home Affairs

<sup>7</sup> MFDP- Ministry of Finance and Development Planning

<sup>8</sup> MTI- Ministry of Trade and Industry

<sup>9</sup> MWEWR- Ministry of Minerals, Energy and Water Resources

<sup>10</sup> MEWT- Ministry of Environment, Wildlife and Tourism

<sup>11</sup> MTC-

<sup>12</sup> MIST- Ministry of Information, Science and Technology

<sup>13</sup> Ministry of State President

<sup>14</sup> MLH- Ministry of Lands and Housing

<sup>15</sup> MJDS- Ministry of Justice and ????????????

<sup>16</sup> MOFAIC- Ministry of Foreign Affairs and International Cooperation

<sup>17</sup> MLG- Ministry of Local Government

4. Once completed, the MFDP consolidated the chapters and took the draft NDP through various mechanisms of validation and consultation. The local authorities play a very important role in this consultation and validation phase of the plan. Once it was accepted by the various channels, parliament debated the draft NDP and finally approved as the final NDP.

The TWGs were constituted as a way of re-enforcing the Integrated Result-Based Management (IRBM) approach that Botswana formally introduced into development planning process. The IRBM system is a systematic and strategic approach of identifying and planning for results at all levels, from national, sectoral, ministerial, and departmental and all the way to local level. This system moves away from projects planning, which is usually done in silos, to the programme approach in planning, where all development programmes speak to one another and integrate cross cutting issues. This requires systems thinking which emphasises on inter-linkages between programmes and optimisation, to get the most out of a programme using different stakeholders.

It is envisaged that the TWGs will be retained for the next planning phases and will meet periodically to assess progress on projects/programms; implementation, optimisation and review strategic thrusts given prevailing economic environment.

Following the approval of the NDP implementation is done through annual budgets. The annual budgets provide a basis for reviewing progress under the current plan, revising ceilings where applicable and modifying policies as emerging circumstances may require.

Monitoring and Evaluation of the programs will be done on a continuous basis under NDP10 implementation, by the National Strategy Office (Formerly GICO) under the Office of The President (OP). The GICO works hand-in-hand with TWGs in performing impact assessment and in reviewing strategic relevance of NDP projects and programmes going forward. Mid-Term Review (MTR) is done halfway through the Plan period and it allows for discussion on critical issues for the remaining part of the plan and allows government and local authorities to evaluate whether policies and strategies pursued are likely to achieve set goals for the Plan and Vision 2016. It also allows for revision of policies and strategies going forward. This M&E process would have to be linked with the M&E framework developed for the Okavango River Basin.

## **2.3 Ngamiland District Development Planning processes**

Planning in the Ngamiland District currently is guided by the Ngamiland District Development Plan 7, the Ngamiland Integrated Land Use Plan and the Okavango Delta Management Plan.

### ***2.3.1 Ngamiland District Development Plan***

The Ngamiland District Development Plan 7 is a strategic planning document that was developed to cover the planning period 2009 to 2016. It describes the development needs and priorities of the people in Ngamiland, and the strategies and plans put in place in order to address them. The plan, just like the National Development Plan 10, coincides with the

end of the National Vision 2016. For this reason, the Ngamiland District Development Plan is aligned with the aspirations of vision 2016.

Further, the plan is fully aligned to National Development Plan 10 and has adopted an Integrated Results Based Management (IRBM) approach. IRBM ensures that all projects and programmes implemented at all levels are results based and they speak to each other. Finally, the plan was guided by the Millennium Development Goals.

The Ngamiland District Development plan outlines key socio-economic and environmental issues to be addressed with the involvement of all stakeholders. District overall goals and objectives which will be addressed during this plan period are: alleviation of poverty through the creation of income and employment opportunities, improvement of literacy level and quality of education through provision of necessary and adequate resources, reduction of the impact of HIV/AIDS, retain the ecological and environmental integrity of the district through improved conservation measures and improved capacities of local authorities.

A financial strategy has been developed which outlines the sources for funding for various projects to be implemented in the district. For those activities that are not government funded, the district will lobby for funding from donor agencies and the private sector. Implementation of this plan is coordinated and monitored by the District Development Committee (DDC).

### ***2.3.2 Ngamiland Integrated Land Use Plan***

This comprehensive land use and land management plan was prepared for the Ngamiland District under the land use planning and management component of the Okavango Delta Management Plan. Prior to this, land use planning was done using several instruments and processes culminating in several planning and land management documents that do not speak to each other. The integrated land use plan, however, is a single unifying document that guides and shapes utilisation of land and other resources in the district in a sustainable and equitable manner. It is also the overarching land use planning document for the district, harmonising the different plans developed for the area, such as the Okavango Delta Ramsar Site Integrated Land Use Plan (2005-2029), the Ngamiland District Settlement Strategy (2003-2027), the Tsodilo Hills Management Plan, the Moremi Game Reserve Management Plan and the Okavango River Panhandle Management Plan.

### ***2.3.3 Okavango Delta Management Plan***

The complex and fragile nature of the Okavango Delta ecosystem makes it imperative to develop a management plan. The Okavango Delta Management Plan was developed within the context of international conventions, regional protocols as well as national vision, policies, plans and strategies to address the management issues emanating from the long term conservation and sustainable use of the delta natural resources. The most noteworthy instruments are the Ramsar Convention, Southern African Development Community (SADC) Protocol on Shared Watercourses, the national vision and the environmental policies and plans which have provisions for the development of the Okavango Delta Management Plan. In developing the ODMP, the ecosystem approach was used to categorise the management interventions into three thematic areas or subsystems of the

ecosystem. This enables an integrated resource management planning approach by the various resource users and managers in implementing management interventions. The three subsystems are the institutional, physical and socio-economic.

The long term objective of the Okavango Delta Management Plan (ODMP) is "to integrate resource management for the Okavango Delta that will ensure its long-term conservation and that will provide benefits for the present and future well being of the people, through sustainable use of its natural resources". The coordination of all ODMP activities is done at the Department of Environmental Affairs, under the Ministry of Environment, Wildlife and Tourism.

### **3 INSTITUTIONAL ANALYSIS IN WATER RESOURCES MANAGEMENT**

Water resources management, which includes all activities from planning, development and water supply to customers, is the responsibility of a number of institutions. Water supply delivery functions were previously undertaken by government departments, District Councils and a parastatal Water Utilities Corporation (WUC). This has now changed under the ongoing water sector reform project in Botswana and the responsibility of water supply and sanitation now lies with WUC. Currently, four ministries have major roles for different aspects of water development, resource management and service delivery. They are: Ministry of Minerals, Energy and Water Resources (MMEWR); Ministry of Local Government (MLG); Ministry of Environment, Wildlife and Tourism (MEWT); and Ministry of Agriculture (MOA).

In May 2009, the government of Botswana took a decision to address the institutional challenges facing the supply of water and sanitation services across the country, through the Water Sector Reform Project. This project will consolidate all water and wastewater operations under the Water Utilities Corporation (WUC), establish a Water Resources Council to manage the country's water resources, reorganise the Department of Water Affairs, and establish of an independent Regulator for water supply and sanitation services. This project is intended to clarify roles, responsibilities and accountability throughout the water sector. To date, the water sector reform project has made the following progress:

- A Draft Water tariff policy document has been produced
- New Structure for WUC has been completed and approved. Implementation started July 2010
- New DWA and Water Resource Council structures are being developed. Approval of the two structures is expected by December 2010.
- WUC Act is being reviewed in particular to allow for wastewater service delivery by December 2010. Cabinet approved draft WUC Act amendment bill in August 2010.
- The realignment and training of staff to fit with new mandate of WUC and DWA by March 2011
- National Water Policy is being developed. Consultation of the Draft Water Policy is ongoing and approval is expected by December 2011.
- Energy and Water Regulator is being established and it is expected to be in place by April 2011. The regulator will:
  - Set both water and wastewater tariffs

- Protection of the poor from high prices
- Handles customer complaints

The section below provides an analysis of the key institutions at central and local government level which are involved in water resources management and development planning in Botswana, with particular emphasis on the Okavango Delta.

### **3.1 Central Government institutions**

The following are central government departments and ministries that are involved in development planning and water resources management. Most Central Government Departments are represented in the District to function and perform respective functions as Ministries to ensure that services are closer and delivered to the communities.

#### ***3.1.1 Ministry of Minerals, Energy and Water Resources***

The Ministry of Minerals, Energy and Water Resources (MMEWR) is responsible for policy formulation, planning, development, and management of activities in the mineral, energy and water sector. Management of these responsibilities is discharged through the ministries departments: Department of Water Affairs (DWA) and the Department of Geological Survey (DGS) and Department of Mines (DoM) and parastatals: Botswana Power Corporation (BPC) and Water Utilities Corporation (WUC).

#### ***3.1.2 Department of Water Affairs***

The Department of Water Affairs (DWA) has the responsibility of assessing, planning, developing and maintaining water resources for domestic, agricultural, commercial, industrial and other uses in the whole country. In order to provide effective leadership for water resources planning, development and management, the department will assist and advise in the formulation of water resources development and management policies. It is responsible for strategic planning for national level development of water resources. The DWA is also responsible for protection of surface water resources from pollution and aquatic weeds and for administering the water legislation. The DWA will act as a Secretariat to the Water Resource Council and provide technical expertise. The new proposed structure of the DWA is shown in Figure 1.

#### ***3.1.3 Water Utilities Corporation***

The Water Utilities Corporation Act of 1970 established the WUC as the water supply authority in designated urban centres. Section 14 (1) of the Act stipulates that the function of the Corporation shall be to supply water in bulk or otherwise and in such areas as the Minister may, after consultation with the Corporation, designate by order published in the Gazette. The mandate of WUC has been to supply water for cities and townships which have been declared waterworks areas under the Declaration of Waterworks Area Order, under the Waterworks Act. However, under the water sector reform program, the mandate of WUC has been extended to provide all formal water supply and sanitation services throughout the country.

#### ***3.1.4 Proposed Water Resources Council***

The Water Resources Council (WRC) is a proposed new independent entity which will replace the current Water Apportionment Board. Its main functions will be to allocate water

resources among users, monitor water resources, and develop water resources management policy. The current proposed membership of the WRC will be high level officials, predominantly from government., with private sector and NGO representation. The proposed Water Resources Council will have a Chairperson and six members with the following representation:

- Ministry of Minerals, Energy and Water Resources
- Ministry of Environment, Wildlife and Tourism
- Large industrial water users
- The Water Utilities Corporation
- Ministry of Agriculture
- Civil Society (2)

The principal responsibilities of the WRC are:

1. Through the Department of Water Affairs in MMEWR, the WRC will ensure that the quality and quantity of the country's surface and ground water resources is adequately monitored and changes in water quality and quantity are promptly reported to the appropriate government ministry concerned with environmental regulations and enforcement.
2. Allocate, through a permitting system, Botswana's water resources in a sustainable and equitable manner. Permits will specify annual extraction limits. To determine, from time-to-time, the relative priority to water resources among human consumption, industrial uses, agricultural uses and environmental conservation and restoration. Through DWA, monitor adherence to permit extraction levels.
4. Ensure that the country's water and wastewater resource policies, as developed by MMEWR and other government entities, are consistent across the sector
5. The WRC will meet at least four times a year to conduct meetings. These meetings will be open to the public and their time and place will be advertised in advance to the general public. Maintain minutes of all meetings and make these minutes available on a timely basis to the public through the WRC website. They will also publish an Annual Report on the WRC website providing a summary of Botswana's water resource situation, and including a summary of permits issued and revoked during the year.

The WRC will have a functional secretariat based at the DWA. It will have a government budget and full time employees that will be responsible for the day-to-day functions of the secretariat.

### ***3.1.5 International Water's Unit***

Botswana shares river basins with its neighbouring countries. It has signed and acceded to treaties and conventions that have implications for water resources management of Transboundary Rivers. The shared river basins are the Limpopo, Okavango, Orange-Senqu and the Zambezi system. With the exception of the Zambezi Commission (ZAMCOM), whose establishment is at an advanced stage, all the remaining shared river basins have established River Basin Organisations (RBOs), with a functional secretariat. The Limpopo

Commission is not yet fully established, however, an interim secretariat has been set up in Maputo, which performs its functions through the Limpopo Basin Permanent Technical Committee (LBPTC).

The International Water's Unit, under the Ministry of Minerals, Energy and Water Resources, has been given the mandate to coordinate all activities as they relate to Transboundary Rivers in Botswana. The IWU exists to facilitate transboundary water resources management for sustainable development through policy advocacy and negotiation, within the context of IWRM. Its functions are as follows:

1. To develop guidelines/criteria/procedures for effective country participation at international water fora.
2. To develop mechanisms and strategies of accessing trans-boundary water resources.
3. To facilitate national processes and development of institutional mechanisms for transboundary water sources supported by and contributing to regional knowledge management processes for sustainable development and IWRM.
4. To forge strategic partnerships with international, regional and national stakeholders on shared water resources

Although not finalized, it is important to note that the current proposal is that the International Water's Unit and the Water Resources Council will be based at the Department of Water Affairs implying stronger coordination between the two institutions.

### ***3.1.6 Ministry of Agriculture***

The Ministry of Agriculture (MOA) has the mandate of formulation of policies, strategies and plans that improve the performance of the agricultural sector. The MOA has seven departments, three of which have responsibilities directly involved in the use of water resources; there are Department of Crop Production, Department of Animal Production and Department of Veterinary Services.

The main function of the Department of Crop Production is to provide technical services to farmers and general public in order to improve agricultural productivity and efficiency and thus improving livelihoods and living conditions. Department of Animal Production is focusing mainly on improving animal production for commercial and non-commercial purposes and Department of Veterinary Services is concerned with developing the livestock industry by improving farmers income, employment opportunities and introducing appropriate technologies.

Through these departments, the Ministry of Agriculture has developed and is implementing the following programs:

#### *Integrated Support Programme for Arable Agriculture Development*

The Integrated Support Programme for Arable Agriculture Development (ISPAAD) was introduced to address challenges faced by arable farmers, which are mainly inputs and draught power. The arable sub sector has been performing poorly in the past with very low productivity. It was envisaged that the performance of the arable sub-sector would be greatly improved by establishing the following:

- Cluster Fencing,
- Provision of Potable Water,
- Provision of Seeds,
- Provision of Fertilizers,
- Facilitation of access to Credit,
- Establishment of Agricultural Service Centres and
- Draught Power Provision.

#### *Livestock Management and Infrastructure Development*

The Livestock Management and Infrastructure Development (LIMID) is a project under the Ministry of Agriculture, whose main objective is to promote food security through improved productivity of cattle and small stock. This will be achieved through the following components:

- Animal husbandry and fodder support
- Borehole equipment support
- Borehole drilling and reticulation support
- Guinea production, Tswana chickens and Smallstock sprogram
- Cooperative poultry abattoir

#### **3.1.7 Ministry of Lands and Housing**

The ministry is responsible for the overall management, planning and coordination of land use planning activities throughout the country. Since water cannot be divorced from land resources, the specific departments that are involved directly with water resources management are: the Department of Town and Regional Planning, Department of Lands, Department of Land Board Services and the Department of Surveys and Mapping. These are all charged with the responsibility of planning for land, land zoning and allocation of land.

#### **3.1.8 Ministry of Environment, Wildlife and Tourism**

The ministry was established to consolidate environmentally related functions. It is responsible for managing natural resources in the country. To do this, the ministry has established the following departments that are charged with different, but complementary responsibilities:

The Department of Waste Management and Pollution Control (DWMPC) is the authority responsible for policing the waste management and pollution control. With regards to water resources, the department is expected to restrict, or prohibit waste management operations in or near rivers, ponds, lakes or underground water without adequate engineering works agreed in writing by the Director of DWMPC.

The Department of Environmental Affairs (DEA) coordinates all environmental activities in Botswana. The main responsibility of DEA is to formulate environmental policy and coordinate strategic approaches aimed at achieving the integration of the conservation of natural resources into the national development process. It also coordinates environmental research, undertakes environmental education and ensures implementation of environmental

impact assessments, amongst other duties. DEA is the government institution responsible for the implementation of most Multilateral Environmental Agreements (MEAs) in Botswana and thus is the authority to facilitate and supervise the management planning process in the Okavango Delta, through the Ramsar Convention. Water agreements however are the responsibility of DWA. In Ngamiland through the Maun office, DEA is responsible for the coordination of all activities of the Okavango Delta Management Plan and is responsible for setting minimum ecological flow requirements.

The Department of Wildlife and National Parks (DWNP) is responsible for the management of wildlife resources in the country. They are responsible for managing the National Parks, Game Reserves and Wildlife Management Areas.

The Department of Forestry and Range Resources (DFRR), which was until recently under the Ministry of Agriculture, is now responsible for managing the environmental aspects of sustainable forest and range management. The Agricultural Resource Board (ARB) is a Division of the DFRR and has direct management authority over the utilisation of natural resources by providing permits for gathering of certain veldt products. ARB has established Conservation Committees and the Fire Rangers at District level, whose mandate is to address the communities on resource conservation issues and prevention and monitoring of fires.

### **3.2 Local level institutions**

The structure of local level institutions involved in water resources management and development planning in Ngamiland is shown and explained below:

#### ***3.2.1 District Council***

North West District Council is established under the Local Government Act Cap: 40.01, with its headquarters in Maun. It performs the statutory functions of providing for primary health care, primary education, social and community development, road maintenance, environmental health and orphanage care and feeding programme and remote area development programme among others. District councils were also charged with the responsibility of managing rural water supply and sanitation, but this will be the responsibility of Water Utilities Corporation effective December 2010.

#### ***3.2.2 District Administration***

The Ngamiland District Administration is an organ of the Central Government which is headed by a District Commissioner. The role and function of the District Commissioner is to coordinate all Central Government projects and activities as well as to play protocol roles.

#### ***3.2.3 District Development Committee***

The Ngamiland District Development Committee is the district development organ made up of Central Government Department heads and Local Authority Departmental heads. It is chaired by the District Commissioner and it includes the Council Secretary. The committee normally meets on a quarterly basis and its main role is to coordinate and oversee all development planning activities as well as guiding all development projects in the District.

### ***3.2.4 Village Development Committee (VDCs)***

The VDC is the main institutional structure charged with responsibility for community development activities within a ward through participatory decision making of a community. The members of the committee have no statutory powers to formulate or enforce policy or program decisions. They have however been authorised formally by presidential executive powers, using the Kgotla as a consensus building institution, and in terms of action, by advocating and mediating successfully at the village level, access to resources, opportunities and services on behalf of their communities through National and District Development Plans, policies and programs. VDCs are usually active in advocating for improved services in the area of health, education, telecommunications, security and safety, housing, employment and rural trade. Each recognized village in the district has a Village Development Committee and it also provides a link between the community, and Central Government and Local Government structure.

### ***3.2.5 Land Board***

Tawana Land Board holds trust of communal land in the Ngamiland District. Created by the Tribal Land Act (1968) and revised in 1993, it performs land administration including allocation and management. It has elected Land Board members and employs technical staff to perform its mandate.

## **4 POLICY AND LEGISLATIVE CONTEXT**

This section gives an overview of the policy and legislative environment with regards to water resources management in Botswana. The policies and strategies are presented at the international, regional and national context.

### ***4.1 International context***

#### ***4.1.1 The Ramsar Convention***

The Ramsar Convention is an intergovernmental treaty, which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources as well as contributing towards achieving sustainable development.

Parties designate suitable wetlands for inclusion in a List of Wetlands of International Importance, based on their international significance in terms of ecology, botany, zoology, limnology or hydrology. The Okavango Delta is the only Ramsar site in the country although there plans at an advanced stage to list Makgadikgadi Pans as a Ramsar site as well.

The Party is bound to formulate and implement a plan promoting the conservation of the listed wetlands and as far as possible the wise use of the wetlands and promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands. To this end, the Okavango Delta Management Plan (ODMP) was developed to fulfill this obligation.

Another obligation of the convention is for Parties to consult with each other about implementing the convention's obligations, especially in the case of a wetland extending over the territories of more than one Party or where a water system is shared by Parties. This is addressed by the formal establishment of the Okavango River Basin Commission (OKACOM)

#### ***4.1.2 Convention on Biological Diversity***

Botswana ratified the Convention on 12 October 1995 and is bound by the articles of the Convention as well as decisions that come out of the Conference of the Parties (COP) to the CBD.

The objectives of the CBD are:

- the conservation of biological diversity,
- the sustainable use of components of biological diversity and,
- the equitable sharing of benefits arising from such utilisation.

As can be seen, Botswana's obligations to the CBD are wide ranging and more needs to be done to ensure Botswana's compliance. Botswana has implemented some of its obligations to the CBD for example by developing a Biodiversity Strategy and Action Plan, but is still far behind in the implementation of other measures articulated in the Convention text.

#### ***4.1.3 Convention on International Trade in Endangered Species of Flora and Fauna***

Although the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) is not a conservation treaty per se, it does through its actions provide for the conservation of species endangered by international trade. In particular the fundamental principles of CITES as espoused in Article II of the convention provide the basis for conservation of biological resources. Species which are threatened with extinction and are or may be affected by trade are placed in Appendix 1 where trade is strictly regulated. Appendix 2 carries all species which are not presently threatened with extinction but may be in the event of unregulated trade and so are subject to strict regulation as well. Appendix 3 contains species which any Party feels should be subject to regulation and cooperation with other Parties.

Like all other conventions and international agreements, decisions made globally may not be for the benefit of Botswana but are binding to Botswana none-the-less. Also, in its global nature, the convention does not allow for local variations to the global situation hence Botswana is grappling with a huge elephant problem and cannot deal with it due to CITES restrictions. Another major failure of the Convention is that it focuses on species which is probably because of its focus on trade. This focus on species does not take into consideration the relative importance of species to an ecosystem and protection is afforded regardless. Therefore in Botswana, species are protected which may not be a high national priority for conservation.

On the positive side it provides for the protection of flora and fauna components of ecosystems especially where they are threatened by trade. Botswana is a party to CITES and all the CITES provisions have been fully integrated into national law, through the Botswana Wildlife Conservation Act.

#### ***4.1.4 Revised SADC Protocol on Shared Water Courses***

The protocol is highly important as a means of developing sustainable water resources management for the region's watercourses and for reducing conflict over those resources. The objective of this Protocol is "closer cooperation for the judicious, sustainable and coordinated management, protection and utilisation of shared watercourses." The Protocol is a regional framework agreement for the management of shared watercourses and closely follows the Convention on the Law of Non-navigational Uses of International Watercourses

Botswana therefore has an obligation to consider the bio-physical, socio-economic and livelihoods factors in management of its shared watercourses. This implies that the 'stakeholders' in the watercourse have their interests protected by this Agreement. In addition Botswana must take into consideration other users of the watercourses both upstream and downstream and factor in all alternative uses of the water resources.

#### ***4.1.5 SADC Protocol on Wildlife Conservation and Law Enforcement***

The main objective of the protocol is to establish common approaches to conservation and sustainable utilisation of wildlife resources.

Some key requirements from this protocol related to wetlands management are the establishment and enforcement of legal instruments for the conservation and sustainable use of wildlife. The protocol also requires Party States to harmonise national legislation on conservation and sustainable use of wildlife including but not limited to: protection of wildlife and their habitats; trade in wildlife, community based natural resources; and economic and social incentives.

The Protocol encourages Parties to develop trans-frontier conservation areas. Botswana has already developed one trans-frontier park with two more coming on board. The Kavango-Zambezi Transfrontier Conservation Area (KAZA) is one good example of a transfrontier park that was developed with Botswana, Angola, Namibia, Zambia and Zimbabwe. .

#### ***4.1.6 SADC Protocol on Forestry***

The objectives of the protocol are to promote conservation, sustainable management and utilisation of all types of forests; to promote trade in forest products to alleviate poverty and generate economic opportunities; and to achieve effective protection of the environment and safeguard the interests of present and future generations.

The Protocol obliges Botswana to implement benefit-sharing arrangements for the sustainable use of forests. This includes the obligation to promote intangible, cultural and spiritual value of forests. Furthermore the Protocol requires Botswana to recognise that communities are entitled to effective involvement in the management of forest resources. This protocol gives full voice and recognition to local communities living adjacent to forest which is important in Botswana where the CBNRM Policy is still in draft form and has not been able to provide a framework on community based management of biodiversity. For effective implementation of the Protocol, Botswana will have to approve and implement the CBNRM Policy.

#### ***4.1.7 SADC Protocol on Fisheries***

The objectives of the Protocol are to: promote and enhance food security and human health; safeguard the livelihood of fishing communities; generate economic opportunities; ensure that future generations benefit from these renewable resources; and alleviate poverty. The Protocol covers all living aquatic resources and ecosystems; trans-boundary aquatic resources; and fishing resources.

Member States are required to protect aquatic ecosystems including their biodiversity; apply the precautionary principle to ensure minimisation of adverse impacts; address causes of negative impacts; and reduce the impact of pollution. Member States are also required to protect the rights of small scale and subsistence fishers. Parties are also required to coordinate the establishment of inland protected areas with special regard to critical habitats and endangered species. Parties are also required to generate and apply the best scientific advice as a basis for sound decision-making.

#### ***4.1.8 SADC Regional Water Policy***

The SADC member states have established several protocols and agreements for the conservation and management of the region's wetlands sustainably. The Protocol on Shared Watercourses in the Southern African Development Community is an example. While global and regional scale efforts have indeed served to encourage greater collaboration among riparian states, it is at the basin-scale where the greatest developments in cooperative water management are found.

The aim of the policy is to provide a framework for sustainable, integrated, coordinated development and management of national and transboundary water resources. The policy is based on the SADC water vision and the Dublin Principles on Integrated Water Resources Management and on the Revised SADC Protocol on Shared Watercourses. The policy recognizes that environment is a legitimate user of water and that water must be used for poverty alleviation and development. The Policy is based on Integrated Water Resources Management.

#### ***4.1.9 Okavango Permanent River Commission (OKACOM)***

The Okavango Permanent River Basin Commission (OKACOM) was established in September 1994 between the countries of Angola, Botswana and Namibia. The Objective of the Commission is

“to act as a technical advisor to the Contracting Parties on matters relating to the conservation, development and utilisation of water resources.”

The functions of the Commission are to advise the Contracting Parties on safe yield of water; reasonable demand of the water; criteria to be developed in conservation, equitable allocation and sustainable utilisation of the water resources; prevention of pollution; and measures to be implemented to alleviate short term difficulties from water shortages.

## ***4.2 National Policy and strategies***

There is a clear paradigm shift in development planning, from sectoral water resources planning to a more integrated approach of water resources planning. Whilst NDP8 was based on water supply management, NDP9 was based on water demand management and conservation. A major gap in the NDP9, however, was the centralized and sectoral approach to water resources management. And now with NDP 10, there is a strong component of integrated and result based planning at a national and district level. The Integrated Water Resources Management (IWRM) project that is currently underway will result in the development and implementation of a dynamic IWRM/Water Efficiency Plan for Botswana. Once completed, the IWRM plan will address both national and transboundary water management priorities and engage the national and regional stakeholders in IWRM processes and planning.

The following sections provide an analysis of national policies and strategies that guides planning of water resources management in Botswana.

### ***4.2.1 National Water Master Plan***

The National Water Master Plan (NWMP) is the current document guiding all water resources management in Botswana. It was developed in 1993 for the planning period of 1992 to 2020. In 2006-2007, the NWMP was reviewed to update and align the plan with changing environmental, social, economic environment as well as institutional development.

A key recommendation of the review of the NWMP is that water resources strategies should be developed to meet Botswana's water demand for the next 30 years. To achieve this, the NWMP calls for water resources stewardship, water demand management and to apply the principles of Integrated Water Resources Management (IWRM) in water planning. It also calls for a change in thinking and focus by the water planners and managers away from purely water supply development strategies to a more holistic approach to water resources management. This requires the development of skills and institutional arrangements that will provide an enabling environment for this transformation. The review also recommends that the Water Apportionment Board (WAB) be thoroughly restructured. The review calls for the establishment of a Water Resources Council as the overall coordinating body in the water sector and to take over the functions of the WAB.

Further recommendations include:

- All future development plans, whether at district or national level, be subjected to an SEA in order to determine the impact of the plan on water demand. In addition, assessment of the impact of projects on water demand in their localities is made a standard requirement of all future project EIAs.
- In the spirit of the principle of IWRM, local participation in decision making regarding routing of pipelines should be sought.
- Maintaining a national water resources information system to enable knowledge-based assessment and monitoring of surface and groundwater, and for evaluation and revocation of existing licenses.
- Adopt the Draft Water Bill and develop regulations to implement the provisions of the draft Water Bill.

It should be noted that the Draft Water Bill that was developed during the review of the NWMP is now put on hold, pending the finalization and approval of the Draft National Water Policy (NWP). Once the Draft NWP is in place, the Draft Water Bill will be reviewed and aligned with the new National Water Policy.

#### ***4.2.2 Draft National Water Policy***

The Objective of the National Water Policy is to provide a national framework that will facilitate access to water of suitable quality and standards for the people of Botswana and provide the foundations for sustainable development of water resources in support of economic growth, diversification and poverty reduction.

The draft National Water Policy supports the formation of a new water authority, the proposed Water Resources Council (WRC). The technical functions of this body will be carried out by a division of DWA which will act as the executive arm of the WRC. This entails the relinquishing by DWA of any water delivery service functions it currently

provides so as to avoid conflicts with its regulatory, policy formulation and resource management functions.

According to the policy, water resources will be managed in an integrated manner to meet the needs of present and future generations. Management will be through participatory approaches, involving users, planners and policy makers at all levels. Access to water will be given in the following order of priority: (i) the basic requirements required for human consumption; (ii) the environment to ensure sustainable foundations for supporting the national interests; followed by (iii) agricultural and livestock, commercial and industrial applications.

National water planning will be supported by formal mechanisms for ensuring cross sectoral consultation and inputs from all sectors whose interests must be taken into account and this function will be discharged by the proposed Water Resources Council.

#### ***4.2.3 The Draft Wetland Policy and Strategy***

The wetlands policy seeks to conserve Botswana's wetlands in order to sustain their ecological and socio-economic functions. Specifically, the policy aims to rehabilitate and conserve national and trans-boundary wetland ecosystems by providing linkages between existing policies and legislation. The policy incorporates the international commitments arising from multilateral agreements such as CBD and the Ramsar Convention. The specific objectives of the policy are to:

- Promote coordinated wetland management at local, district and national levels through appropriate institutions;
- Promote planning and implementation of ecologically sustainable wetland conservation including management plans for wetlands of national and international importance.

The Department of Environmental Affairs (DEA) is the lead institution for the implementation of this policy and is expected to draw up an implementation plan, which will include timeframe, activities and defining institutional responsibilities.

#### ***4.2.4 The National Policy on Natural Resources Conservation and Development***

The National Policy on Natural Resources Conservation and Development (NPNRCD) was the first step that Botswana took to ensure that development takes place in an environmentally sustainable manner. The strategy has developed two main objectives and these are:

- Increase the effectiveness of natural resource use and management; maximise development-environment synergism and minimise harmful environmental side effects; and

- Coordinate the environmental activities of different sectors, ministries and interest groups throughout Botswana, thereby improving the development of natural resources through conservation

#### ***4.2.5 National Biodiversity Strategy and Action Plan***

Botswana produced a National Biodiversity Strategy and Action Plan (NBSAP) in December 2004 in response to its obligations to the United Nations Convention on Biological Diversity. The NBSAP has set out eleven strategic objectives designed to ensure the conservation and sustainable use of biodiversity. Within each of these strategic objectives the BSAP proposes measures for the conservation and sustainable use of biodiversity. The BSAP calls for the better understanding of ecological processes; long term conservation of Botswana's biodiversity; sustainable utilization of all components of biodiversity; coping with environmental change and fair access to biological resources and equitable benefit sharing. The BSAP makes special provisions for the sustainable use of wetland ecosystems and these are outlined in Strategic Objective 3.6.

The BSAP also calls for the enhanced participation of civil society in biodiversity management including the finalization and implementation of the Community Based Natural Resources Management (CBNRM) Policy which has been in draft form for several years and the draft Wetlands Policy.

#### ***4.2.6 National Master Plan for Wastewater and Sanitation (2003)***

The Botswana National Master Plan for Wastewater and Sanitation (NMPWWS) provides for the management of water and sanitation in accordance with Agenda 21 and the principles providing for pollution prevention, polluter pays, public consultation and economic participation. The NMPWWS made a country-wide inventory of wastewater treatment and availability and developed a sanitation, wastewater treatment and re-use and recycling strategy until 2030.

The NMPWWS carried out an in depth review of the sanitation and wastewater sector and developed a comprehensive strategy and implementation plan to meet the obligations of the National Wastewater and Sanitation Management Policy, which was promulgated in 2001. The NMPWWS identified settlements where wastewater services are required during the next twenty years and developed a set of strategic plans for these settlements to assist planners in coordinating services.

#### ***4.2.7 Community Based Natural Resources Management Policy***

Community-based natural resource management (CBNRM) in Botswana started in 1990, however, policy development has been slow in this area. To-date the policy is still in a draft stage and has not passed through parliament. Below, the 2003 draft version is outlined.

The CBNRM policy covers the following natural resources: wildlife, agricultural resources, forests and fisheries. User rights are granted in accordance to existing laws (Forestry Act, Agricultural Resources Conservation Act, Fisheries Protection Act). Therefore, a large number of institutions are involved in the implementation of the policy: DWNP, ARB, Forestry and Fisheries departments as well as District Councils and the Land Boards. These departments become responsible for issuing the resource use rights as well as for monitoring resources use and conditions in order to ensure their conservation. CBOs are required to submit annual reports and plans of their activities to district councils within three months after the end of each calendar year.

#### ***4.2.8 Tourism Policy***

The policy provides guidelines for planning, developing and managing tourism in Botswana. It is designed to ensure that tourism activities are carried out on an ecologically sustainable basis. It also provides local communities with direct and indirect benefits from tourism activities. The policy encourages communities to appreciate the value of wildlife and its conservation. It avails opportunities for the rural areas to participate in wildlife-based activities including tourism.

### ***4.3 Legislative context***

#### ***4.3.1 The Water Act, Chapter 34:01***

This Act governs the administration of water resources, defines ownership of rights to the use of water and provides for the granting of water rights. The Act provides for the establishment of a Water Apportionment Board (WAB). The functions of the WAB include the granting of water rights to use, divert, store, abstract or discharge any effluent into public water. Under the water reform project however, these functions will be undertaken by the proposed Water Resources Council, which will replace the current WAB. The main deficiency in the Water Act is that it was not guided by the principles of integrated water resources management (IWRM).

#### ***4.3.2 Environmental Management Bill, 2005***

This proposed legislation embraces all matters of the environment in general. In the interpretation of statutes, a piece of legislation on a specific subject, such as water in this case, takes precedence over a general piece of legislation on the specific subject. Thus the provisions of the proposed Environmental Management Bill which is a general piece of legislation, would not, unless specifically stated therein, take precedence over legislation on a specific subject such as water. It appears that the general principles set out in Part II of the proposed Environmental Management Bill place this Bill in an oversight position in the protection of the environment in general, ensuring that specific legislation such as on water is observed in the manner provided for in the relevant legislation. If there is no specific legislative provision on a particular aspect in the relevant legislation, then that aspect may be dealt with under the general legislation.

### ***4.3.3 Borehole Act***

The Borehole Act is concerned with the keeping of records and samples collected from borehole drilling activities. It specifies that all records concerned with boreholes drilled anything more than 15m or deepening an existing borehole, must keep and submit record and samples to the Department of Geological Surveys, who are responsible for groundwater management. The Act does not address any monitoring, management of water resources or pollution issues. The Act lacks adequate provision to prohibit the pollution of borehole water before abstraction. The enforcement provisions in the Act are also inadequate. The Act lacks provisions for rehabilitation and polluter pays principle.

### ***4.3.4 The Fisheries Act***

The people in Ngamiland have traditionally been dependant on fishing as a form of livelihood. Fishing in these communities has been a source of protein for their diets as well a tradable commodity that they can derive some form of income from. The majority of these are seasonal fishermen that divide their time between fishing and subsistence agriculture. Fish production and floodplain recession agricultural are the major livelihood strategies in Ngamiland for most resource poor communities.

The Fisheries Act was enacted in 1975 and provides for regulation, control and protection of fish and fishing in Botswana. The Act gives the Minister the power to make regulations to control and protect fish resources. Implementing regulations are being developed, and consultation with stakeholders is ongoing.

### ***4.3.5 Waste Management Act of 1998***

The Waste Management Act (WMA) is the main legislation that expressly deals with management of waste. Its purpose is to

- Establish of the Department of Sanitation and Waste Management.
- Make provision for systems for regulating the management of controlled waste.
- Minimize the pollution of the environment.
- Prevent harm to human, animal and plant life.
- Conserve the natural resources.
- Incorporate the provisions of the Basel Convention on the Control of Trans-Boundary Movement of Hazardous Wastes and their Movement in Botswana.

The Waste Management Act covers all sectors and all categories of waste except for mine waste. The Act also establishes a public service department, the then Department of Sanitation and Waste Management. The Department has since changed names to the Department of Waste Management and Pollution Control (DWMPC). The Act provides for the conservation of natural resources and environmental protection through the prevention of pollution and contamination caused by unregulated and uncontrolled waste.

### ***4.3.6 Aquatic Weeds Control***

The Aquatic Weeds (control) Act of 1971 provides for the control of aquatic weeds. It prohibits the importation and movement of aquatic weeds into Botswana. The act also provides the regulations for the import, registration and movement of boats within Botswana and the neighboring countries. The Act has specified the schedule of aquatic weeds and the following are examples of the species :

- Salvinia Molesta (Kariba weed)
- Eichhornia Crassipes (Water hyacinth, Nile Lily)
- Pistia Stratiotes (water Lettuce, Nile Cabbage)
- Azolla Filiculoides (Water fern)

The Act addresses only one aspect of aquatic weeds control, which is by using boats as a means of transporting the weeds. More up-to-date methods of aquatic weed control, including biological, chemical as well as eradication of the weeds are not included in the act.

#### ***4.3.7 The Environmental Impact Assessment Act, EIA 2005***

The statutory EIA Act is a regulatory tool for a systematic procedure for the examination or consideration of the environmental consequences of projects, policies or programmes. It combines with it new norms such as the precautionary principle and the principle to prevent environmental damage and emphasizes the need for public participation in decision-making processes.

The Act is clear that environmental impact assessments should identify and evaluate activity with reference to health, safety, and quality of life of people, archaeological, aesthetic, cultural or sanitary conditions of the environment, configuration, quality and diversity of natural resources s.9 (2).

Section 28 of the Act, on the Trans-boundary environmental impacts, brings up the issue of negative environmental impacts from activities in Botswana that may have an effect on the environment of another country (Rio-Principle 17). This section obliges the competent authority to notify the Government of developmental activities that would have trans-boundary effects so that action can be taken. It applies to all activities that takes place within Botswana with impact on other countries regardless of whether such countries are a party to an international agreement dealing with the environment or not.

#### ***4.3.8 The Agricultural Resources Conservation Act***

The Act makes provision for the conservation and improvement of agricultural resources in Botswana. The Act makes no provision for local community involvement in the management of these natural resources and instead, the Act makes provision for the formation of an Agricultural Resources Board (ARB) to manage all resources as defined in the Act. The responsibility for creating appropriate policy and regulations to manage and conserve natural resources is also vested in the Act.

#### ***4.3.9 The Public Health Act***

The Public Health Act has a bearing on public and environmental health. Its objectives are;

- To make provision for the notification of certain diseases compulsory and to control such diseases;
- To make provision regarding disease subject to the International Health regulations;
- To prevent the introduction of diseases into Botswana;
- To control advertisements and publications concerning venereal diseases;
- To regulate sanitation and housing; to provide for the protection of foodstuffs and water supplies; to regulate cemeteries; and generally to make provisions for public health.

The Public Health Act is meant to regulate six broad areas so as to protect public health. These are; Diseases subject to the International Health regulations, Prevention of the spread of smallpox, prevention of introduction of diseases, venereal diseases, sanitation and housing, food stuffs, water and food supplies, prevention and destruction of mosquitoes and cemeteries.

#### ***4.3.10 Forest Act***

The Act provides for the regulation and protection of forests and forest produce in Botswana. Forest produce includes trees, timber, brushwood, firewood, poles, bamboo, slabs, chips, saw-dust, plants, grass, reeds, thatch, bedding, creeper, fiber, leaves, fruits, seeds, roots, bark, resin, rubber, sap, charcoal, honey, wax, fungi, galls, earth and such other things as may be provided for by the regulations. The authority is the then Department of Forestry, now called Department of Forestry and Range Resources. It is important to note that the department is in the process of drafting a new Act that addresses natural resources management and will merge the Herbage preservation Act, Forest Act and the Agricultural Resources Act. This new Act and the new Forest policy are intended to address the fragmented approach in dealing with plant resources management.

#### ***4.3.11 Wildlife Conservation Act***

The intention of the Act is make further and better provision for the conservation and management of wildlife of Botswana and to domestically implement CITES; and any other international convention on the protection of fauna and flora. Section 5, specifically, addresses the establishment, management and control of national parks, private game reserves, game reserves, sanctuaries and protected areas. The Act addresses a number of issues, including protected animals, partially protected animals, bird licenses, schedules on areas and types of animals and plant life that may not be hunted or harvested.

The Act also provides for the establishment of Wildlife Management Areas (WMAs) and Controlled Hunting Areas (CHAs). In this area, some of the following are controlled:

- The grazing of any stock
- The cultivation of any land that is declared a WMA and the conditions under which cultivation should be carried out

- The hunt or capture of animals by licence, permit or capture

The Act gives the Director authority to consult with land boards and district councils to the development of wildlife management plans for a particular wildlife management area.

#### ***4.3.12 Tourism Act 1992***

The Act makes provision for the regulating of the tourism industry with regard to promoting its development and well-being.

The Act covers requirements on:

- Licensing of tourist enterprises
- The establishment of a Tourist Industry Licensing Board
- Categorization of tourist enterprises
- Issuance of licenses
- Grading of tourist enterprises

Under section 6, the Act provides for the establishment of Tourist Industry Licensing Board. The board shall approve licence applications for tourist enterprises; cancel or suspend a licence and determine the grading of any tourist enterprise.

#### ***4.3.13 Tourism Board Act 2003***

This Act provides for the establishment of the Botswana Tourism Board as a body corporate, with members from the public and private sectors and community-based organisations. The tasks of the Board are to:

- Develop and implement a tourism marketing and promotion strategy;
- Formulate and implement strategies for promoting sustainable tourism development in collaboration with all stakeholders;
- Advise government on policy reviews and reforms where necessary;
- Implement government tourism policies;
- Set performance targets for the development of the industry;
- Promote investments in the tourism sector;
- Promote the improvement of tourism standards through service standards and codes of ethics; and
- Encourage tourism diversification.

The linkages between the BTB and the Department of Tourism are not clear in the Act. It is important that the Tourism Board and the department of Tourism have well understood and clear division of responsibilities or organisational structure.

#### ***4.3.14 Tribal Land Act***

This Act assigns all the rights to tribal land to the land boards which are said to hold the lands in trust for the citizens of Botswana. The act assigns functions to the land boards

which were previously under the powers of chiefs. These include the granting and cancellation of land rights, control and imposition of restrictions on the use of tribal lands.

The act also gives the land boards the power to determine land use zones and land management plans. The land boards may grant land to the state for public purposes. The land boards are also given the mandate to ensure that the land is managed in such a manner that benefits accrue to the community.

#### ***4.3.15 Town and country planning Act***

The objective of this Act is the orderly development of land in towns and under District Councils and to preserve and improve the amenities found therein. One of the Act's requirements is that government and private development plans be accompanied by proposals for protection of the environment, including standards and operational guidelines for the intended land uses. Granting of permission to develop land and other powers of control over the use of land are provided for under this Act.

#### ***4.3.16 State Land***

This Act has as its main objective, the regulation of state land in and out of Botswana. It controls the resources found in State land that is in national parks and protected areas.

**Figure 1: The Proposed new structure of the Department of Water Affairs**

