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**Draft**

# **WATER SUPPLY & SANITATION**

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## **NATIONAL CO-ORDINATION PROGRAMME**

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**INCEPTION REPORT**

**JUNE 1995**

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## 1. BACKGROUND

Following a study undertaken in 1992 of the Sri Lankan Water & Sanitation Sector, a proposal was formulated under which assistance would be provided by UNDP for a programme to improve coordination in this typically fragmented sector. Under the guidance of a National Steering Committee, a Programme Support Document<sup>1</sup> was produced in October 1993 and an agreement signed between UNDP and the Government of Sri Lanka in December 1994.

After Cabinet approval in early 1995 the first meeting of the National Sector Coordination Meeting was held on April 21st and preparations made for the first Sub Sector Workshops in June. To assist in this process and to produce this document a short term consultant was employed during June. The purpose of this inception document is to update the situation since the initial study was made, to identify the key actors and issues important in the programme and to redefine the Workplan as it is envisaged now at the commencement of the programme.

### 1.1 SECTOR PROFILE

A Committee established by the Government of Sri Lanka in 1980<sup>2</sup> to assess the status of water supply and sanitation proposed that such a goal could be achieved by 1995. The fact that this goal has been progressively postponed until the year 2010 is no doubt basically a reflection of the intensity of competition for scarce resources. At the same time, however, it may in part be explained that, as a sector generally, water supply and sanitation, particularly in rural areas, has been uncoordinated and devoid of any effective voice in lobbying and unclear on a range of key policy issues.

Despite this situation, in terms of water and sanitation coverage, Sri Lanka's performance by Asian standards has been impressive. The rural water supply sector, for example, has achieved, according to some sources, a level of about 53%<sup>3</sup> with a regional variation ranging down to about 31%. Sanitation Coverage is around 36%<sup>4</sup>. These achievements reflect relatively high public sector investment in the past, an investment frequently undertaken, however, with insufficient regard to maintenance and cost recovery factors. More recent economic pressures have required the Government of Sri Lanka (GOSL) to pursue a more sustainable policy with much greater emphasis on operation and maintenance costs and cost recovery generally. In 1994, the government approved a new, uniform policy to promote demand-based and participatory development of the sector. Tangible expression of

<sup>1</sup> *Community Water Supply & Sanitation Sector, National Coordination Programme, Programme Support Document UNDP, Colombo October 1993.*

<sup>2</sup> International Drinking Water Supply & Sanitation Decade Committee. National coverage at that time was estimated at 54% for water supply and 48% for sanitation. *Profile of Child Development in Sri Lanka, Colombo, 1991, p.49*

<sup>3</sup> Source: *Water Supply & Sanitation Related Information 1992, NWSDB/UNICEF June 1994*. N.B. The original Project Document reported earlier figures of 65% coverage for water and 30-40% for sanitation however, the later figures are considered the most reliable yet produced.

<sup>4</sup> The 1994 NWSDB/UNICEF report actually quotes 61% as the national coverage, however, this includes pit latrines (41% of all latrines) which in most previous assessments have been classified as unsanitary.

this policy can be seen in the ambitious, Community Water Supply and Sanitation project now operating in three Districts.

The water and sanitation sector has generally exhibited the investment characteristics of most developing countries viz a disproportionate investment in providing relatively higher levels of service to more affluent, urban areas and a commensurate neglect of low income settlements whether in urban, peri urban or rural areas. In preparing to meet its target of providing adequate water and sanitation facilities throughout the island by the year 2010, GOSL has recognized the need to maximize the efficiency and targetting of its investments and it is for this reason that this Sector Coordination Programme is now being commenced.

Although the major investment is channelled through a single ministry, (Ministry of Housing, Construction and Public Utilities, MOH,C&PU), the Sector faces major constraints in the areas of; overlap of responsibility, absence of clear statutory provision, and the existence of a provincial administrative set up with devolved but unrealized powers. For example, there are now as many as 16 ministries and departments directly or indirectly involved in the sector and more than 40 government agencies involved in the overall management of water resources. The presence of such a large number of actors has created a serious coordination problem in the sector. This situation has also complicated investment programmes and donor assistance often creating uncertainty, avoidable overlap and inconsistent implementation strategies.

As in other natural resource areas, competition for limited water resources is increasingly emerging as a significant problem. Water resource management is thus a growing issue reflected in increasing conflicts over water rights and allocations. The absence of a legal and institutional framework governing water resources management thus has become a matter of concern. Limited institutional capacity at both government and community level, especially in the recently established Provincial and local governments is also slowing down sector development.

Although the primary implementation body in the sector, the National Water Supply & Drainage Board has developed a high level of technical expertise, this expertise is focussed on the higher levels of technology typically associated with large scale urban water supplies. Broadening and re-focussing of investment policies towards low income communities raises a number of issues that will hinder smooth implementation. Such issues will include the selection of appropriate technology and the choice of affordable service levels, availability of sufficient appropriately qualified technical staff and identification of optimum community mobilizing strategies to ensure participation and effective O&M arrangements.

At the social level, traditional welfare expectations on the community side and attitudes of patronage on the government side are still persistent and may prove obstacles to efficient implementation of the new policies which depend on high levels of community participation and contribution.

With its relatively high levels of education and health services, the sanitation sector has needed less attention than in other countries and as a consequence institutional capacity has been little developed. As a result, a range of strategies are currently pursued with minimal consistency, coordination or forward planning. Hygiene education strategies are likewise frequently absent or antiquated and,

unless improved, will undermine the health gains that would otherwise come from expansion of water supply in low income sector communities.

Finally, the overriding issue confronting the Sector is the absence of a comprehensive sector plan which will provide the strategies, coordination and resources necessary to increase the coverage to presently unserved communities and to devise suitable mechanisms for the follow up and sustenance of a large number of existing schemes.

## 1.2 RECENT DEVELOPMENTS

A number of significant developments have taken place in the Water Supply & Sanitation Sector in recent years, these developments are analysed in greater detail in the following Sections. These developments include:

- i) Preparation of a *Draft Strategic Framework and Action Plan for Water Resources Management* that is expected to lead to the formation of a *National Water Commission* and a *Water Act*.
- ii) Government adoption of an explicit rural water supply policy (See Appendix 6) accepting as standard the community-based, demand-driven approach.  
  
Introduction of a national policy on provision and maintenance of tube well handpumps.
- iii) Preparation of fifteen *Districts Development Plans* (DDPs) and *Investment Programmes* (IP) for rural water supply and sanitation.
- iv) Launching of the IDA funded Community Water Supply and Sanitation Project (CWSSP) adopting an innovative demand-driven and community based approach to serve 2,700 Grama Niladari Divisions in three districts i.e. Badulla, Ratnapura, and Matara. The project, now commencing its third year, is progressing satisfactorily and project activities are currently underway in more than 300 GN Divisions. With the support of the Asian Development Bank, a similar CWSSP - based pilot project has recently been commenced in the District of Moneragala.
- v) Launching of two schemes during 1995 as sub programmes of the CWSSP;
  - (a) Schools Water & Sanitation Programme, eventually to cover all schools in the three focus Districts.
  - (b) Small Towns Water Supply programme to be implemented via the National Water Supply & Drainage Board initially in 17 towns within the three Districts of Badulla, Ratnapura, and Matara.
- vi) Launching of the UNDP funded, sector coordination programme to establish and institutionalize sector coordination mechanisms for the development of a comprehensive sector programme.
- vii) Establishment of a National Sector Coordination Committee within the Ministry of Housing, Construction and Public Utilities to coordinate all activities pertaining to the sector.

## 2 WATER SUPPLY & SANITATION SECTOR

### 2.1 POLICY

The national goal according to the 1980-90 Decade Plan was to *improve the quality and quantity of drinking water and to make supplies, as well as sanitary facilities gradually accessible to the entire population, reaching full coverage by the year 1995.*

This physical target proved too optimistic, due partly to inadequate investment resources / strategies and due partly to insufficient implementation capacity. The target year was later changed to 2000.

The Steering Committee for the Sector Paper took note of the and the time it takes to introduce new strategies and recommended the year 2010 was as a more realistic time frame for achieving full coverage in both urban and rural areas.

Sri Lanka was one of the 115 countries which adopted the 'New Delhi Statement' at the global consultations in 1990. The recommended four "guiding principles" were:

- a) Protection of the environment and safeguarding of health through the integrated management of water resources and liquid and solid wastes.
- b) Institutional reforms promoting an integrated approach including changes in behaviour, and the full participation of women at all levels in sector institutions.
- c) Community management of services, backed by measures to strengthen local institutions in implementing and sustaining water and sanitation programs.
- d) Sound financial practices, achieved through better management of existing assets, and widespread use of appropriate technologies.

Present Government strategy for the Sector is consistent with these principles, although it remains, as was stated above, to develop many of the practical applications and modalities.

In terms of the broader Water Resources Sector, consideration is presently being given by Government to approval of a *Draft Strategic Framework and Action Plan* for water resource management. These considerations stem from a major ADB/USAID-funded, sector study carried out during 1993/94 under the direction of the Department of National Planning. If approved, the Action Plan will lead to the establishment of a *Presidential Commission on Water* and subsequently to a permanent *National Water Commission* and a *Water Act*.

## **2.2 INSTITUTIONAL FRAMEWORK**

### **2.2.1 General Administrative Structure**

The institutional arrangement for the implementation of projects and programmes in the fields of health, water supply and sanitation is an integral component of the general administration structure of the country. Within that structure the following institutions play the major role;.

#### **(a) National Level**

##### **Health**

Ministry of Health & Highways and Social Services  
 Ministry of Finance, Planning Ethnic Affairs and National Integration.  
 Ministry of Transport Environmental & Women's Affairs  
 Ministry of Housing, Construction and Public Utilities  
 National Housing Development Authority  
 Department of Health

##### **Water Supply**

Ministry of Housing, Construction and Public Utilities  
 Ministry of Finance Planning Ethnic Affairs and National Integration.  
 Ministry of Agriculture, Lands & Forestry  
 Ministry of Irrigation, Power and Energy  
 Ministry of Public Administration, Home Affairs, Plantation Industry and Parliamentary Affairs.  
 Mahaweli Economic Agency/Engineering & Construction Agency  
 National Water Supply & Drainage Board  
 Water Resources Board  
 National Housing Development Authority

##### **Sanitation**

Ministry of Health & Highways and Social Services  
 Ministry of Finance Planning Ethnic Affairs and National Integration  
 Ministry of Public Administration, Home Affairs, Plantation Industry and Parliamentary Affairs.  
 Department of Health  
 National Housing development Authority  
 National Water Supply & Drainage Board

#### **(b)Provincial Level**

##### **Health**

Provincial Ministry of Health  
 Provincial Department of Health

##### **Water Supply**

Provincial Ministry of Housing & Local Government  
 Provincial Department of Local Government

##### **Sanitation**

Provincial Ministries of Health/Local Government/Housing  
 Provincial Departments of Health/Local Government

**(c) District Level**

District administration set up - Kachcheries

Integrated Rural Development Programmes (IRDBs)

Special district project offices, e.g. Kandy District Rural Water Supply & Sanitation Project

**Divisional Level**

Divisional Secretariat

Pradeshiya Sabhas

**2.2.2 KEY INSTITUTIONS****MINISTRY OF HEALTH & HIGHWAYS AND SOCIAL SERVICES**

The Ministry of Health (MOH) is the policy maker on sanitation (on-site) and hygiene issues. Implementation is carried out through the Provincial Health Ministries and through health staff employed by the local authorities as described below: Previously, even simple, small scale water supplies were implemented with support from MOH.

**PROVINCIAL MINISTRY OF HEALTH**

Since the devolution of power to the Provincial Council, the management of provincial institutions dealing with health care services, has become the responsibility of the Provincial Ministry of Health. There are eight Provincial Councils and there is a Ministry of Health in each Provincial Council. The eight Provincial Directors are assisted by 22 Regional Directors of Health. Each Regional division of health is further sub divided into health unit areas where a Medical Officer of Health (MOH) is responsible for all promotional and preventive health within a defined area extending from 130 to 500 square km. with a population 100,000 to 300,000.

**REGIONAL DIRECTOR HEALTH (RDH)**

At the district level the RDH is responsible for health and sanitation (for its administrative control, implementation, co-ordination and supervision). His responsibility includes the implementation of programmes which provide latrines for the rural poor. The RDH also administers projects in this field funded by international donor agencies.

**MEDICAL OFFICER OF HEALTH (MOH)**

With respect to health matters a district is divided into several divisions, each under a MOH. These divisions usually do not correspond with the normal administrative units. For example in the Kalutara district, with 11 AGA Divisions, there are 5 MOH. The MOH is the subordinate of the RDH. The districts field officers function under the MOH.

**PUBLIC HEALTH INSPECTOR (PHI)**

A PHI also works under the authority of the RDH. While the MOH is advisor, consultant and supervisor to the Pradeshiya Sabha in matters related to health, including sanitation, the PHI works in the villages at grass root level.

**PUBLIC HEALTH NURSE**

This officer, attached to the MOH's office, attends to the health clinics and related matters at village level. Her duties include the training of health volunteers and the

organization of information programmes, for example on nutrition, breast feeding, immunization etc.

#### **FAMILY HEALTH WORKER**

This person, usually a woman, deals directly with individual households at village level, within an assigned territory. Her duties extend over a large range, including among others family health and hygiene.

#### **BUREAU OF HEALTH EDUCATION**

At the central level as well as under the RDHs, special bureaux have been set up to deal with health education. In terms of coverage their activities seem to be rather limited.

#### **WOMEN'S BUREAU OF SRI LANKA**

In 1978 the Government of Sri Lanka introduced the Women's Bureau of Sri Lanka, under the Ministry of Plan and Plan Implementation. Now there is a State Ministry for Women Affairs which falls under the Minister of Health and Women Affairs. The Bureau has several action programmes. The action programme, most relevant for water supply and sanitation is the formation and training of Women Action Committees (Kantha Karya Samaja) at grass root level.

#### **WOMEN ACTION COMMITTEE**

About 1050 Women's Action Committees have been organized in various districts all over the island except in the North and East. The area of the WAC's activities coincides with the GN Divisions.

#### **Ministry of Housing, Construction & Public Utilities**

Provision of water supply is the statutory responsibility of the Ministry of Housing, Construction & Public Utilities. The Ministry is mainly executing this responsibility through the National Water Supply & Drainage Board and the Community Water Supply & Sanitation Programme Unit. The National Housing Development Authority and Clean Settlement Programme Unit (Pilot Phase) are also involved in providing infrastructure facilities including water supply and sanitation, especially for urban poor living in slums and shanties. In general, the Ministry of Housing, Construction and Public Utilities is responsible for policy formulation, monitoring and guiding of all aspects of human settlement including water supply and sanitation.

#### **NATIONAL WATER SUPPLY & DRAINAGE BOARD**

The National Water Supply & Drainage Board was established under the National Water Supply & Drainage Board Law NO. 2 of 1974 with effect from 01.01.1975. The Main functions of the Board are as follows

- (a) To establish, develop, operate and control an efficient co-ordinated water supply and distribute water for public, domestic or industrial purposes.
- (b) To establish, develop, operate and control an efficient co-ordinated sewerage system.
- (c) To take over and carry on any water supply or sewerage undertaking transferred to the Board under Section 57 of the Law.

(d) To take over and carry on any water supply or sewerage undertaking of any local authority transferred to the Board under Section 64 of the Law by voluntary transfer order or a compulsory transfer order.

(e) To provide and supply water distribute it or sell water in bulk or otherwise to any authority, any government department, or any other institution or organization or any individual.

The Chairman and Members of the National Water Supply & Drainage Board are appointed by the Government. The Board consists of eight members of whom four members are ex-officio from the State Administration.

The General Manager who is the Chief Executive is assisted by two Additional General Managers.

NWS&DB is one of the main public institution about 7,000 permanent employees. No. of professional staff of the Board is about 1,000.

The Board is mainly concentrating on providing of water supply and thus pay little attention on surface drainage and sewerage. Though these aspects at present have not been given due consideration, Board has the capacity for the fulfilling their objectives. Furthermore, due attention has not been paid by the Board for the conservation of water resources.

#### MINISTRY OF FINANCE PLANNING ETHNIC AFFAIRS AND NATIONAL INTEGRATION

##### INTEGRATED RURAL DEVELOPMENT PROJECTS (IRDPS)

District level IRDPs funded by the Central government and by donor agencies, are carried out by this Ministry. The major task of an IRDP is to integrate and simulate the different rural development projects in a district. Rural water supply and sanitation is often an important component of these projects (see Table 20). The implementation of this component can be done by a number of authorities and agencies, such as the Ministry of Health, Local Government Authorities (Municipal and Urban Councils and Pradeshiya Sabhas), the NWS&DB, NGOs like Sarvodaya or donor agencies.

Although it funds projects undertaken by local governmental authorities such as the Pradeshiya Sabhas, the IRDP's are not themselves part of the local governmental framework.

##### WATER RESOURCE BOARD (WRB)

The function of the WRB is primarily one of research into ground water exploitation. In this context it carries out geological investigations, data collection and analysis. It also engages in the drilling of tube wells on a contract basis. This last activity provides an income for financing research and various management services. The work of the WRB also involves collaboration with foreign donor agencies and with the implementation of IRDPs.

##### IRRIGATION DEPARTMENT

The main responsibility of the Irrigation Department is the provision of water for irrigation. To this end it also conducts studies on hydrology and other relevant subject (soil surveys, land use mapping etc.). Irrigation facilities such as tanks (reservoirs) and channels are generally also used for household water supply, including drinking water.

MAHAWELI AUTHORITY OF SRI LANKA (MASL)

One of the tasks of the MASL is developing the Mahaweli project area. In this context it provides water supply and sanitation facilities for new settlements within their project area.

DEPARTMENT OF LAND COMMISSIONER

This Department has responsibilities for the provision of water supply and sanitation facilities to new settlements.

PLANTATION HOUSING SOCIAL WELFARE TRUST

Responsible for water supply and sanitation in all government owned, privately managed estates. This work is implemented with national and international funding.

LOCAL GOVERNMENT AGENCIES AND ORGANIZATIONS

The various local government authorities such as Municipal and Urban Councils, and Pradeshiya Sabhas are involved in the planning and implementation of water supply and sanitation activities in their respective areas. It is the Pradeshiya Sabhas which cover the rural sector.

Presently the provision of water supply by the Pradeshiya Sabha is limited to individual dug wells only, i.e. not on a project basis. Tube wells are seldom provided because of lack of technical knowledge, staff and funds. Recent government policy establishes the Pradeshiya Sabha in the operation and maintenance of tube wells and also piped supply schemes.

NON GOVERNMENT ORGANIZATIONS

There are various non-government organizations (NGOs) active in the rural water supply and sanitation sector in Sri Lanka. The "National NGO Water Supply and Sanitation Decade Service" acts as an umbrella organization for NGOs interested in the sector. The most experienced NGO in the rural water supply and sanitation sector is the Sarvodaya Movement of Sri Lanka through its Sarvodaya Rural Technical Services (SRTS). SRTS has implemented village-level water supply and sanitation programmes throughout the country. In addition Sarvodaya has a mechanical workshop which manufactures handpumps and well rings on a commercial basis.

Although a reasonable number of NGOs have been involved, with the exception of SRTS the scale of their involvement has been limited. Since the advent of the Community Water Supply and Sanitation Programme, however, some 50 NGOs have become involved in the programme on a significant scale with the largest programme being undertaken by Sanasa.

## 2.3 LEGAL FRAMEWORK

### 2.3.1 Water Allocation

With Sri Lanka's generally abundant rainfall, the discharge from streams and rivers generated from over 100 catchment areas is estimated at 47,000 Mln. cubic mtrs. The ground water re-charge is estimated between 10% to 30% of the rainfall. It is estimated that around 20,000 wells are in existence utilizing this ground water. In addition, around 5 Mln. ha m of surface water is available.

By comparison with these quantities, the demand for domestic and industrial water, estimated to reach around three mln. cubic mtrs per day by year 2,000 is relatively

insignificant. Irrigation demand on the other hand, exceeds supply, particularly in the dry zone area, where over 50% of rain water run-off is utilized for irrigation.

Until recently, there had been limited competition for water and therefore, little need for a formal mechanism for allocation amongst alternative users. Water management had been based on the belief that water is "a gift from God" which belongs to everyone, and should be administered by the State for the benefit of all. Apart from the now recognized imperative of cost recovery, however, recent trends in devolution of power to the Provinces, rapid urbanization, commercialized agriculture and private sector promotion, all heighten the need for establishing a transparent water rights allocation mechanism for potential users.

From a purely economic perspective the priority of allocating water between competing users would be determined on the basis of the sector providing the highest economic return. Although valuation of the various alternative benefits of water remains contentious, this issue is becoming of increasing importance in villages seeking to upgrade their water supply to the much sought after piped, gravity system.

The State Lands Ordinance vests all rights to water in the State (Section 72), and gives "the State, by its officers and servants", wide powers "as may be thought fit or as may be prescribed for the conservation and supply of such water as aforesaid and its more equal distribution and beneficial use and for its protection from pollution,...". This, together with Section 77 ("Permits to divert water and construct works and bridges"), provides a legal basis for water allocation "on behalf of the State, by the Government Agent or other prescribed officers" (Section 77 (1)). Government Agents do not appear to have exercised this authority, nor does it appear to have been assigned to any specific state agency. However, Section 77 (1) also states that no permit is required where a person is entitled to divert water "under the Irrigation Ordinance or the provisions of any other written law". Section 75 makes provision for the rights or riparian landholders to take water.

The irrigation Ordinance (Section 33) confers upon the Government Agent the authority to prepare a scheme "in any case where it is proposed that any irrigation work be constructed, or that any variation be made in the conditions relating to the construction or maintenance of any irrigation work or the supply of water thereunder.

A number of other laws assign powers to extract water for particular purposes. The National Water Supply & Drainage Board Law 1974 (Section 16(1)) assigns to the board the duty "(a) to develop, provide, operate and control an efficient, co-ordinated water supply..." and " (f) to do all other acts and things as may be necessary for aforesaid purposes". Subsection (f) presumably includes abstraction of water from a natural water body. The Mahaweli Development Board Act No 14 of 1970 (Section 9) in a similar way empowers The Board; the Urban Councils Ordinance No 61 of 1939 and Town Councils Ordinance No 3 of 1946 provide powers with respect to water supply, without explicitly conferring the power to take water from a natural water body.

Water allocation is in practice the weakest area of water legislation, even though there is clear legal provision for the function to be carried out. The lack of an agreed procedure for allocating water has led to an ad hoc approach to resolving disputes. (The State Lands Ordinance Section 77(2) stipulates that permits should be in a

form approved by the Land Commissioner). It does appear, however, that the Irrigation Department has de facto carried out this function, with the assumption (implicit in the State Lands Ordinance Section 77(1) that irrigation has priority over other users.

### 2.3.2 Water Quality Management

Deteriorating water quality is one of the most serious problems in the sector today, particularly in the Colombo area. The high incidence of water-related diseases (the number of hospitalisations for diarrhoeal diseases exceeds 130,000 per year, with milder cases probably ten times more frequent) suggests that bacteriological water quality is of particular concern.

A number of laws make provision for water quality management, however, the fines imposed by these laws are small: not exceeding 50 Rs for (a) and (b) and not exceeding 1,000 Rs for (c). They do not provide a deterrent (although the proceedings of a Magistrates Court might do so), and the laws are not enforced.

There have been substantial advances in the legislative basis for management of water quality, with the passage and amendment of the National Environmental Act (No 47 of 1980, with amendment act No 56 of 1988), and gazettal of regulations relating to licensing of waste discharge, water quality standards, issuance of Environmental Protection Licenses, and projects which are subject to Environmental Impact Analysis. The Central Environmental Authority (CEA) administers this legislation.

There are some 15,000 industrial establishments, of which about 10,000 will ultimately need EPLs. About 1,600 have been issued to date, mostly in the Colombo area; about 500 are for "high polluting industries". The EIA/EPL process is proving effective for new industrial developments. This is particularly because of the policy of developing industrial estates and export zones, where industries are concentrated and provided with common water supply, waste disposal, and other infrastructure. However, existing establishments cannot be brought up to standard immediately, and effective 5 year grace period has been given to medium and high polluting industries to conform to regulations.

Because of its wide responsibilities and limited resources, there is some doubt that the CEA can effectively carry out all its functions related to regulation, monitoring, and management of water quality. However, environmental matters are a provincial and concurrent subject; the Northwest Province has passed an Environmental Act which is almost a replica of the National Environmental Act. The CEA is trying to devolve its powers to local authorities with respect to low polluting industries.

Water quality standards are largely adopted from the World Health Organisation, but several organisations, notably CISIR, National Building Research Organisation, *Institute for Fundamental Studies*, and NARA have been involved in developing the standard and the means of enforcing them. They also provide monitoring, assessment, and research/ consultancy services to the CEA, other government agencies, and the private sector. In association with their responsibilities in planning and zoning industrial development, several agencies - notably the Urban Development Authority and the Greater Colombo Economic Commission - have substantial experience in pollution control through permitting.

### 2.3.3 Watershed Management and Soil Conservation

Several laws are relevant to watershed management and soil conservation (Annex 4). The key act would appear to be the Soil Conservation Act, but it has not been implemented. IMPSA Policy Paper 7 considers that "there is no necessity for new legislation at this time to deal with watershed management. Existing legislation needs to be used effectively to identify critical sites, enforce regulatory measures and implement interdisciplinary programmes through the (proposed) Commission on Watershed Management".

### 2.3.4 Irrigation Management

The key law related to irrigation is the Irrigation Ordinance 1946. It has been regularly amended, but presently requires further amendment to make full legal provision for the replacements of District Agricultural Committees and Cultivation Committees (Project Management Committees and Farmers Organisations). The Ordinance has a number of objectives:

- a. to provide for charges in respect of water supplied or services provided (Part I)
- b. to establish the duties and powers of District Agricultural Committees and Cultivation Committees (Parts II, III, IV);
- c. to make general provisions for all aspects of irrigation scheme construction and operation (Part VI);
- d. to make provision for protection and maintenance of scheme works and for conservation of water (Part VI).

Other Parts deal with payment of monetary contributions, offences, and other administrative matters. The Ordinance contains many clauses which have significance for water management. These include, in particular:

- a. provision for farmers to be charged both for the use of water and for the cost of construction and maintenance of a scheme;
- b. establishment or regularisation of a system of participatory management of all aspects of irrigated agriculture, in particular, allocation of water amongst landholdings;
- c. efficient use of water.

The Agrarian Services Act 1979, whose principal function is to establish the rights of tenant farmers, has a number of complementary (and overlapping) provisions, particularly related efficient use of water and land (Section 33 and 34), and the establishment of farmers' organisations to co-ordinate agricultural activities.

The laws relating to irrigation management have evolved in a rather ad hoc way, with other laws such as the Paddy Lands Act and Agricultural Productivity Act being passed and then repeated. At present, there are proposals to amend the Irrigation Ordinance to deal with inconsistencies with other legislation, and to accommodate devolution to Provinces, divisions, and farmers' organisations. However, the

proposed amendments are themselves an ad hoc response, and some commentators consider that a forward-looking, thorough review of land and water-related law is required, which would include but not be restricted to irrigation.

### **2.3.5 Surveys and Investigations**

There is extensive provision for surveys and investigations of water resources (quantity and quality) and watersheds (including the extent of soil erosion, etc). Provisions are not comprehensive, however; the Irrigation Ordinance for example makes no reference to the need for hydrological surveys on which to base scheme design and operation. In particular there is no provision for water resources data to be supplied to and archived by a single agency, for consistency and long-term security. At present there appears to be no legal requirement for government officials to supply information to the public or non-governmental organisations.

## **3 KEY ISSUES**

A number of problems and issues need to be resolved in order to pave the way for accelerated and sustainable Sector development. These issues were identified initially in the Sector Paper, and have since been progressively refined in the light of more recent events. The issues comprise:

### **3.1 Sector Coordination**

The Sector responsibilities are vested with a multitude of agencies, often with similar or overlapping tasks to carry out. This partly stems from the lack of clarity in the legal provisions and, hence, statutory responsibilities.

The importance of enhanced convergence of efforts is underlined by current government policies which emphasise:

- Devolution of powers to decentralized levels of local government, and
- Rationalization of public expenditure
- A new and uniform policy in CWSS for community participation in planning, implementation and maintenance of schemes (Annex 6).

Improved coordination should not be seen as a 'straight jacket' for the respective agencies. An interactive process among them would give advantages rather than inhibit sustainable and cost-effective Sector development. It would also serve the equity objective; access to and quality of improved facilities would be better distributed regardless of which agency happens to be active in a particular area.

Weak donor coordination has also been identified as a problem. A well coordinated Sector, with unified strategies and development approaches, would provide a better basis for the GOSL's dialogue with the donors, both on collective and individual basis.

### **3.2 Water Resource Management**

The increasing amount of conflicts over water rights and allocations for efficient use signifies the need to address both the legal and institutional framework governing water resource management. (For more detailed analysis of the legal issues see Section 3.9 below) An updated strategy for addressing the changing demands and

claims on water resources has to be put in place to guide the many concerned public and private actors throughout the Island. Such a task, however, extends well beyond the issue of drinking water and involves a wide range of major actors including those concerned with key sectors such as irrigation and hydro-power.

Should the Government approve the recommendations of the Department of National Planning's Draft Strategic Framework and Action Plan<sup>5</sup> for Water Resource Management a powerful forum (National Water Commission) would be created in which the Water Supply & Sanitation Sector would be expected to play a major role in promoting the interests of *its* sector. Conversely, failure of the WS&S Sector to achieve a high level of internal coordination could mean that the legislative framework might well be amended in favour of other water-related sectors.

In the light of the above, it would be critical to establish close linkages between the two coordinating structures at both policy making and Secretariat level. To facilitate forward planning in this area, the proposed *Action Plan* for Water Resource Management is attached as Annex 7.

### 3.3 Financing Strategy and Management

Financial issues fall into five major categories, adequacy of investment, investment bias, cost recovery, operation and maintenance and donor relationships.

#### ADEQUACY OF INVESTMENT

To achieve universal coverage of water supply and sanitation will clearly require a significant level of investment. According to NWSDB estimates in 1991, investment would be required for handpumps (1.8million), pumped schemes (3.1million) protected wells(8.5million) and latrines(1.8million). Allowing for the fact that around 55% of these investments would be for new facilities and the balance for rehabilitation of existing units, the required investment would be around Rs 21billion (1991prices) or approximately \$500million. An important priority of the NSCC will be to review these figures according to the latest projections of population<sup>6</sup>, target year, unit costs, service standards, preferred technology mix and consumer contributions.

Comparison of the above level of investment requirement to that currently planned<sup>7</sup> indicates that, in terms of gross allocations, adequate provision has already been made but because the bulk of the investment is focussed on relatively high-cost, urban facilities then the long term targets are unlikely to be met.(see below for discussion on *investment bias*)

#### INVESTMENT BIAS

<sup>5</sup> *Water Resources Management in Sri Lanka*, Draft Strategic Framework and Action Plan. National Planning Department, Sri Lanka. January 1994.

<sup>6</sup> Initial calculations were based on a population growth of 3.2 million in the decade to the year 2000 (assumed population growth rate of 2.1%) however, this population increase is unlikely to be reached before 2006.

<sup>7</sup> *Public Investment, 1995-1999*, Dept. of National Planning, June 1995

As described in the GOSL-UNICEF Sector Analysis<sup>8</sup> (Dec 94), there currently exists a *dichotomy between perceived areas of priority need and the emphasis given to capital investment through formal sector implementing agencies, none more so than in the case of the NWSDB which is typically responsible for something approaching 90% of the total national annual sector investment yet serves only slightly more than 20% of the national population in the case of water supply facilities and a negligible proportion in the case of basic sanitation facilities*

Expenditure programmed under the Public Investment Programme<sup>9</sup> is largely a reflection of the NWSDB's own investment strategy which traditionally focuses on higher technology, urban systems. The Corporate Plan of NWSDB (1991-1995) recognizes the Board's comparative advantage via its specialization in this area and proposes accordingly that NWSDB limit itself to the provision of urban water supply and sewerage and large piped schemes in rural areas. Even within this framework, however, NWSDB investments will continue to skew the national service levels as indicated in Table 1 below.

**Table 1: NWSDB Public Investment Programme 1992-96 by Province**

Province	Total PIP 1992-96 Rs.million	Population 1991 (000s)	Per capita PIP Rs.	Existing % Coverage Water Supply
Western	14,961	4,442	3,364	73
Central	2,795	2,220	1,259	48
Nth Central	666	1,035	643	58
Nth Western	921	2,026	455	55
Southern	956	2,239	427	47
Uva	338	1,069	316	34
Sabaragamuwa	500	1,692	296	31
Nth & Eastern	667	2,524	264	-
Allocation unknown	4,377			
<b>TOTAL</b>	<b>26,181</b>	<b>17,247</b>	<b>1,518</b>	<b>53</b>

Sources: NWSDB Corporate Plan, 1991, *Water Supply & Sanitation Related Information 1992*, NWSDB/UNICEF June 1994.

Support to the rural areas has in recent times largely been pursued via a small number of bi-lateral donor supported programmes together with the various Integrated Rural Development Programmes (see Table 2 below). Since 1993 an alternative delivery mechanism has been established for the rural areas with the commencement of the IDA-funded, Community Water Supply and Sanitation Programme and the formation of a separate Project Unit (CWSPU) within the Ministry of Housing Construction and Public Utilities. The CWSPU is expected to channel less than ten percent of national investment in the sector during the current five year public investment plan. CWSPU has to date restricted its activities to three Districts (Badulla, Matara and Ratnapura) with a fourth (Moneragala) being initiated recently as an ADB-funded pilot project.

<sup>8</sup> GOSL-UNICEF *Country Programme Water Supply and Sanitation Sector Situation Analysis* December 94.

<sup>9</sup> Public Investment 1993-97, Department of National Planning.

Resolution of the investment disparity between urban and rural areas is thus clearly linked to further development of an appropriate (rural) institutional capacity as well as to the re-direction of traditional donor support in favour of rural investment.

**Table 2 : District-wise Investment in WS&S via IRDPs**

District	Latrines	Piped Schemes	Shallow Tubewell	Community Wells	Deep T/W with Pump
Kalutara	5,056	4	111		
Gampaha					
N.E.	1,955	20	167		
Matale			100		
Kandy	664	10	12	28	
Galle (SPRD)	4,200		53		2
Matara	33,402	52	10,283	222	
Hambantota		11	400		652
Kurenegala			400		
Puttalam (IBSP)	8,460		4		191
- IRDP		2	154		162
Anuradhapura	1,891		3		
Moneragala	4,208	6	190		
Badulla	4,618	128	193		47
Ratnapura	17,781	55			
Kegalle		9	260		22
<b>TOTAL</b>	<b>82,235</b>	<b>297</b>	<b>12,330</b>	<b>250</b>	<b>1,076</b>

### COST RECOVERY

Improved financial performance has been a major NWSDB goal in recent years and net return on fixed assets has risen progressively.<sup>10</sup> Current NWSDB policy is committed to covering all O&M costs and depreciation or debt service whichever is the higher. Since 1994 a target debt service coverage of 1.2: 1 has been achieved. Although overall efficiency has improved substantially present achievements remain heavily dependent on cross subsidies within the profitable Colombo operations. Rural schemes typically show the poorest financial performance although town water supplies constructed under the ongoing ADB-funded loan are able to meet requisite debt service coverage. Non specialist agencies such as those working in water supply and sanitation in the estates and Mahaweli areas tend not to have strong cost recovery policies.

Within the concept of national water tariffs it has often proven difficult to achieve cost recovery which is compatible with consumers' affordability. Considering the high capital costs of conventional schemes, it is obvious that methods must be found to employ more cost-effective technologies, mobilize additional resources and implement alternate management models in order to ensure financial sustainability.

The World Bank had earlier suggested that a scheme-specific charging mechanism should be adopted. The Sector Paper also proposed a more flexible approach to tariff setting, particularly with a view to enable rural and small urban local authorities to distribute water to their predominantly domestic consumers. In assessing possible solutions to the cost recovery dilemma in rural towns, the NSCC will have the opportunity to examine during the latter part of 1995 the combined efforts of NWSDB and CWSPU as they attempt to develop a number of small town water supplies in which tariff charges will need to rise by as much as 500% if full cost recovery is to be achieved.

### OPERATION AND MAINTENANCE

Whereas in urban situations O&M financing is a function of tariff setting, the government's new policy at village level promotes the concept of direct community responsibility for all O&M expenses. This approach, as practised in the CWSSP, depends for its success on the development of a strong sense of community ownership of the water scheme. Although the programme is in its infancy, indications to date indicate that further implementation of this policy will eliminate for the government the financial burden of O&M costs. The major unresolved financial dilemma in relation to operation and maintenance relates to tubewell handpumps where the government has recently approved a three tier maintenance system (see Section 3.7 below for discussion).

### DONOR RELATIONSHIPS

Past support for development of the sector has been heavily dependent on access to donor grants and concessionary loans. For a number of smaller donors the prospects for future support for the sector are reducing either because of changing geographical priorities or static / shrinking aid budgets. In the area of policy, donors, with the exception of JICA/OECF, generally are focusing increasingly on issues of poverty and human/natural resource development. Donors have recognized the importance of

<sup>10</sup> Financial performance is still assisted, however, by the use of subsidised government funds for all capital investment.

improved co-ordination in the Sector and have expressed strong support for the development of a National Development Plan for water supply and sanitation.

### **3.4 Community Based Management**

Community involvement is not a new concept in Sri Lanka, but both political and administrative propensities have frequently undermined the concept in favour of government responsibility and control. As a result, mobilisation of local resources for sustaining the facilities has often been a failure. Whether it is the formation of a simple Consumer Society or a more comprehensive Community Based Organization(CBO) an essential component of any participatory strategy is the creation of a heightened sense of community self reliance and a reduction in the traditional level of administrative and political patronage

Community management of water supply and sanitation cuts across many aspects of the Sector strategy. Successful promotion of the concept requires social, institutional, financial, technological and HRD issues to be resolved. All of these challenges have already been faced in the Community Water Supply and Sanitation Project which depends for its success on a high level of community participation. In the first two years experience of CWSSP numerous difficulties have emerged because of an overestimation of available human resource capacity. Lack of adequately trained technical staff in the rural areas has forced the project to take a much more pro-active role in supporting the technical aspects of the programme.

Lack of managerial experience among the implementing Partner Organizations (mainly NGOs) has also proved to be a problem as has the inability of some members of the CWSPU staff to change their attitude from one of bureaucratic control towards one of community empowerment. In most other respects the experience of CWSSP to date has been positive and, with very few exceptions, communities have warmly welcomed the opportunity to participate in the design process, contribute to the cost and take responsibility for the finished water supply scheme.

Early experiences with the sanitation element of the programme encountered difficulties because of varying standards and expectations in the community and reluctance of many communities to become involved in a revolving-loan scheme. Because of delays in implementing the sanitation programme effective evaluation may not be possible for several years.

### **3.5 Human Resources Development**

The original Sector Paper identified human resources development (HRD) as a critical aspect of requirements for further progress in the Sector. For institutional and skills improvements to materialize, comprehensive manpower planning and implementation of appropriate training delivery systems would be required.

The Kandy District Water Supply and Sanitation Project concluded that past 'conventional' staff training, implemented without proper task analysis and training design, had limited impact and that a more systematic approach, integrating the needs of the various project actors was essential. The Community Water Supply and Sanitation Project has, as described above, confirmed that an integrated

approach can be effectively pursued, but that the human and institutional absorptive capacity must be realistically assessed at the outset. One implication of this finding is that future village water supply programmes might be better tackled via a two-stage process in which the first phase focuses on developing the requisite human resources in preparation for the subsequent, major implementation phase.

### 3.6 Technology

Technology selection has mostly been 'agency driven' in the past, based on conventional technical/economical evaluation of proposed projects. The users' effective demand for services, implying that technology choice will also have financial implications for them, had rarely been considered. With the new community-based and demand-based implementation policy the issue now becomes more a matter of what type of facilities a local community can both afford and be capable of maintaining. Ability even to make such choices implies a heavy pre-investment in education and consultation among target communities.

Experience to date has shown that even in rural areas a strong preference exists for piped water supplies. In practice, however, a demand-based policy means that such a service is generally only affordable for a village community if it happens to be adjacent to a suitable gravity source. With increases in both competition for water and likelihood of contamination, the availability of low cost, easily maintainable filtration systems is now becoming a matter of importance.

The ultimate financial cost of achieving full service coverage is obviously most sensitive to the chosen technology. Provision of piped water to a rural town for example will require a net investment cost of around Rs.4,000<sup>11</sup> per household compared to a cost per household of Rs.10,000 under the CWSSP's village programme<sup>12</sup>. Achievement of optimum rates of increases in coverage suggests that initial emphasis should be given to lower cost, village-level systems rather than to the more traditional focus on urban areas.

### 3.7 Tubewells

Tubewells, of which more than 12,000 have been constructed, are the least appreciated, worst maintained but often most vital source of water for the rural poor. The achievement of adequate Water Supply coverage, especially in the dry zone, will call for a substantial expansion and improvement in tubewell development and sustainability. Such a goal, however, will demand new approaches to the technology, financing, implementation and maintenance of tube wells. Some of the current problems facing this sub-sector are discussed below.

#### 3.7.1 POLICY

Ironically, a national tubewell handpump policy has recently been approved by Cabinet<sup>13</sup> however, there is general agreement that what is proposed in the paper is at best an interim strategy and one certain to be fraught with problems, especially in the area of operation and maintenance where the *three tier* approach is proposed.(see below). According to the new policy, installation priorities and allocation of funds are to be determined by *three administrative level committees at*

<sup>11</sup> Based on NWSDB estimates for the CWSSP's Small Town Water Supply Programme, May 1995.

<sup>12</sup> Based on costs of the first 20 schemes constructed.

<sup>13</sup> Cabinet Memorandum, Paper No. 875, February 1995

*National, Provincial and Pradeshiya Sabha* with requests being initiated via the latter. Although basic service standards are proposed in the Cabinet Paper<sup>14</sup> (Refer Annex 8), the proposed National Level Committee would retain the freedom to vary the conditions as required.

### 3.7.2 TECHNOLOGY

Rural Sri Lanka has been the proving (or more commonly, disproving) ground for a wide variety of handpumps of both local and foreign construction. Maintenance of an equally wide range of spare parts has proven a common problem and a strong disincentive for the private sector to seek involvement in the maintenance of handpumps.

Although there now appears to be a strong consensus on the need for a standard handpump and a widespread acceptance of the Indian Mark 11 or more recently Mark 111, no agreed national policy has as yet been articulated. Somewhat surprisingly, standards have been established by the Bureau of Standards however, these relate to performance and endurance norms which in practice, have proven peripheral to the central issue of limiting the number of handpump types to one, or at most two, of the best, proven types.

### 3.7.3 MAINTENANCE

Maintenance of tubewell handpumps has long been a major problem as evidenced by the inevitably large number of unservicable units. To resolve this problem the Cabinet Paper proposes that ultimate responsibility for maintenance should rest with the Pradeshiya Sabha under a three tier system in which:

- *A village level Consumer Society will assist the P/S in maintenance of the handpump and to pay the cost of maintenance.*
- *The Local Authority, generally Pradeshiya Sabha, will maintain the handpumps with necessary resources coming from the Provincial Council.*
- *The NWSDB is responsible for providing assistance to the P/S in maintenance and carrying out major repairs.*

At the same time that the policy institutionalizes the role of the Pradeshiya Sabha, it recognizes their present limitations in this area when it proposes that the new policy should not come into effect until the P/S has been given the necessary resources including staff and salaries.

To implement the programme of rehabilitating existing tube well handpumps, the Cabinet Paper proposes that donor assistance be sought. Apart from the question of financial sustainability the major issue arising from this policy relates to the suitability of the Pradeshiya Sabha as the pivotal link in the three tiers (see below for further analysis of this issue)

### 3.7.4 INSTITUTIONAL

The proposed National, Provincial and P/S level committees are yet to be established and it is therefore not possible to comment on their viability. What appears not to have been developed, however, is a clear strategy for mobilizing the

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<sup>14</sup> Minimum 25 beneficiaries per well, water unavailable within 500 m

community and forming a consumer society that will have a firm commitment to maintaining the handpump. Experience suggests that such an attitude only emerges when a community has a sense of ownership of a facility. By vesting the Pradeshiya Sabha with legal responsibility for maintenance, therefore, the community is effectively being given a clear message that it is the government that is the owner of the handpump.

Apart from its notorious resourcelessness, the role of the Pradeshiya Sabha is also frequently hampered because of its politicized nature. While the development of community management and responsibility calls for strong community cohesion, the party-political nature of the P/S tends to be innately divisive.

A final issue concerns the role of the private sector in the installation and maintenance of tube wells. Whereas, in other countries in the region, the private sector has developed a high level of capacity and efficiency in all aspects of tube well construction and maintenance, such development in Sri Lanka has been minimal. In such a situation there is, in much of the rural area, effectively no alternative to dependence on the Pradeshiya Sabha, no matter how weak might be its financial or technical capacity or even its level of interest.

### 3.7.5 SOCIAL

The major social problems related to tube wells arise from issues of water quality, service levels and high maintenance costs. Tubewell water in most parts of the island is by far the least preferred source on account of taste and/or hardness, whether real or imagined. Because of their relatively high unit cost, service levels provided by tube wells are generally much lower than for other sources. (It is significant to note, however, that cost/benefit calculations by CWSPU has led to a service level in the CWSSP that is twice as generous as that proposed in the recent Cabinet Paper). High maintenance costs also have a social dimension because of their typically skewed cost pattern whereby expenses are minimal in the first few years then extremely high when flushing or other major repair is needed later. In the Sri Lankan environment it is predictably difficult to motivate communities to contribute regular maintenance fees which in the first few years are almost certain to be well in excess of actual expenses but without which there will be no savings generated to meet the substantial longer term costs.

### 3.8 Private Sector

Implicit in the above issues relating to tubewell maintenance, human resource development and community management is the overarching need for a much stronger private sector involvement in the Sector. The weakness of private sector involvement reflects a number of factors including the past dominance of government agencies, lack of confidence and vision concerning the role of the private sector and finally, lack of access to institutional finance and technical support. It should, however, be noted that in rural areas many of the private contractors that have emerged in the sector have done little to create confidence and respect among their potential clients.

In the longer term there is clearly a need to review the optimum role and limits of government agencies involvement in the sector. However, with the space that has already been created for private enterprise, particularly in the rural sector<sup>15</sup>, the

<sup>15</sup> Under the CWSSP programme, needs have been generated/ identified in the Districts of Badulla, Matara and Ratnapura for an additional 3,000 caretakers, 750 artisans and more than 100 small scale contractors.

more urgent need is to remove any remaining obstacles to their involvement and to identify means of accelerating their participation.

### 3.9 Coverage and Service Levels

Effective management of a national strategy for full coverage pre-supposes the existence of;

- (a) agreed definitions of what constitutes a minimum *acceptable* level of service and
- (b) a reliable data collection system.

Past analyses of coverage levels are notoriously varied in their conclusions and present coverage is reported variously at between 42 percent<sup>16</sup> and 70 percent<sup>17</sup> depending on definitions of acceptability. A urgent task for the NSCC is thus to examine and reconcile existing differences in standards and definitions and to establish an agreed single standard. Such a task will, however, require a re-examination of cost benefit calculations in order to rationalize discrepancies between traditional target service levels and the more generous standards calculated under the Community Water Supply & Sanitation Programme<sup>18</sup>.

A major development in the area of data collection was made in 1991 via a UNICEF sponsored initiative to co-ordinate data gathering and analysis. This task is now supported in the field by Public Health Inspectors of the Health Department and regular reports are produced by the NWSDB's Performance and Management Analysis Unit. Presently a large amount of data is reported but some refinement will be required if the NSCC is to make optimum use of this vital management and planning tool.

### 3.10 Sanitation

The major problem facing the expansion of sanitation facilities is one of co-ordination since even more than in water supply, there are a large number of independent actors and no dominant implementing agency. The central role of the Department of Health is well recognized, especially in hygiene education, however, in the area of planning and implementation of sanitation projects, the Department's resources are negligible and it has little knowledge even of the nature or extent of individual sanitation schemes.

By chance, there appears to be general agreement among the range of implementers on the basic self-help principles that should underlay sanitation programmes<sup>19</sup> and it would not be difficult to promote standard guidelines for this sub-sector especially as O&M is not an issue. Achievement of universal coverage will demand not only proper co-ordination but also effective promotion since sanitation tends to be the forgotten half of the water and sanitation nexus. The issue of hygiene education is not considered problematic since there already exists a reasonably high level of awareness in the community. A number of lesser technical and social problems do need to be solved however. These problems include the question of land ownership, waterlogged, coastal land, lack of space

<sup>16</sup> *Sri Lanka Poverty Assessment* Report No.13431, World Bank January 1995

<sup>17</sup> *Water & Sanitation Sector Coordination Programme*, Programme Support Document, UNDP October 1993

<sup>18</sup> 10/12 households per tubewell, 4HHs /protected well or standpost, 150 metres maximum distance.

<sup>19</sup> The majority of schemes provide on grant basis around Rs.3,000 in cash and kind per household. Beneficiaries are expected to provide all of the manual labour and to take care of most of the superstructure thus implying a contribution of around 50% of total cost.

(especially in sub-divisions) and finally the lack of water in many parts of the dry zone.

### **3.11 Legal**

As evidenced by the practical experience of CWSSP (see Annex 5) water rights has become an urgent issue in relation to the allocation of water rights between competing, alternative users. NWSDB has similarly faced major difficulties in securing legal rights to essential water sources. This specific issue is, however, but part of a broader problem which reflects a number of serious deficiencies in the legal framework and existing legislation. These deficiencies include:

- a. the Constitution's references to environmental management are very general, and do not specifically refer to water;
- b. many water-related laws were enacted many years ago, with severely restricted scope and objectives, and do not meet modern needs (for example, the provisions of the Nuisances Ordinance 1862 with respect to pollution, or the Irrigation Ordinance with respect to user management);
- c. there are too many laws, resulting in agency responsibilities which are frequently fragmented, overlapping, and conflicting. At the same time, however, there are huge gaps in their provisions. "There is a crying need to examine all environmental legislation with a view to amalgamation, codification, rationalisation and integration"
- d. many laws lack implementation capacity, particularly in terms of specifically assigned responsibility and procedures for implementation, provision for monitoring, authority for enforcement, and so on;
- e. there are serious shortcomings in implementation and enforcement. For example, the Soil Conservation Act and Water Resources Board Act are effectively defunct. However, most failure to enforce laws (for instance in the case of water pollution in the Colombo area) arises from overlapping agency responsibilities, lack of resources or political will, or civil disobedience on a large scale;
- f. penalties that can be imposed are frequently inadequate (eg. fines specified in the National Water Supply and Drainage Board Act Sections 37 and 38);
- g. powers are not clearly separated, introducing conflicting priorities for agencies which may simultaneously have policy, regulatory, operational, enforcement, and extension/education functions;
- h. changes in the structure of government, with introduction of Provincial Councils and divisions, and changes in entities such as cultivation committees and the Government Agent, have confused responsibilities, and new agencies, particularly at sub-national level, have not been equipped to take the responsibilities relinquished by the old;
- i. laws do not always apply to all parts of the country (for example, land laws may not apply to private lands, or to non-urban areas);

- j. there is no provision, and little encouragement, for citizens or NGOs to take civil action against law breakers, or against government agencies, which fails to enforce law. The information which would be required is not readily available from government agencies;
- k. the mechanisms already available for allocating water (that is, issuing permits to abstract water) and for charging for the use of water are not used. Nor are they consistent with the mechanisms for licensing discharge of waste water into water bodies;
- l. there is inadequate provision for data acquisition, and for making data/information available to legitimate inquirers.

In summary, water-related legislation is incoherent, inconsistent, and unenforced. The report *National Resources of Sri Lanka: Condition and Trends* summarises the situation thus; *Little has been accomplished in managing watersheds, largely because of confusing, conflicting, and ineffective authorities. The inescapable conclusion: unless the interaction of government agencies is drastically simplified, effective watershed management ... will be exceedingly difficult, if not infeasible. Duties, responsibilities, and lead agency capabilities need to be identified. Gaps in legal authority and management capabilities need to be clarified and actions prepared for their remedy.*

The National Water Council when created is expected to place a very high priority on completing an authoritative review of water related legislation and making recommendations for a rationalization and amalgamation of existing laws and agencies responsible for administering them.

### **3.12 Comprehensive Sector Planning**

The Sector is faced with the combined challenge of sustaining the services already provided (existing assets) and ensuring expansion on a sustainable basis for the unserved part of the population (new facilities).

Achievement of this goal may in some cases merely need firm policy decisions and removing inconsistencies but in most cases a more lengthy consultative process will be required. This would encompass the steps of detailed identification, problem analysis, formulation of options, policy based selection, and implementation through dissemination, introductory training and inclusion in project design.

The framework for implementing improved approaches and achieving the Sector's development targets should take the form of a comprehensive Sector Development Programme. This holistic programme will present the requirements, and especially the investments, needed to achieve objectives and assigned roles through a well tested strategy involving a partnership approach between the community, partner organizations and formal governmental agencies and the private sector.

#### 4. SECTOR COORDINATION PROGRAMME

The main issues and constraints are of a nature which can only be resolved in a spirit of consultation and cooperation. In the past the presence of a number of donors has resulted in a high level of activity but it has also made it difficult for the government to promote a coherent indigenous policy for the Sector.

Enhanced coordination will ensure optimal use of the available institutional, financial and human resources and minimize duplication of effort. Further, institutional complexity would be reduced by clarifying roles and responsibilities of the many Sector partners.

Access to improved facilities for all by year 2010 will require coordinated and cost-effective efforts throughout the Sector. An overall development programme demand driven in nature should be prepared as the tool for addressing identified water supply and sanitation improvements in a comprehensive and integrated manner. This work would appropriately be guided by the proposed coordinating mechanism.

##### 4.1 PROPOSED COORDINATION PROGRAMME

The Programme is composed of the following three distinct elements:

- **National Sector Coordination Committee (NSCC);**  
a forum of all key actors in the water and sanitation sector who will meet regularly to examine and resolve Sector issues, ensure coordination of their activities and develop mutually acceptable policy proposals and an overall Sector Development Plan;
- **National Coordination Secretariat (NCS);**  
the administrative unit which will support the NSCC's work on a continuing basis
- **National Sector Development Programme (NSDP);**  
the detailed plan based on a complete review of the Sector which will set out the institutional and financial (capital and recurrent) investment and the strategy required to achieve national coverage in water & sanitation by the year 2010.

##### 4.2 DESCRIPTION OF THE PROGRAMME ELEMENTS

###### 4.2.1 National Sector Coordination Committee

The Secretary, My/HC&PU has been appointed chairman of the NSCC and its composition consists of representatives of all key sectoral agencies plus several NGO representatives and academics as described in Annex 3. This composition itself reflects the diverse range of interest in the Sector and highlights the consensual approach which will need to be followed in order to achieve a sustainable resolution of current issues.

The NSCC mandate will, in summary, involve:

- Policy review and co-ordination.
- Liaison and inter-agency coordination

- Advice and guidance on Sector issues
- Recommendations pertaining to the Sector's financial; policy and strategy
- Formulation of framework for Sector investments aimed at achieving objectives and roles

The above mandate statement summarizes the intentions which will be progressively translated into working procedures which in turn will be continually reviewed and refined according to the practical issues confronted by the NSCC. The NSCC will establish specialized Working Groups to deal in detail with important issues.

#### 4.2.2 National Coordination Secretariat

A well established, effective secretariat is an essential prerequisite for efficient coordination. A competent secretariat with capacity for supporting the NSCC, its Working Groups as well as inter-agency coordination, mechanism will be set up as an integral part of the National Sector Coordination Programme. The Secretariat will have the following roles and responsibilities.

- Provide administrative support to the NSCC and to the Working Groups that are appointed
- Prepare for and provide secretariat services to the NSCC meetings and Workshops.
- Arrange Conferences, Seminars and publications as required by the NSCC
- Assist with implementation of recommendations and guidelines approved by NSCC
- Within the competence and capacity of the staff, participate in Working Groups
- Arrange day to day management of consultancy work and other contracts entered into on behalf of the NSCC
- Serve as a focal point for collection and management of Sector information and its dissemination.

The main task of the NCS would thus be to ensure continuity and progress in the work initiated by NSCC. Accordingly, responsibilities would include compiling multi-agency inventories and plans and proposals to be considered by the NSCC. An important related aspect would be the furnishing of donors and other financing agencies with Sector information.

Being a focal point, the NCS would need to know the sources of Sector information. It should, however, not attempt to set up and maintain the data bases. This responsibility should remain with the respective agencies but guidance may be given by NCS in order to generate and standardize the required information. It is foreseen that NCS could gradually move towards becoming a *reference centre* for the Sector.

#### 4.2.3 National Sector Development Programme

The most important task of the NSCC will be to oversee the preparation of the National Sector Development Programme (NSDP) for the four nominated sub-sectors of Greater Colombo, Other Urban Towns, and Rural Areas and Plantations.. Although most of the inputs will be available from the respective agencies

responsible certain additional studies will be required to assist in resolving Sector issues, for example HRD planning, cost recovery, service levels etc.

The NSDP will set out an overall national framework in terms of policies, strategies, available resources and necessary support programmes. Governed by this framework, the more detailed Sector development needs will be specified in the four sub-programmes.

### 4.3 PROGRAMME STRATEGY

#### 4.3.1 Approach

The universal and unifying role played by water in Sri Lankan society automatically means that (i) the Sector will involve a great many major and minor agencies and disciplines and (ii) the Sector will be politically sensitive since it deals with the allocation and costing of a vital natural resource for which there is ever-increasing competition. For this reason an important strategy will be to foster bridging between closely related parts of the wider Sector. This can be achieved through enhanced coordination between the Sector actors, both among those with primary statutory responsibilities and by coopting those with more remotely related responsibilities and interests.

Again, given this background, rational and sustainable development of the Sector will only be achieved via supportive policies and strategies which are coherent, consistent and transparent. Similarly the requisite coordination would need to be both:

- Horizontal: For harmonised policy and strategy development, efficient planning and implementation, as well as equitable allocation of resources; common objectives need to be observed
- Vertical: For access to planning data, monitoring of service situation and performance, institutional development and practical decentralisation,

On this basis, the overall strategy for coordination should be to promote consensus building among all Sector partners. Coordination should thus entail a framework which will ensure net benefits to each of the Sector partners. They should be able to count on:

- Supportive policy/strategy recommendations and subsequent decisions.
- Mutual commitment towards implementation of agreed programme elements and actions.
- Reinforcing effect of other partners' activities on their own initiatives.
- Priority access to financial and other resources for implementation of agreed Sector actions.

#### 4.3.2 Participation

Membership of the NSC (Annex 3) has been constituted so as to ensure representation from a wide range of concerned bodies. In keeping with its consensus building approach, however, the Programme strategy will need to promote still further public involvement and debate so as to identify optimum

sustainable sector policies. At a practical level, implementation of this strategy will necessitate a range of Workshops, Seminars, Conferences and exposure programmes.

Both for the NSCC and the NCS, as an 'executive' arm of the Committee, it is crucial to the Programme's success that the Implementing Agency (My HC/PU) acts with maximum neutrality in order to promote credibility and build confidence among all the participants. Communications should be a major focus and forte of the NCS.

The foreign financing agencies are important Sector partners which have played a significant role in achieving the present Sector positions. Hence, they also have a legitimate interest in keeping themselves informed of the Sector's policy, performance and cost-efficiency. It may be assumed that there will be an ongoing need for such support at least in the short and medium term and it is therefore logical that the donor community be substantially involved in the deliberations of the NSCC. Key donors should be kept well informed of the progress of the Sector Development Plan and an effective mechanism developed for systematic and regular consultation.

#### 4.5 IMPLEMENTATION

Implementation of the Programme will be the responsibility of the My HC/PU and the Project Director, CWSPU will be designated as Programme Director. Technical assistance will be coordinated by the World Bank/UNDP Rural Water & Sanitation Group, South Asia,(RWSG\_SA).

GOSL, represented by M/H C/PU and the NCS, are given wide implementing powers in line with UNDP's national execution concept. In order to secure smooth implementation, the NCS should be allowed to establish and draw on a standing imprest account to meet the expenditures viz, The standing imprest should be SLR 800,000, or about two months average disbursement of UNDP funds to the Programme, excluding cost of foreign consultants.

The two parties' contributions will be timed and made available as set out and required by the annual work plans. The aim should be to give an annual clearance of the Programme activities (ref. Tripartite Meeting) such that M/HCPU together with NCS can implement them with a minimum of further submissions for approval.

In the case of pending or conditional decisions by the Tripartite Meeting, the Implementing Agency would be authorized to approve an addendum to the annual Programme plan. M/H&C and NCS will then be in a position to implement activities soon after satisfactory plans have been prepared.

The imprest funds will be replenished by UNDP-Colombo upon request. The request will be substantiated by a list of the relevant expenditures. The NCS shall have to account for the imprest with originals/certified copies of the relevant documentation. In addition, quarterly extract of accounts will be submitted as part of the progress reports. These will be presented for discussion with the Implementing Agency during the quarterly meetings.

#### 4.6 MONITORING AND EVALUATION

The definition of monitoring parameters is more difficult for a process oriented programme than for a programme or project aimed at defining clearly defined results. Being process oriented, it also implies that the NSCC Programme has to be updated and detailed in the course of its implementation.

This flexibility is a prerequisite, but should not be taken as an excuse for not monitoring progress. The design of each detailed Programme activity - for example the appointment, TOR and work plan for each Working Group - should include identification of measurable and verifiable indicators.

#### 4.6.1 Benchmarks

The broad Work Plan (Annex 2) gives a number of overall benchmark events, in particular for the early stage of the Programme's implementation. These can be summarised as follows:

- Cabinet approval of the NSCC as a standing committee
- NSCC established and ready to function
- NCS established and ready to implement its tasks according to TOR and instructions from the NSCC
- NSDP framework prepared and a plan compiled on a trial basis; NSCC recommendations given
- NSDP framework analyzed, further elaborated and adopted for further pursuance/planning implementation
- Evaluation carried out by external team

Target time for having achieved the benchmarks can be read from the Work Plan. The timing is based on Programme commencement from April 1995. Additional benchmarks, for example related to the approval of policies, implementation of recommendations and enactment of laws, etc., will result from the proposals/recommendations of Working Groups and subsequent adoption by NSCC. These will be reflected in detailed annual plans and in the specific TOR for each individual Working Group.

#### 4.6.2 Monitoring

The basis for monitoring will primarily be found in Programme plans and the ensuing management report. These comprise quarterly progress reports by NCS and annual Sector reports by the NSCC. Due to the process oriented objectives and outputs of the Programme, the monitoring cannot be limited to indicators quantifiable as specific numbers.

The nature of the Programme is such that the monitoring process will have to encompass also assessment. Such assessment will closely resemble self-evaluation (or internal evaluation) by the NCS in particular. Although somewhat vague, this will provide for an important regular management review to ensure that the activities, main thrust of the Programme and its results comply with and/or support achievement of overall, immediate and task specific objectives.

The progress reports and issues arising from them will be reviewed and discussed in quarterly meetings between the GOSL ( My/HC&PU and the NCS) and UNDP/World Bank (represented by RWSG). The outcome of self-evaluation undertaken from time to time will be discussed primarily in the Tripartite Meeting as this will deal more with the strategic issues of the Programme.

#### 4.6.3 Programme Evaluation

The need for self-evaluation as a management technique in a process oriented Programme was mentioned above. In addition the Work Plan has specified that an independent evaluation be undertaken in mid 1997, preferably in time for a possible decision to prolong the support into 1998 and beyond, if necessary.

The evaluation should, contrary to the regular monitoring of activities and inputs, address the degree to which the Programme has:

- i) Produced the planned outputs and, in particular,
- ii) Achieved its immediate objective (including the objectives of the three distinct elements)

The evaluation would best be undertaken by a combined team of national and foreign Sector specialists. Provided the team is selected with members who have maintained a continued contact with the Sector in Sri Lanka, the evaluation should take no longer than one month.

#### 4.6.4 Auditing

As already stated, most of the outputs are not easily quantifiable and therefore not measurable. For auditing in substantive terms of the value of Programme outputs, the strategic reviews during the Tripartite Meetings and the evaluation will serve the purpose. Some observations of strategic and substantive nature will also be made during progress meetings, but these will serve more to set the agenda for the annual Programme planning and subsequent annual meetings.

The NSCC's Annual Reports as specified in the Work Plan are supposed to give factual information on which the management and output audit can be based. It is proposed not to conduct any separate audit study on these aspects.

The annual statement of accounts will be audited by a private company. It is envisaged that the regular GOSL schedule of accounts and accounting procedures would be acceptable in principle, both to UNDP and to the auditing firm, for carrying out a satisfactory financial audit.

#### 4.7 FINANCIAL SUMMARY

A broad budget breakdown covering three years (1995 - 1997) based on the proposed Work Plan is shown in Annex 1. In addition to stating the estimated financial requirements of the Programme, the budget also serves to underline priority aspects of the Work Plan.

The net budget summary is given in the below table. Relatively limited investments - about US\$ 30,000 - will be required initially to set up the NCS. Thereafter, the recurrent expenditure of the Programme will be highest during the first full year (1996), assuming that many Working Group, study and workshop activities will be initiated in parallel. The 1997 recurrent expenditure is expected to be slightly lower.

Budget Item Description	Year (amounts in 10 <sup>3</sup> xUS\$)			Budget Total (10 <sup>3</sup> xUS\$)
	1995	1996	1997	
<b>Capital Budget:</b>				
Total Capital	25.0	6.2	0.3	31.5
<b>Recurrent Budget:</b>				
Total Recurrent	136.7	273.3	205	615.0
<b>Programme Budget:</b>				
Program Total	161.7	279.5	205.3	646.5
SLR Equivalent ('000)	8,004	13,835	10,162	32,002

<sup>1</sup> Exchange rate: US\$ @ SLR 49.50

Allowing 10% for contingencies and unforeseen expenditures):

<b>Total budget: US\$ 711,000</b>
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or: SLR 35.2mill

The budget covers expenditures which are to be incurred as a direct consequence or result of the Sector Coordination Programme. The major cost items are related to:

- i) The staffing and operation of the proposed secretariat (NCS), about US\$ 150,000
- ii) Consulting services to assist the coordination process, including analyses required for policy and strategy development, about US\$ 320,000
- iii) Direct financial support to collective activities initiated or commissioned by NSCC (workshops, etc.), about US\$ 115,000

It is assumed that the respective GOSL Sector partners will participate in the collaborative efforts of the Programme as part of their regular duties. This constitutes, in reality, a sizeable 'hidden' GOSL contribution. The budget has, however, made provisions for special allowances, travel and the cost of organising functions such as seminars and conferences.

The Work Plan (Annex 2) also contains an Output Budget, showing the cost bearing elements to be met by GOSL and UNDP respectively.

#### 4.7.2 Other Resources Required

The Programme mainly requires the time input by senior staff working in the various Sector agencies. Without their dedication, commitment and corresponding allocation of time, finances for the NCS expenses alone will not be a sufficient input to ensure achievement of the objectives. The secretariat will require a small full time staff which can support and supervise, the various activities that will be initiated by the NSCC. In addition, the other Sector partners must be willing to make their planning capacity available for specific tasks.

It is also assumed that the Sector's donors will continue to support activities which are related to the objectives or main aspects of 'their' projects/programmes. The level of activity can thereby be enhanced and the decentralised structures of the respective partners will become involved in the coordination process.

#### 4.7.3 Cost Sharing

With the Programme's limited core funding requirements, there is no need to base it on financial participation by several partners at the present stage. Depending on future detailed identification, specific requests can be presented to other donors for support to investigations, studies or planning tasks. The NSCC should take an early opportunity to present the coordination concept, its participants and planned outputs to the Sector's donors.

It is proposed that the Programme be financed on a cost sharing basis according to the following principles:

- GOSL, represented by the Ministry of Housing, Construction & Public Utilities, will cover costs relating to the NCS in respect of:
  - i) professional and subordinate staff, (ii) office accommodation
 These commitments are estimated to amount to SLR 2,046,000 (US\$ 44,000) and SLR 1,581,000 (US\$ 34,000) respectively for the 1995 - 1997 Programme period, or a total of SLR 4 million (US\$ 86,000) after adding 10% for contingencies.
- UNDP will cover the additional expenditures according to the budget, i.e. for items unique to the inception and initial operation of a Sector coordination mechanism leading towards a National Sector Development Programme. This commitment will amount to a total of US\$ 625,000 (SLR 31 million) over the period, including the 10% allowed for contingencies.

## Output summary Budget for UNDP and GOSL

Output	Output elements	Source of funds	TOTAL		1995	1996	1997
			UNDP	GOSL			
National Sector Coordination Committee	Programme Personnel	UNDP					
	– Instit. Adviser	UNDP	90.0		15.0	50.0	25.0
	Duty Travel	UNDP	18.0		3.0	9.0	5.0
	National Consultatns	UNDP	30.0		10.0	15.0	5.0
	Exposure	UNDP	65.0		5.0	35.0	25.0
	Seminars	UNDP	25.6		8.2	9.2	8.2
	Output Total		228.6		41.2	118.2	68.2
National Coordination Secretariat	Administrative support	GOSL		7.0	1.5	3.2	2.3
	Duty Travel	UNDP	4.0		0.5	1.5	2.0
	National Professional	GOSL					
	– Coordinator	GOSL		15.9	3.5	7.2	5.2
	– Finance Adviser	GOSL		10.5	1.3	5.2	4.0
	– Particip. Adviser	GOSL		10.5	1.3	5.2	4.0
	Office Furniture	UNDP	2.5		2.0	0.5	–
	Office Consumables	UNDP	27.0		6.0	12.0	9.0
	Printing & Publiciations	UNDP	53.0		12.0	21.0	20.0
	Transport Operations	UNDP	9.0		2.5	4.0	2.5
	Computers – 3 nos.	UNDP	7.5		5.0	2.5	–
	software	UNDP	1.5		0.5	0.7	0.3
	Preinters02 Nos.	UNDP	2.5		1.5	1.0	–
	Photocopier	UNDP	5.0		5.0	–	–
	Fax Machine	UNDP	1.5		1.5	–	–
	Saloon Car	UNDP	11.0		11.0	–	–
Office Accommodation	GOSL				7.0	15.0	12.0
	Output Total		124.5	77.9	62.1	79.0	61.3
National Sector Development Programme	Programme Personnel						
	– Consultants	UNDP	72.0		20.0	35.0	17.0
	Duty Travel						
	– Int. Personnel	UNDP	42.0		11.6	20.4	10.0
	– National Personnel	UNDP	4.0		1.2	2.0	0.8
	National Consultatnts	UNDP	60.0		15.0	20.0	25.0
	Workshops	UNDP	27.0		5.0	5.0	12.0
Sub-contracts	UNDP	10.0		2.0	5.0	3.0	
	Output Total		215.0		54.8	87.4	67.8
Output Total	Contingencies		56.3	7.8	7.1	31.8	25.8
	UNDP output total		625.5		71.7	310.1	243.7
	GOSL output Total			85.7	6.6	33.4	39.7
	Project output total		711.2		78.3	349.5	283.5

## Revised Activity Plan NSCC Programme

Main Output/ Activity	Programme Time Schedule											
	1995				1996				1997			
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.
<b>Preparatory : GOSL/UNDP</b>	Completed											
<b>NSCC</b>												
Submission to Cabinet	Completed											
Cabinet approval	Completed											
NSCC Formally Constituted	Completed											
Refine Mandate/Mode of Oper.	[Shaded bar from Q2 1995 to Q4 1997]											
Conduct Regular Meetings	[Shaded bar from Q2 1995 to Q4 1997]											
Working Groups	[Shaded bar from Q3 1995 to Q2 1996]											
NSCC Functioning	[Shaded bar from Q2 1995 to Q4 1997]											
<b>NCS</b>												
Prepare TOR/Job Description	[Shaded bar in Q2 1995]											
Recruit National Staff	[Shaded bar from Q2 1995 to Q3 1995]											
Make Procurements for NCS	[Shaded bar from Q2 1995 to Q3 1995]											
Consultants' work (NSCC/NCS)	[Shaded bar from Q3 1995 to Q2 1996]											
Implementing Tasks; TOR/NSCC	[Shaded bar from Q4 1995 to Q4 1997]											
<b>NSDP</b>												
Prepare Planning Overview	[Shaded bar from Q4 1995 to Q3 1996]											
Identify Data/Info Need	[Shaded bar from Q4 1995 to Q3 1996]											
Prepare Plan Format	[Shaded bar in Q4 1995]											
Conduct Investing's/Studies	[Shaded bar from Q4 1995 to Q2 1996]											
Make First Plan Compilation	[Shaded bar from Q3 1996 to Q2 1997]											
Review/Evaluation of 'Plan'	[Shaded bar in Q2 1997]											
NSCC Recommendat'n/Follow-up	[Shaded bar in Q3 1997]											
<u>Quarterly Reports</u>		X	X	X	X		X	X	X	X	X	X
<u>Annual Reports</u>					X				X			X
<u>Inception Report</u>		X										
<u>PPER Report</u>				X				X				
<u>Annual Review Meeting</u>					X				X			X

**SRI/93/002 – National Water Sector Coordinating Programme  
Detailed Activity Plan for the year 1995**

Main Output/  Activity	Programme Time Schedule												Expected Output
	1995												
	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
<b>Constitute NSC</b>													
i. Prepare introductory material for NSCC members	■	■											
ii. Appoint NSCC members			■	■									
iii. Convene the first meeting of the NSCC			■	■									
iv. Refine, mandate mode of operation of NSCC			■	■									
v. Conduct regular meetings			■	■	■	■	■	■	■	■	■	■	■
vi. Appoint working groups					■	■							
vii. Prepare Sub Sector Analysis					■	■	■						
viii. Recruit Consultants					■	■	■	■					
ix. Initiate Studies							■	■	■				
x. Determine Preliminary Priority Recommendations								■	■				
xi. Pre conference plenary workshop								■	■				
xii. Conduct National Conference									■	■			
<b>Establish National Coordination Secretariat (NCS)</b>													
i. Setting up of project office					■	■	■	■					
ii. Recruit / release counterpart staff				■	■	■	■	■					
iii. Procurement of NCS Saloon car			■	■									
Computers, printers and software					■	■							
Photocopier / Sorter					■	■							
Office furniture / equipment					■	■							
iv. Establish Working Group Support systems						■	■	■	■				
v. Arrange National Conference							■	■	■	■			
vi. Supervise / Support Field Studies							■	■	■	■	■	■	■

- \* Summary Document on the project
- \* NSCC established
- \* NSCC established
- \* Availability of clear and accepted mandate and mode of operation
- \* Smooth functioning NSCC
- \* Working groups appointed
- \* Sub Sector Analysis
- \* Consultants Fielded
- \* Reports on key issues
- \* Priority recommendations
- \* Agreed recommendations
- \* Sectoral Consensus / Awareness

- \* NCS office established
- \* Complete recruitment
- \* Completion of procurement
- \* Effective Working Groups
- \* Conference
- \* Effective Studies

Main Output/  Activity	Programme Time Schedule												Expected Output
	1995												
	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
<b>NSDP Framework</b>													
Prepare Planning Overview													
Identify Data/Info Need													
Identification of Research/studies needed													
Undertake studies													
Prepare format; Plan Summary													
Make first plan compilation													
'Plan' workshops													
<b>Inception Report</b>													
Quarterly Reports (NCS)													
Annual Reports (NSCC)													
Conference proceeding													
Prepare Project Performance Evaluation Report (PPER)													

## Membership of the NSCC

Mr. A.S. Jayawardene, Secretary, My. of Finance, Planning, Ethnic Affairs and National Integration

Mr. R. S. Jayaratne, Secretary My. of Public Administration, Home Affairs, Plantation Industries and Parliamentary Affairs

Mr. D.M. Ariyaratne, Secretary, My. of Agriculture, Lands and Forestry

Mr. Jaliya Medagama, Secretary, My. of Irrigation, Power and Energy

Mr. K. Austin Fernando, Secretary, My. of Co-operatives, Provincial Council and Indigenous medicine

Dr. D. Nesiah, Secretary, My. of Transport, Environment and Women's Affairs

Dr. Dudley Dissanayake, Secretary, My. of Health, Highways and social Services

Mr. T.B. Madugalla, Chairman, National Water Supply and Drainage Board,

Mr. W.N.M. Botheju, Director, Irrigation Department

Mr. K. Yoganathen, Chairman, Water Resources Board,

Mr. K.J. S. W. Samaranayake, Chairman, Mahaweli Authority

Mr. M.H.C. Malwatta, Director General, Plantation Housing Social Welfare Trust

Mr. G.K. Amarathunga, Chairman, Central Environmental Authority

Mr. Suren Wickramasinghe, Chairman, Urban Development Authority

Mr. L. Herath, Chairman, Ceylon Electricity Board

NGO Representatives

Eminent Scientists

**TABLE 1**  
**Legislation on Environmental Protection and Management in Sri Lanka**

Legislation	Pollution control	Natural Resources Management			Environmental Planning			Procedures			
		Water	Water	Forest	Land	Land use	Economic & social	Conser- vation	Licensing & registration	Penal- ties	Appeals
1 Crown Lands Ordinance (1947)	x	x	x	x	x		x	x	x	x	x
2 Throughfares Ordinance (No.10 of 1861)		x		x	x				x	x	x
3 River valleys C.B. Act (No.6 of 1965)	x	x	x	x	x						x
4 Water Resources board (No 29 of 1964)	x	x	x	x		x			x		x
5 Nuisance Ordinance (1946)								x		x	
6 C.M.C Water Works Ordinance (1907)		x						x		x	x
7 Mines and Minerals Law (No4 of 1973)				x	x			x	x		x
8 Soil Conservation Act (1951)			x	x	x	x	x		x	x	x
9 Fauna & Flora Protection Ordinance (1937)		x	x	x				x	x	x	
10 Water Hyacinth Ordinance (1909)	x	x							x	x	
11 Plan Protection Ordinance (1924)	x	x					x		x		
12 Forest Ordinance (1907)		x	x						x	x	
13 Felling of Trees Ordinance (1951)			x							x	
14 Fisheries Ordinance (1940)	x							x	x		
15 Chank Fisheries Act (1890/1956)								x	x		
16 Peral Fisheries Ordinance (1925)	x							x	x		
17 Penal Code Sec. 271 (1183)								x	x	x	
18 Housing and Town Improvement Ordinance (1915)					x			x	x		
19 Town and Country Planning Ordinance (1915)	x				x			x	x	x	x
20 Tourise Development Act (14 of 1968)		x	x	x	x	x	x	x	x	x	x
21 Irrigation Ordinance (1900)			x		x				x		x
22 Ayurveda Act. (31 of 1961)				x							
23 Ceylon Tourist Board Act (10 of 1968)											
24 Ceylon Electricity Board Act(10 of 1967)			x	x	x						x
25 Atomic Energy Authrority Act (19 of 1969)	x				x	x	x	x			x
26 Mahaweil Developent Bord Act (14 of 1970)		x	x	x	x	x		x			x
27 State Gem Corporation Act (13 of 1971)		x		x	x						
28 Cocunet Developmnt Act (46 of 1971)					x						x
29 Agrarian Research & Training Ins. (5 of 1972)					x						x
30 Agricultural productively law (2 of 1972)					x			x			x
31 Sri Lnaka Fruit Board					x						x
32 Agricultural Lands Law (42 of 1973)					x			x	x		x
33 National Water Supply & Drainage Board (2 of 1974)	x	x	x					x			x
34 National Science Council Law (19 of 1968)	x		x			x					
35 Maritime zone Law (22 of 1976)											
36 Wells and Pits Ordinance (1864)		x	x		x						
37 Factories Ordinance (1942)											
38 Gas Ordinance (1869)											
39 petroleum Ordinance (1887)											
40 Urban Development Authroity law (41 of 1578)					x	x		x	x	x	x
41 Control of Pesticides Act (33 of 1980)	x	x	x					x			x
42 Cosmetics, Devices and Drugs Act (27 of 1980)								x			
43 Food Act (26 of 1980)	x							x			
44 National Env. Act (47 of 1980)	x	x	x	x	x	x	x				x
45 Coast Constevation Act (57 of 1931)	x							x	x		x
46 Marine Polution Preventon Act (59 of 1981)	x								x		x
47 National Aquatic Resources, Research & Development Agncy Act (54 of 1981)	x		x								x
48 Nationla Resources, Energy & Sience Authroity of Sri Lanka Act(78 of 1981)			x	x	x	x	x	x	x	x	x
49 land Development Ordinance of (1935)			x	x	x	x	x	x	x	x	x
50 Control of Pesticides Act (33 of 1980)	x		x	x	x	x	x		x	x	x
51 Agrarian Services Act (58 of 1978)											

## WATER RIGHTS ISSUES IN CWSSP

THE FOLLOWING IS A SUMMARY OF TYPICAL WATER RIGHTS PROBLEMS BEING ENCOUNTERED IN THE COMMUNITY WATER SUPPLY & SANITATION PROGRAMME. THIS REPORT INCLUDES PRACTICAL SOLUTIONS PROPOSED BY CWSPU'S INVESTIGATING OFFICER

CWSSP Project experience during the past two years has revealed a host of problems pertaining to water rights which have impeded the smooth operation of a considerable number of projects. Their adverse impact has seemingly demoralized the communities who attended to the arduous task of planning water supply schemes with such great enthusiasm, commitment and expectations. Hence the imperative need of the hour is to find pragmatic solutions to these problems. Our studies have revealed that water right issues are mostly connected with gravity schemes the preferred scheme in our project. Problems observed so far have been categorized and analysed in Attachment I to indicate the present position and recommendations.

### 1. Nature of the Issue

#### A. Springs (Gravity Schemes)

These sources are situated on private or crown lands, and can be further sub-divided as follows;

##### a. Private land

- i. on estate land
- ii. Private land

##### b. Crown lands

- i. source used by farmers
- ii. source used by other organizations

a. (i) Objections for tapping the spring for use by the village community usually emanate from estate workers who are apprehensive of interference with their legitimate rights to water particularly during the dry season. Item No. 4 in Attachment 1 can be cited as an example.

(ii) Problems arise when the pipeline has to pass through private land and the land owner is reluctant to allow it.

##### b. (i) Crown Land

Some spring sources on crown land have been utilized by farmers for their cultivations and they vehemently oppose any interference with their prescriptive rights on which their means of income depend; as indicated in example under items 5 in Attachment 1.

(ii) Please see item no 13 and Attachment 1, Pradeshiya Sabha which taps the source for town supply is reluctant to extend the source to the village at the cost of the Project, fearing that the tax payers of the town be tempted to demand free Water Supply from PS.

## B. Shallow Wells

Major problems can be classified as follows;

- i. Reluctance to execute a deed, ii. Difficulty in executing a deed.
- i. Reluctance on the part of the landowner to execute a deed transferring the ownership of land where the well is to be sited. He prefers to give a written consent but it will not constitute a valid document in case a future owner refuses access to the well.
- ii. In some instances executing a deed is not possible owing to complications in the title to land partner ownership and prolonged court cases.

## 2. Conclusions/Recommendations

1. More information about the potential water source options should be collected during the participatory survey. This information may include details on:
  - i. Whether the option (source) is already being used
  - ii. by whom
  - iii. for what purpose
  - iv. whether it is perennial
2. Where the source is already being used by some other party the TO should pay particular attention to see whether the source could meet the requirements of both parties.
3. Just after the *preliminary investigation* a Community Meeting should be summoned. If the source concerned is used by another party, attempts should be made to get their consent before *feasibility study* commences.
4. The attempt in seeking consent should be carefully planned in advance so as to avoid a negative response at the very start.
5. CF, TO and the core group should be acquainted with the importance and art of avoiding water right issues during the course of their initial training.
6. Settlement of water right issues should be made one of the key subject areas in the training modules.
7. If the initial attempts appear to be unsuccessful the matter should be brought to the notice of the Divisional Level Co-ordinating Committee without aggravating the situation further.
8. The Divisional Level Co-ordinating Committee should be asked to bring the matter to the notice of the District Level Co-ordinating Committee if circumstances so demand.
9. In the case of shallow wells and Tube Wells more information should be collected during the Participatory Survey and Preliminary Investigation stages to get a clear view of the ownership of the land where the wells are to be constructed.

10. Where no implications are involved, the consent of the owner should be obtained through cordial negotiations and the vesting of the land for common use should be regularized by executing a deed without delay. (Legal opinion has already been sought as to whether a mere written consent is adequate to secure permanent access to the water point.)
11. In all cases every attempt should be made to
  - build good relationship between the beneficiaries and other parties concerned.
  - wherever possible bring others also within the ambit of beneficiaries.
12. Settlement of issues should be carried out without causing slightest damage to the peace and harmony prevailing in the village but in a manner to consolidate the cohesiveness that exists.
13. Instituting legal action should be considered as an absolute last resort.
14. There is an overall necessity of training the project and PO staff in preventative measures and pragmatic solutions to water right issues.

**ANNEX 5**  
**Attachment 1**

Type of WS	Nature of the Issue	Action taken/ Potential Solution
Spring	Water Source is already being used for cultivation. Farmers fear that if the source is allowed to be tapped for the water supply scheme, they would experience a shortage of water for their cultivation.	This problem has been solved at a meeting where all the concerned parties, including DS participated.
- do -	Only one person had objected to the using of the spring for water supply project.	After a cordial discussion the person concerned has withdrawn his objection. Issue has been settled.
Spring	Spring is situated on crown land and expected to provide water supply to 19 families. This source too is already being used by farmers, but it can feed the 19 families as well, without causing any inconvenience to those farmers. The matter was discussed with the farmers, where except one person all others have given their consent. The other farmer who has his own water supply scheme, has brought his objection to the notice of the Hon. Minister of Agriculture, whereupon his PRO has asked the DS Haliela to withhold the project activities. The CBO in return has written to the same authority requesting them to inquire into the matter and expedite a decision.	-
Spring	Water source is located in a hilly tea estate. This is the only possible source for water supply to the village. TO has designed to build a tank around the water source (spring) and cover it with a lid and put up a barbed wire fence to protect it. Also to build a storage tank below the source. But in the process of project work, estate workers and the Suptd. had protested vehemently especially because estate workers also have no other source to fetch water during the dry season. They have threatened the management to go on strike if this source is allowed to be tapped. All the discussions carried out had brought no result. As such CBO/PO could not proceed with the project.	This problem has been amicably settled by enlightening the Suptd. on the need to provide the poor villagers an improved water supply and the suggestion of our alternative solution to secure a regular uninterrupted water supply to estate workers by means of a small tank to stock water for their use only.
Spring	It is projected to tap the elupattiya spring for supply of drinking water to the	This issue was discussed with the farmers who were made to understand in clear

Type of WS	Nature of the issue	Action taken/ Potential Solution
	beneficiary families but a few farmers who use this spring for their cultivations object because they fear that shortage will occur if spring is tapped for other purposes.	terms that the project will tap only excess water without causing any damage to their cultivations. After the discussions the farmers withdrew their objection. The matter has been settled.
Spring	The proposal was to tap water from the source situated in Ukku Banda's land. During the prolonged delay in implementing the proposal, the Change Agent of the village organized a few families and constructed a well with them, using funds obtained from the Change Agent Programme. At a later stage when the CBO attempted to implement the project (gravity scheme) the group of families and the Change Agent opposed to tapping of the particular source and the work came to a standstill.	A meeting was arranged with the CBO officials and the situation was looked into from various angles. I personally contacted the Change Agent and was able to enlist his participation in the discussion. After establishing good relationship between the CBO officials and the Change Agent it was proposed to provide water taps to those families using the well and also to convert the well already constructed for bathing and washing purposes. Both parties agreed to this proposal and the Change Agent undertook to get the consent of those families to the new proposal.
Spring	The proposed spring for the project is being used by farmers already. They object to the tapping of it for drinking purposes, fearing that it would affect their cultivations. Discussions between farmers and CBO officials and DS have not been proved fruitful. As a result the project is stalled.	Contacted CBO Chairman. It was revealed that in addition to the constraints already mentioned, this GN Division consists of more than 500 families scattered over a very extensive areas where geographical conditions render access rather difficult, aggravating the situation of the project continuation. These implications were discussed with the RD and Director IRDP and it was decided to summon a meeting of all parties concerned.
- do -	Farmers object to the use of this source for water supply to the villagers. PO has made several attempts to settle this matter with the farmers without success.	Investigation pending
Spring	Proposed spring situated in a government (forest) land. To obtain the required permission from the relevant DS to use the source it should be identified whether this source falls within the DS Division of Nivitigala or Kalawana as it appears to be on the boundary.	This matter was brought to the notice of the DCC and the Chief Secretary has undertaken to settle it. Accordingly now it is reported that this issue has been settled.
Spring	Farmers object to the release of the spring. While the spring lies outside the project area the farmers too are not beneficiaries's of the project.	Although I could not visit this project, I was able to discuss this matter with DS and the PO. DS agreed to summon a meeting of farmers and the other parties.
- do -	The farmers object to the tapping of the spring through the fear of a shortage of water for their cultivations.	Not yet investigated

Type of WS	Nature of the Issue	Action taken/ Potential Solution
Spring	The owner of the paddy field, a lawyer by profession has not given his consent as yet. PO Manager has tried several times but this lawyer seems to be evading the issue.	Pending investigation
Spring	Proposed water source is being utilized by PS Kuruwita for water supply to Idangoda town. PS reluctant to allow the source for supplying water to the village unless its O&M is assigned to them. They fear if water supply is extended to the village at the cost of the project, the tax payers of the town may be tempted to demand free water supply from PS.	This matter has been discussed with the chairman of the PS, repeatedly and ultimately he has given the consent of the PS for the use of this source.
Spring	<p>The water source lies in a tea estate. The CBO had obtained the consent of the estate authorities to tap this source. A tank had been built and the pipeline was in the process of being laid. The recent change in government however, led to some political differences between the CBO and the PO. The composition of the CBO underwent a change as well. As a result the new CBO refused to work with the PO and was allowed to deal direct with the Ratnapura Project Office.</p> <p>The new CBO, thereafter re-commenced activities. Earlier a trench had been dug through the middle of the estate road for a short distance. When the new CBO tried to continue the trenching the estate authorities stopped them, protesting that the estate road would be damaged in</p>	I called on the Estate Suptd. and discussed the matter with him cordially. The difficulties confronted in using alternative sites for the purpose were clearly explained to him. I also enumerated the project benefits to villagers most of whom are his labourers. He consented to allow trenching through the middle of the road as the CBO chairman promised to repair the road and restore it to the former condition. The Suptd. wanted a formal request for permission, which he could forward to the Director with his recommendation for approval.
Spring	They suggested alternative sites for the pipeline along the land which the District Engineer pronounced to be impracticable, digging trenches along other parts of the estate land poses a problem in view of the difficult terrain. While it is not secure enough to lay pvc pipes along the land surface. Provision of GI pipes would treble the cost. The project come to a standstill at this stage.	

## CABINET PAPER

NO : 649

***Community Water Supply & Sanitation Project  
Rural Water Supply Policy to be adopted  
in the districts of Matara, Badulla, Ratnapura.***

*The Ministry Of Housing, Construction and Urban Development is implementing a comprehensive programme with the objective of providing pure and adequate drinking water and basic sanitation facilities to all - by the turn of the Century.*

*The Community Water Supply and Sanitation Project (CWSSP), funded by the World Bank and implemented under the above overall programme is the first concerted effort to address rural water supply and sanitation issues in a broader perspective. It represents the beginning of a nationwide programme to adopt the community based approach to rural water supply and sanitation, giving communities more responsibility for the service provided, thus enhancing their sustainability. The CWSSP adopts a novel and an innovative approach, placing the community in the center of the process. It encourages the communities to take decisions, making them responsible for choosing the facilities which they require. Finally the communities bear full responsibility for the operation and maintenance of the systems which have been constructed by them. This project, which is now being implemented in the Districts of Matara, Badulla and Ratnapura aims to develop procedures and systems to adopt community based approach which can be replicated in other districts.*

*One of the covenants included in the agreement signed between the World Bank and Government of Sri Lanka on the project is that in providing rural water supply, a uniform policy should be adopted for all water supply schemes in the project area.*

*In order to fulfill the above requirement the Ministry of Housing Construction & Urban Development has drafted a Rural Water Supply Policy Paper which was circulated among the relevant agencies at national level as well as at the District level in the three Districts. The final draft incorporating the suggestions received was considered and approved by the three District Coordinating Committees of the project in the Matara,*

*Rathnapura and Badulla districts, which were chaired by Chief Secretaries of the respective Provinces. Subsequently the proposed policy has been considered and adopted by the National Steering Committee of the CWSSP, which is the inter agency coordinating body for the project. The World Bank has to be given its concurrence for the adoption of this policy within the project area. The final draft of the proposed rural water supply policy is attached herewith as annex I.*

*The approval of the Cabinet of the Ministers is sought :-*

- a. To adopt the proposed rural water supply policy within the project area of the Districts of Matara, Badula and Ratnapura*
- b. To direct all public agencies to adopt this policy in undertaking any development activities in connection with the provision of domestic water supply to rural areas with in project area.*
- c. To entrust District Coordinating Committees of the CWSPU chaired by Chief Secretary with the task of monitoring of the implementation of this policy.*

*(B. Sirisena Cooray)*

*Ministry of Housing, Construction and Urban Development.*

*Ministry of Housing, Construction & Urban Development  
"Sethsiripaya"  
Battaramulla*

# RURAL WATER SUPPLY POLICY

## 1. INTRODUCTION

A large part of the rural population in Sri Lanka is still without access to safe and sufficient water for domestic purposes and also to proper sanitation facilities. A major portion of the overall financial resources allocated to water supply and sanitation services, has been devoted to the Urban and Semi Urban areas. As the Government is committed to provide adequate and safe water supply and sanitation facilities to all by the year 2010, steps are being taken to ensure that the such facilities are provided to the rural population, by focussing more attention on the needs of rural sector.

Experience gained in all parts of the world, as well as in Sri Lanka, shows that most of the water supply and sanitation facilities which are provided in rural areas are generally not properly maintained. This results in an inability to sustain the initial benefits and resulting in a waste of the original investments. It has been observed that the facilities are sometimes technologically inappropriate; incorrectly located; socially unacceptable; environmentally unsound; user unfriendly; or suffer from a combination of some or all of these limitations. Invariably, in such instances recipient communities do not perceive such facilities as belonging to them and, hence, take little or no responsibility for the ongoing operation or maintenance of the systems. In the past, the responsibility for operation and maintenance has usually fallen to local government bodies which are ill equipped to undertake such tasks, as these schemes are widely scattered and often in remote locations. Scarce financial resources; the high cost of capital replacement; and the non-availability of skilled workmen or absence of a sense of ownership have all contributed to this overall unsatisfactory performance. Even when a central agency is responsible for maintenance due to the remote locations such activities have been found wanting.

Studies reveal that most rural communities have both the capability and the willingness to maintain water supply and sanitation systems, if they are given the responsibility for the initial planning and construction. Further, if the communities feel that the systems are really their own, then they will be prepared to contribute in cash or kind to the initial capital costs and to take

responsibility for maintenance. Community involvement in the planning process also greatly increases the chances of local technical knowledge being incorporated, so that the final designs are technologically appropriate and sustainable. At present, the potential and resources of the community remain under utilized, and not recognized as an instrument for sustainable development. However external inputs would be required to mobilize and to motivate user communities so that they could take the lead in new rural water supply and sanitation initiatives. Thus, vesting the responsibility in the community ensures sustainable operation and maintenance.

It is recognized that the provision of improved water supply and sanitation facilities does not, in itself, guarantee a better level of health or improved standard of living. The intended beneficiaries must also adopt new attitudes more conducive to the maintenance of clean water sources, a more sanitary environment and effective personal hygiene. Such changes have to be motivated by an improved understanding of the causes of ill health and, by inculcating a desire to attend these causes by effective action.

Based on the foregoing considerations a fundamental change is envisaged in the rural water supply and sanitation policy, with the aim to promote active community participation in the planning, design, funding, construction and operation and maintenance of rural water supply and sanitation services. This new approach will ensure that the end users are responsible for choosing the types of facilities they require, the location of those facilities, the type and amount of their contribution (in kind or cash), and that they are responsible for operation and maintenance of the facilities.

By this means, it is expected that the facilities provided to rural communities will be more acceptable, more relevant, more sustainable and more cost-effective. A key factor will be, that the people will perceive such facilities as belonging to them and that they will develop a real sense of ownership.

## 2. OBJECTIVES OF THE NEW POLICY

In the context of the multiplicity of the Public Agencies involved in the water supply and sanitation sector, it is timely to articulate a clear and unambiguous policy which could be adopted by all concerned. A lack of unanimity among the various agencies of government could threaten the implementation of the new community-based approach, resulting in the communities tending to solicit political support in an attempt to gain access to the most concessional terms.

The new policy proposed to be introduced in order to achieve the explicit goal of securing safe and sufficient drinking water supplies and sanitation facilities for all by the year 2010, has the following specific objectives.

- (a) Provide community owned, community managed sustainable water supply facilities to the rural community
- (b) Maximize community participation, management and responsibility
- (c) Ensure that the involvement of communities and beneficiaries is based on felt need, and that the involvement includes a significant element of popular decision making
- (d) Encourage community initiative and the application of indigenous knowledge, local expertise and appropriate - and affordable - technology
- (e) Establish self-sustaining systems and develop institutional capabilities by which local communities may acquire the water supply and sanitation facilities which they require
- (f) Stimulate the interest of communities to take their own initiative in obtaining improved water supply and sanitation facilities
- (g) Ensure the rational utilization of funds which are available to the rural water supply sector by optimizing unit costs and benefits
- (h) Establish reliable mechanisms to assist communities to take responsibility for operation and maintenance.

To achieve these objectives, all agencies of government would be required to offer a helping hand and to work as facilitator to assist in identifying community responsibility, rather than as a provider of goods and welfare per se. In these tasks, government departments and agencies would be called upon to provide whatever funds, training, guidance and other assistance as may be required in such a manner as to achieve a productive and efficient partnership between government and people.

### 3 KEY ASPECTS OF THE NEW POLICY

#### (A) Community to Play the Main Role

The new policy places the community at the centre of the process. The community would occupy the pivotal position throughout the project cycle. The beneficiaries are both the decision makers and the doers and the whole process is centered on them. All

other actors are secondary and are expected to support the community to obtain the facilities and services which they require.

Communities first have to recognize that they need improved water supply and sanitation facilities. Mobilizing and organizing themselves for action - through the building of strong Community Based organizations (CBOs) - is a parallel step. Obtaining the necessary facilities and assistance without strong Community Based Organizations will not be practical. Members of the community will also need to participate in assessing their needs and in choosing appropriate technologies and facilities. They will have a key role in planning, in designing and in implementing the schemes. Finally, they must willingly accept full responsibility for operating and maintaining those facilities which are eventually constructed.

Community Based Organizations (CBOs) will provide a channel for community aspirations and will also serve as the community's executive arm. During the project development phase, the CBO is both mobilized and itself mobilizes the community to carry out planning and preparation of schemes. Finally, the CBO takes responsibility for the operation and maintenance of the new community owned facilities.

(B) **Government to play a catalytic role**

Hitherto, government has been the provider, organizer and implementor of most rural water supply and sanitation services. The, government will have to play a different role in the future: it will have to act as the facilitator rather than the doer. Instead of selecting a few locations to which it provides expensive non-replicable services, government will attempt to respond in a more limited way to a greater number of communities. Instead of calling for community support to implement programmes which are initiated by government, the authorities will vest the responsibility with those communities who will enjoy the permanent benefits. Government will play a catalytic role, mobilizing all available resources towards achieving the objectives which are set by the community.

(C) **Development Partners**

The new policy attempts to ensure the interaction of the communities with the relevant agencies in Government sector, Local Government Sector and NGO which are referred as Partner Organization (PO). The CBO becomes an implementor of the project, and where necessary, is assisted and supported by these outside Partner Organization (PO). Thus it opens the way for all partners in development to join in helping rural communities to obtain the water supply and sanitation services which they need. In this way it would be possible to adopt a carefully defined working relationship, through

which these the Partner Organizations, whether they be in the public, local government, or NGO sectors, could find ways of utilizing the skills, competence and experience which they possess in order to support needy rural communities.

These Partner Organizations will assist the communities by helping them to develop the necessary competence, skills and institutional capabilities so that they are able to participate actively in the planning, construction, operation and maintenance of the facilities that are installed. It is expected that the role of the Partner Organizations will be to assist communities to develop and establish sufficient organizational competence to look after the facilities through the formation of community based organizations (CBOs). The involvement of the PO will diminish as the communities develop sufficient organizational competence.

(D) — **High Level of Community Involvement throughout the Whole Process**

Only active community participation and high levels of public involvement at all stages will lay the foundations for successful projects. Communities must be mobilized through various forms of community development activities so that people come to recognize their needs, including needs for improved water supply and sanitation. When subsequently that need becomes a demand, the community should be encouraged to take the initiative in securing the technical assistance which they will required for such tasks as carrying out feasibility studies and the detailed design for construction.

(E) — **Community Contribution :**

As a symbol of commitment, as well as for sharing in the cost of the new service, the beneficiaries would have to make a real contribution to the cost of the works as well as taking responsibility for subsequent maintenance. This may be as cash and/or in the form of labour and /or materials. It is expected that participation in this way will help to develop a sense of ownership among the user group and, thereby extend the chances of achieving sustainability.

People should be encouraged to make the maximum contribution which they can afford, thereby extending the possibility of government being able to help a wider cross section of the population. All unskilled labour could be provided by the community. Minimum contribution is expected to be not less than the 20 per cent of the total construction cost in addition to the full cost of operation and maintenance. Where communities opt for a standard of service which is in excess of the established minimum, they would be

required expected to pay for the additional cost.

(F) — **Community Decision Making with a Sense of Responsibility**

One of the cornerstones of the new policy is that communities are required to be involved in decision making at every possible step in the planning and implementation of the schemes. Requiring the communities to make a substantial and real contribution to the cost of the schemes means that the people will take all such decisions in a responsible and considered manner.

(G) — **Ensuring Long Term Sustainability**

The failure of all types of rural water supply project is characterized by the lack of commitment to ensure that the facilities are kept in good working order. As many water systems have fallen into disrepair, the key challenge in this new policy will be to ensure *sustainability, which addresses the issue by designing, constructing and managing water supply schemes in such a way that they will function well and reliably and that sufficient funds and interest will be generated by the communities to provide for the required skills, tools, and spare parts and for all necessary repair and maintenance*

(H) — **Technologies which are Environmentally Sound and Socially Acceptable**

The general principles applying to choice of technology in community water supply and sanitation schemes will be environmental soundness, social acceptability, financial affordability and an adequate institutional capacity to ensure sustainability by the use of low cost technologies and local raw materials.

A mixture of technologies and service levels may be appropriate by taking into consideration the varying needs and capacities of the communities as well as the physical conditions.

(I) — **Bottom-Up and Integrated Participatory Approach**

Under the new policy, issues connected with provision of water supply and sanitation are considered in a broader perspective, along with other important elements of development policy. The provision of rural water supply and sanitation is no longer viewed in isolation, as was the case in the traditional or engineering paradigm.

Therefore, a bottom-up and integrated, participatory approach is adopted from the inception and maintained throughout the process . Beneficiary communities will be participating actively and involving closely in planning, designing and constructing water supply and sanitation facilities and in finally take up responsibility for the management of such facilities.

(J) **Emphasis on Project Development and Participatory Planning**

Great care will have to be taken to ensure that the communities have reached the necessary levels of community mobilization & organizational competence before they take on the heavy burden of construction & the management of the project. Thus the pre-construction or project development activities described above are regarded as being particularly important. It is very essential to lay emphasis on Community development activities to foster active community participation. It will also be necessary to guarantee that community development activities are not rushed or deleted as there may be a tendency to do so to push the construction activities of the project.

(K) **Active Involvement of Women**

An impressive amount of field experience reveals that women play an important role in the successful operation & maintenance of water supply projects. As the main users, and as initiators of change in hygiene practices, the participation of women should be systematically encouraged in all phases of a project, especially in relation to decision making.

Action	1995		1996				1997				1998	
	3	4	1	2	3	4	1	2	3	4	1	2
<b>1. Develop a National Water Policy.</b>												
a. Allocate Secretariat staff time, define timetable for work, and identify additional resource persons required.				→								
b. Establish a working party; specify Secretariat, consultancy, and legal support; define procedures to be followed for consultation etc.				→								
c. Review and analyse water-related policies in Shri Lanka, and examine national water policies from overseas which may have relevance to Shri Lankan conditions.					→							
d. Consult with stakeholders using seminars/ workshops, small meetings, etc as appropriate and necessary.				→								
e. Define the subject matter of a National Water Policy, and prepare a draft for submission to Cabinet.						→						
f. Formulate the National Water Policy.							→					
g. Submit the Policy to Cabinet for approval.									■			









<p>k. Consider in detail, and make recommendations on, appropriate arrangements for water management and planning in selected regions or localities of the country (in particular, the Colombo Metropolitan area and associated watersheds, and on the watersheds of the southeastern Dry Zone).</p>												
<p>l. Carry out periodic (one to three-yearly) management reviews of individual institutions.</p>												



Action	1995		1996				1997				1998		
	3	4	1	2	3	4	1	2	3	4	1	2	
<b>5. Implement existing, proposed and new policies to achieve sustainability in water-sector operations.</b>													
a. Develop guidelines for inventory of policy and performance assessment.	■												
b. Implementing agencies prepare inventories of relevant policies and assess levels of implementation.	→												
c. Implementing agencies review performance in policy implementation, and identify reasons why existing policies are not fully implemented.	→												
d. Systematise policies for each agency, eliminate conflicts and inconsistencies, etc.		→	→	→	Ongoing								
e. Allocate Secretariat staff time, define timetable for work, and identify additional resource persons required.				→									
f. Make administrative preparations for the TA Project: prepare ToR, select consultants etc.	→												
g. Systematise cross-sectoral, inter-agency, and government policies, and establish clear national/provincial/local level policies and roles: see development of National Water Policy.			→ Then ongoing										
h. Implementing agencies define and use procedures for project planning and implementation (with emphasis on ensuring consultation with stakeholders).	Define →		Introduce →	→	Ongoing								
i. Create the political will and commitment to support policy implementation.			→	→	Ongoing								
j. Establish mechanisms for allocating water and controlling its exploitation (especially groundwater): see drafting of National Water Act.	Interim Arrangement →							→	via drafting of National Water Act				



Action	1995		1996				1997				1998	
	3	4	1	2	3	4	1	2	3	4	1	2
<b>6. Establish the systems needed to provide the data and information required by decision-makers.</b>												
a. Allocate Secretariat staff time, define timetable for work, and identify additional resource persons required.			→									
b. Make administrative preparations for the TA project: prepare ToR, select consultants etc.			→									
c. Consult with stakeholders - government agencies, NGOs, private sector organisations, individuals with particular expertise, community representatives, etc - on topics listed below, using seminars/workshops, small meetings, etc as appropriate.					→							
d. Assess Shri Lanka's future requirements for water-related data and information.					→							
e. Review the nature, content and other relevant attributes (accessibility, data quality, etc) of currently available water-related databases.					→							
f. Review existing programmes of water-related data acquisition.					→							
g. Define the attributes, at an overview level, of water-related data acquisition and archiving programmes to meet future requirements.						→						
h. Design, for each agency but bearing in mind opportunities for collaboration, the required observing networks, data collection methodologies, quality assurance procedures, data processing and archiving facilities (procedures, software, hardware), data reporting and dissemination procedures (including charging policies), and organisational arrangements.							→					
i. Specify timetables for implementation of the data acquisition and archiving programmes designed in (f) above.								→				

j. Carry out water resources studies and planning studies in selected catchments of the SE Dry Zone.		Preparation →	Implementation →	→	Ongoing						
k. Review the nature and other relevant attributes (accessibility, comprehensiveness, etc) of currently available information services which might be extended to include water-related information.				→							
l. Design an information service for water-related information.					→						
m. Report monthly to the Project Sponsors, in written form and orally when required.			■ ■ ■ ■ ■ ■ ■ ■								
n. Provide final reports to the Project Sponsors and to other stakeholders, in written and oral form.					■						



# CABINET MEMORANDUM

## POLICY ON PROVISION AND MAINTENANCE OF TUBE WELL HAND PUMPS FOR DRINKING WATER SUPPLY

### 01. Background

Tube wells fitted with hand pumps was identified as an appropriate solution for the problem of drinking water supply to the rural population of Sri Lanka during the late 70's. Accordingly, many institutions/organisations launched programmes in various parts of the country to construct tube wells and install hand pumps.

Upto now, over 12,000 tube wells fitted with hand pumps have been constructed all over Sri Lanka. However, to date, an accepted policy on either the provision or the maintenance of these tube well hand pumps has not been formulated.

Construction of tube well hand pumps at places where they are not really needed, unacceptable quality of the tube well water, improper maintenance of tube well hand pumps and non availability of procedures for community participation in tube well hand pump programme etc. are some of the shortcomings observed due to lack of an accepted policy.

### 02. Proposed Policy

This policy comprises guidelines under following sub-sections.

- i. Prioritization of requests and allocation of funds
- ii. Provision of tube well hand pumps
- iii. Maintenance of tube well hand pumps.

#### 2.1 Prioritization of requests and allocation of funds.

Three administrative level committees at National, Provincial and Pradeshiya Sabha are to be formed to decide the priority of requests and allocation of funds for the same under the proposed policy. All the requests for tube well hand pumps should be directed to Pradeshiya Sabha level committee. Once the priority is decided, it is forwarded to National level committee via. Provincial level committee. Once the allocation of funds is decided by the National level committee, it is conveyed downwards to Provincial and Pradeshiya Sabha level committees to implement the construction programme according to the priorities selected.

Priority will be selected based on the factors such as, scarcity of water, present walking distance for water, annual rainfall and occurrence of water borne diseases.

## 2.2 Provision of Tube Well Hand Pumps

Tube well hand pumps shall be provided for a community, if following conditions are satisfied.

- (i) There should be a minimum of 25 beneficiaries for a well.
- (ii) Within 0.5 km distance from the proposed location, potable water source should not be available.

For communities with scattered settlements on flat or steep hills in wet zone, the above condition (i) & (ii) may be further relaxed.

- (iii) Quantity and quality of the tube well water should be upto the specifications.
- (iv) Relevant Pradeshiya Sabha should agree to the location of the well and maintenance of the tube well hand pump and the consumers should agree to bear the cost of maintenance.

However, National level Committee shall decide the details and make amendments to the above conditions as and when required.

## 2.3 Maintenance of Tube Well Hand Pumps

It is proposed to set up a three level maintenance system involving the beneficiary community, the local authority and the National Water Supply & Drainage Board (NWS & DB) having different responsibilities to each institution.

The beneficiary community shall organize into a consumer society to assist Pradeshiya Sabha in maintenance of the hand pump and to pay the cost of maintenance.

The local authority or generally Pradeshiya Sabha, shall maintain the hand pumps and necessary resources shall be made available to Pradeshiya Sabha for successful implementation of the maintenance programme the respective Provincial Council.

As the third tier, NWS & DB is responsible for providing assistance to Pradeshiya Sabha in tube well hand pump maintenance and carrying out major repairs at their cost.

## 03. Implementation

It is planned to implement the proposed policy for the provision of new wells with effect from 1st January 1995.

Before implementation of this policy, Pradeshiya Sabhas should be provided with the following resources so that the responsibilities of

maintenance could be fulfilled.

- (i) Staff for maintenance of tube well hand pumps.
- (ii) Allocation of funds for the payments of the staff.

Handing over of responsibility of maintenance of existing tube well hand pumps to Pradeshiya Sabha has already been completed in Matale, Polonnaruwa, Kandy and parts of Anuradhapura and Kurunegala districts. In Hambantota and Puttalam districts this programme is in progress. It is expected to handover all the tube well hand pumps to Pradeshiya Sabha within about three years period subject to availability of funds.

04. Approval

Approval of the Cabinet of Ministers is sought;

1. To implement this policy on tube well hand pumps.
2. To provide necessary staff and other resources for Pradeshiya Sabhas to fulfill their responsibilities.
3. To appoint the members of the National level by the Ministry in charge of the subject in the central government and Provincial and Pradeshiya Sabha level committees by the Minister in charge of the subject in the respective Provincial Councils.
4. To empower National level Committee to decide the details within the framework of this policy.
5. To implement the programme of rehabilitation of tube well hand pumps and handing over of them to Pradeshiya Sabhas, include the same in the Public Investment Programme and search for donor assistance.

  
(NIMAL SIRIPALA DE SILVA)  
Minister of Housing, Construction  
and Public Utilities

Ministry of Housing, Construction  
and Public Utilities  
"Sethsiripaya"  
Battaramulla.

17. 02. 1995