

# **Water sector accountability review: Malawi**

## **Water Supply and Sanitation**

### **Annex 1 and 2**

*DRAFT – NOT FOR CIRCULATION*

# Annex 1: Water Supply

## Planning

### Ensuring legislation, regulations and policy support delivery of national targets,

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p><b>Water Works Act 1995</b> An Act to provide for the establishment of <b>Water Boards water-areas and for the administration of such water-areas for the development, operation and maintenance of waterworks</b> and water-borne sewerage sanitation systems in Malawi and for matters incidental thereto or connected therewith</p> <p>The <b>Malawi National Water Policy 2005</b> through Ch 3 and 9 provides</p>	<p><b>The national water policy 2005</b> Ch 9 states that the ministry responsible for water affairs will be responsible for this function. This will require an integrated approach involving (NWRA) as it provides the roles and duties under this function.</p> <p>In terms of the delegation of power, <b>the water resources act 2013</b> Ch 1 states the</p>	<p><b>The national water policy 2005</b> outlines a plan how to monitor if the policy is being adhered to. The Ministry responsible for Water Affairs will be the lead institution to undertake the monitoring and evaluation’s activities of the implementation plan of the policy with the view of assessing whether the objectives and outputs are being realized.</p>	<p>Sections 8 and 66 of the <b>Constitution</b> of Malawi gives Parliament a core mandate in oversight, legislation and representation. In carrying out its legislative, representative and oversight functions, the Malawi Parliament has 19 committees comprising of elected Members of Parliament (MPs) from different political parties. These committees are appointed in order to respond to, consider, inquire into, and deal</p>

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<p>guidance and policy direction in achieving sustainable and equitably accessible water resource by all. The policy provides specific policy goal for;</p> <p><b>S 3.2.3 Urban, Peri-Urban and Market Centres Water Services</b></p> <p>To achieve sustainable, commercially viable provision of water supply and sanitation services that are equitably accessible to and used by individuals and entrepreneurs in urban, peri-urban and market centers for socio-economic development at affordable cost.</p> <p><b>3.2.4 Rural Water Services</b></p> <p>To achieve sustainable provision of community owned and managed water supply and sanitation services that are equitably accessible to and used by individuals</p>	<p>Ministry responsible for water affairs is the overall arching overseer in the formulation of legislation and policy aspect.</p> <p><b>The water works act 1995</b> and the water resources act both complement that the ministry is the overarching overseer of legislation as well as responsible for all water related works. However, these are directly managed by the designated water board(s) in each area.</p>	<p>S 8.1 Monitor and evaluate the performance of the implementation plan of the policy with the view of assessing whether the objectives and outputs are being realized.</p> <p>8.2.1 Develop procedures for monitoring and evaluation of the policy implementation;</p> <p>8.2.2 Undertake periodical reviews of the specific programmes of the implementation plan; and</p> <p>8.2.3 Conduct participatory consultative meetings with the relevant stakeholders in order to assess the impact of the programme</p> <p>9.1.2 Monitor (in terms of quality and quantity), assess, plan, develop, conserve, allocate and protect water</p>	<p>with emerging legislative and public policy decisions.</p> <p><b>The water resources act 2013</b> CH 12 outlines the establishment of the water tribunal to conduct hearings (appeals and complaint) relating to water supply and use.</p> <p>S 64 (8) Any person aggrieved by the decision of the Authority under subsection (6) may appeal to the Water Tribunal against the decision, if the decision was made without his consent.</p> <p>S 72 (2) (a) the person may, within three months after the notice given by the Authority, appeal to the Water Tribunal; and</p> <p>(b) if, at the expiration of that period, no such appeal has been</p>
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<p>and entrepreneurs in rural communities for socio-economic development at affordable cost.</p> <p><b>However, there is a gap in the provisions as there are no water supply regulations for the sector, this is despite that the water resources regulation does provide for regulations for water abstraction and use of water by water suppliers within a particular area but they are not definitive to water supplying.</b></p> <p><b>The water resource regulation 2018</b> does provide some regulatory provisions. Its states that S 8. Any person who intends or undertakes any activities relating to water, which under the Act require a licence, shall obtain a licence or a permit, as the case may be, from the Authority to</p>		<p>resources for utilisation in the social and economic sectors of production and services;</p> <p><b>The Water Resources Act</b></p> <p>S 10 provides as a function the national water resources authority - (b) to monitor, and from time to time reassess, the National Water Policy and the National Water Resources Master Plan;</p>	<p>made or, after hearing the appeal, the Water Tribunal does not make an order restraining it from doing so, the Authority may proceed as if such consent had been given.</p> <p>The act also (d) monitors and enforces conditions attached to permits for water use;</p>
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<p>undertake the activity. S 6 (4) A person who fails to comply with an order by the Authority under this regulation may be liable to have his licence or permit suspended cancelled, or varied.</p> <p>16.-{ 1) A person who wishes to construct, own, or control any works for licence which-</p> <p>( a) uses a motorized water pump, whether temporarily or permanently, to pump water from a borehole or waterway;</p> <p>(b) is a weir, dam, tank or other work capable of diverting or impounding an inflow of more than 1 00 cubic meters in any period of twenty-four hours, shall apply to the Authority for a licence.</p> <p>(2) An application referred to in subregulation (1) shall-</p>			
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<p>(a) be in the form specified in the Second Schedule except that (i) Form A1 shall be used for surface water licence; and (ii) Form B 1 shall be used for ground water licence;</p> <p>(b) be accompanied by the fee specified in the Twenty Third Schedule;</p> <p>(c) in the case of an application relating to exploratory borehole, be accompanied by a borehole completion report specified in the Seventh Schedule; and</p> <p>(a) in the case of all other applications, be made before any works referred to in subregulation (l) are constructed.</p> <p>(3) The applicant shall describe the intended purpose for which the application is made.</p>			
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<p>(4) The Authority may, depending on the description of the intended purpose, require a Technical Report in the format contained in the Seventeenth Schedule hereto.</p> <p>(5) The Authority may-</p> <p>(a) require an applicant to prepare and submit plans or other information to support the application made under this regulation;</p> <p>(b) by itself or through a person duly authorized by the Authority enter any land and carry out any investigations that are necessary to enable the Authority to process the application;</p> <p>(c) after the provisions of this regulation are complied with, grant the licence on such conditions as are necessary.</p>			
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<p>( 6) A separate application for water resource use shall be made to the Authority with respect to the following criteria-</p> <p>(a) each abstraction point, whether from surface or groundwater;</p> <p>(b) each effluent discharge point unless covered under another application; (c) each point of storage unless covered under another application;</p> <p>(d) separate activities other than those covered in paragraph (a), (b) and (c).</p> <p>19.-(1) The Authority shall submit a copy of every water use application to the relevant registered water users association, where one exists in the area, for comments.</p> <p>(2) Water users association shall submit any comments on a water use. application to the Authority</p>			
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<p>within thirty days of receipt of the application by the association.</p> <p>(3) The Authority may proceed to determine any application after the expiry of the period of time for the water users association to comment on the application.</p> <p>20.-{ 1) The Authority shall cause to be published quarterly at least in one national newspaper of wide circulation and in the <i>Government Gazette</i>, a list of all the licence applications.</p> <p>(2) The Authority shall cause to be displayed a notice of all applications received, within a particular region, at the District Commissioner's, chief's and the Authority's regional offices at the end of each month.</p> <p>(3) The Authority shall cause to be displayed at the Catchment</p>			
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<p>Management Board's Office a notice of all applications received by the Authority, within each Catchment Management Board, at the end of each week.</p> <p>( 4) The public notification shall state the name of the applicant, the water resource for which the application has been made, the quantity and purpose for which the application has been made, the land registration number and any additional details that the Authority may consider relevant to the public with respect to the licence application.</p>			
<p>Water Works Act 1995 National Water Policy 2005 Water Resource Regulation 2018</p>	<p>National Water Policy 2005 Water Resource Act 2013 Water Works Act 1995</p>	<p>National Water Policy 2005 Water Resource Act 2013</p>	<p>The Malawi Constitution Water Resource Act 2013</p>

**Assessing service levels, and current and future demand.**

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>The national water policy 2005 caters for the delivery of this function S 3.3.2 Ensure the existence of strategic and contingency water resources development and management plans that guarantee availability of water in cases of droughts, floods and population pressures;</p> <p>3.3.3 Ensure that all persons have convenient access to sufficient quantities of water of acceptable quality and the associated water-related public health and sanitation services at any time and within convenient distance;</p>	<p>The water resource act 2013 S 8 states that the authority known as the national water resource authority will be established and it will effectively and efficiently manage the country’s water resources using IWRM approach.</p> <p>S 35 (2) The National Water Resources Master Plan shall, among other things, address matters relating to__</p> <p>(a) a water balance for each catchment area that compares forecasted water demand with data and information regarding water availability;</p>	<p>The water resource act 2013 provides for the NWRA to submit reports to the Minister responsible for Water affairs. S 23._provides that</p> <p>_(1)As soon as practicable, but not later than six months after the expiry of each financial year, the Authority shall submit to the Minister a report concerning its activities during that financial year.</p> <p>(2) The report referred to in subsection (1) shall be in such form as the Minister shall approve and shall include information on the financial</p>	<p>the Ombudsman Act No. 10 of 1996 to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p><b>It also</b> provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p>

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<p>3.4.5 Management, conservation, protection and development of water resources shall be undertaken in an integrated manner;</p> <p>3.4.6 Water resources shall be optimally, equitably and rationally allocated and regulated in a transparent and accountable manner to ensure sustainable, optimal economic returns and social enhancement;</p> <p>3.4.10 Water demand management approaches shall be adopted in all cases of water resources development and management, and water allocations shall consider ecosystem integrity and bio-diversity including marine and estuarine life;</p> <p>3.4.11 The protection and use of water resources for domestic water supply shall be accorded the highest priority over other uses;</p>	<p><b>(b) proposed options for meeting forecasted demand for each catchment area in which forecasted water demands exceeds available supply, which options may include__</b></p> <p><b>(i) water demand management programmes;</b></p> <p><b>(ii) necessary infrastructure construction;</b></p>	<p>affairs of the Authority, and there shall be appended to the Report.</p> <p>For the National Water Resources Master Plan, the WRA 2013 outlines that;</p> <p>(3) The Minister shall submit the National Water Resources Master Plan recommended to him under subsection (1) to the Cabinet with his recommendations within twenty-one days of receiving it.</p> <p>(4) The detailed components of the National Water Resources Master Plan and procedures for its preparation, revision and recommendations to and consideration by the Minister may be as prescribed by the</p>	
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<p><b>Water Resources Act 2013</b> caters for the management of water resources in the aspect of meeting forecasted demand. The act provides for development of the National Water Resources Master Plan by the National Water Resources Authority. The Water Resources Act 2013 provides in S35 for the generation of a National Water Resources Master Plan to help in the planning of future water supply.</p> <p>S 35.(2) The National Water Resources Master Plan shall, among other things, address matters relating to__</p> <p>(a) a water balance for each catchment area that compares forecasted water demand with data and information regarding water availability.</p>		<p>Minister, and if the Minister does not prescribe, as may be determined by the Authority.</p> <p><b>The National Water Policy 2005</b> Ch8 outlines the Ministry responsible for Water Affairs will monitor and evaluate the performance of the implementation plan of the policy with the view of assessing whether the objectives and outputs are being realized.</p> <p>9.1.2 Monitor (in terms of quality and quantity), assess, plan, develop, conserve, allocate and protect water resources for utilisation in the social and economic sectors of production and services;</p>	
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<p>(b) proposed options for meeting forecasted demand for each catchment area in which forecasted water demands exceeds available supply, which options may include__</p> <ul style="list-style-type: none"> <li>(i)water demand management programmes;</li> <li>(ii)necessary infrastructure construction;</li> <li>(iii) any other measure, including appropriate legal reforms considered necessary in achieving the objectives of the National Water Resources Master Plan;</li> </ul> <p>The <b>water resource regulation 2018</b> does not directly talk about assessing service levels, current and future demands but Ch 9 provides a basis for water supply security planning and helping to balance the need for water with the people’s demands.</p>		<p>9.1.8 Establish standards, guidelines and inspectorate;</p>	
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For National Water Policy 2005 Water Resource Act 2013 Water Resource Regulation 2018	Water Resource Act 2013	water Resource Act 2013 National Water Policy 2005	Ombudsman Act No 10 of 1996

**Planning future supply requirements**

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>The Water Resources Act 2013 provides in S35 for the generation of a National Water Resources Master Plan to help in the planning of future water supply.</p> <p>S 35.(2) The National Water Resources Master Plan shall, among other things, address matters relating to__</p> <p>(a) a water balance for each catchment area that compares forecasted water demand with data and information regarding water availability.</p> <p>(b) proposed options for meeting forecasted demand for each</p>	<p>The national water policy 2005 Ch 9.1 assigns the ministry responsible for water affairs as the lead authority in dealing with planning and sanitation measures.</p> <p>9.1.2 Monitor (in terms of quality and quantity), assess, plan, develop, conserve, allocate and protect water resources for utilisation in the social and economic sectors of production and services;</p> <p>9.1.4 Invest in sectoral planning, development and construction of water</p>	<p>The national water policy 2005</p> <p>Ch 8 states that the Ministry responsible for Water Affairs will be the lead institution to undertake the monitoring and evaluation of activities that are set out in the implementation plan of this policy, which include planning for water supply.</p> <p><b>The Water Resources Act 2013</b> gives monitoring power</p>	<p>the Ombudsman Act No. 10 of 1996 to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p>The act also provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality</p>

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<p>catchment area in which forecasted water demands exceeds available supply, which options may include—</p> <p>(i)water demand management programmes;</p> <p>(ii)necessary infrastructure construction;</p> <p>(iii) any other measure, including appropriate legal reforms considered necessary in achieving the objectives of the National Water Resources Master Plan;</p> <p><b>The water works act S11</b> to S provides for the purpose of the boards. This act provides for</p> <p>11. The Board may make, construct and maintain all such works as are necessary and convenient for the purpose of creating, maintaining and extending waterworks works for supplying water for domestic, public and business purposes, for the extinction of destructive fires, for cleansing streets, lanes, gutters and</p>	<p>infrastructure, including multi-purpose dams;</p> <p><b>The Water Resources Act 2013</b> S35 assigns the National Water Resources Authority as the responsible authority for to development of the National Water Resources Master Plan which, among other things, address matters relating to-</p> <p>a) a water balance for each catchment area that compares forecasted water demand with data and information regarding water availability;</p> <p>b) proposed options for meeting forecasted demand for each catchment area in which forecasted water demands exceeds available supply, which options may include-</p> <p>i. Water demand management programmes;</p>	<p>to the Minister Responsible for Water Affairs in regards to the National Water Resources Master Plan which the NWRA must submit and adhere to reporting.</p> <p>(3) The Minister shall submit the National Water Resources Master Plan recommended to him under subsection (1) to the Cabinet with his recommendations within twenty-one days of receiving it.</p> <p>(4) The detailed components of the National Water Resources Master Plan and procedures for its preparation, revision and recommendations to and consideration by the Minister may be as prescribed by the</p>	<p>service delivery within the public sector</p>
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<p>sewers, and for all other purposes to which water and waterworks are supplied or are applicable.</p> <p>The national water policy 2005 Ch 1.3 Guides the water sector in the management and development of its water resources using the IWRM principles, improving the institutional and legal framework, ensuring sustainable delivery of water supply and sanitation services, effective involvement of the private sector, protection of the environment and conformity with the regional and international conventions and agreements in the management of shared water resources.</p>	<p>ii. Necessary infrastructure construction;</p> <p><b>the NWP and WRA contradict each other on who is responsible for overall guide on planning for water supply</b></p>	<p>Minister, and if the Minister does not prescribe, as may be determined by the Authority</p>	
<p>Water Resource Act 2013 Water Works Act 1995</p>	<p>National Water Policy 2005 Water Resource Act 2013</p>	<p>National water Policy 2005 Water Resource Act 2013</p>	<p>Ombudsman Act No 10 of 1996</p>

National Water Policy 2005			
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## Financing

### Financing of water infrastructure

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p><b>The Water Works Act 1995 part VII</b> outlines financial provisions on revenue for the Water Boards to fulfil water works</p> <p>37.-(1) The annual revenue of the Board shall include-</p> <p>(a) income from all rates levied and all charges made, by the Board;</p> <p>(b) one half of all fines imposed by a competent court for the contravention either of this Act or of by-laws made by the Board;</p>	<p><b>The water works Act</b> states that the water boards are responsible for mobilising financial resources to be invested in water works within their areas.</p> <p>Water works act assigns the following role to the board</p> <p>S 11. The Board may make, construct and maintain all such works as are necessary and convenient for the purpose of creating, maintaining and</p>	<p><b>The National Water Policy 2005</b> states that the Ministry responsible for Water Affairs will be the lead institution to lead on assessing water sector financing through monitoring and evaluation of the policy plan implementation process.</p> <p>S 8.2.1 Developing procedures for monitoring and evaluation of the policy implementation.</p>	<p><b>The water work act 1995</b></p> <p>S 7 The Board shall cause proper records to be kept of all its proceedings and kindred matters.</p> <p>S 44.-(1) The Board shall cause a true account to be kept of all its financial transactions during each financial year. (2) The Board may keep such capital, renewals and other special accounts as it may consider necessary or as the Minister may direct. (3) All the accounts of the Board shall be open to inspection by any member of</p>

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<p>(c) all other fees, dues or rents recoverable by the Board;</p> <p>(d) all sums received by the Board from the Government on revenue account; and</p> <p>(e) interest on moneys invested by the Board.</p> <p>In addition, the Act provides for Boards to request for Advances and access loans</p> <p>S 41. It shall be lawful for the Board from time to time to obtain from the Government from the advances of money required for the proper carrying out of this Act. The money so Government advanced and the interest thereon, if any, shall constitute a liability of the Board and shall be charged on the property and annual revenues of the Board, present and future, subject however to the provisions of</p>	<p>extending waterworks for supplying water for domestic, public and business purposes, for the extinction of destructive fires, for cleansing streets, lanes, gutters and sewers, and for all other purposes to which water and waterworks are supplied or are applicable.</p> <p>For rural water services the National Water policy provides this function as the responsibility of the Ministry responsible for water affairs is the lead agency in financing the water infrastructures with support from Local government under local councils</p> <p>S 9.1.4 stipulates the need to Invest in sectoral planning,</p>		<p>the Board. S 45 The accounts of the Board shall be audited from time to time by an auditor appointed by the Board. 46.-(1) The auditor may, by writing under his hand, require the production of all books, deeds, contracts, vouchers, receipts and other documents relating to the accounts or investments of the Board which he may deem necessary for the purpose of the audit. He may summon in writing all such persons as he may think proper to appear before him personally at the offices of the Board at a time to be fixed in such summons, for examination in connexion with any documents or matter relating to the audit. (2) For the purpose of any such examination, the auditor may take evidence upon oath. The auditor is hereby empowered to administer oaths for such purpose. (3) Any person</p>
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<p>any agreement or other arrangement existing at the commencement of this Act.</p> <p>S 42 provides the Boards with borrowing powers .-(1) Subject to the provisions of the Finance and Audit Act, it shall be lawful for the powers Board from time to time to raise loans, whether by way of bank overdraft or otherwise, in such amounts and on such conditions as may be approved by the Minister for the proper carrying out of this Act, and such loans may, subject to the provisions of any agreement or other arrangement existing at the commencement of this Act, be secured on the property and annual revenues of the Board, including any lands which may be specially placed at the disposal of the Board under any law;</p>	<p>development and construction of water infrastructure, including multi-purpose dams;</p> <p>Nonetheless the National Water Policy also outlines the institutional roles and linkages of key water sector stakeholders in supporting investment in water and sanitation infrastructure(s). For instance, the non-governmental organization and civil society S .10.2 Encourage communities to manage their water supply systems, community dams and catchment protection;</p> <p>9.10.3 Participate in the provision and investment in rural water supplies and community dam development consistent with the prevailing</p>		<p>who without just cause fails or refuses to produce any document the production of which has been duly required by the auditor, or who having been so summoned - (a) without just cause, neglects or refuses to comply with the summons; (b) having appeared before the auditor, refuses without just cause to be examined on oath or to take such oath; (c) having taken such oath, refuses without just cause to answer such questions pertaining to the audit as are put to him, shall be guilty of an offence and be liable to a penalty of K500 for every such refusal or neglect and, in default of payment, such person shall be liable to imprisonment for three months; Provided that no conviction under this section shall be taken to exempt the person convicted from liability to do or perform the act, matter or thing</p>
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<p><b>The National Water Policy 2005</b> provides for the provision of Rural Water Supply services. The policy sets out goal 3.2.4 for Rural Water Services which aims to achieve sustainable provision of community owned and managed water supply and sanitation services that are equitably accessible to and used by individuals and entrepreneurs in rural communities for socio-economic development at affordable cost.</p> <p>4.2.5 Promoting local resources mobilisation and project financing that supplement and complement public investments in water resources management and development;</p>	<p>Government policies and guidelines on such investments;</p> <p>9.10.4 Assist in mobilization and securing funding for rural and low income communities for water and sanitation projects;</p>		<p>required of him under this section. 47. After completion of the audit of the accounts of the Board, the auditor shall report thereon in writing both generally and on any specific matters as the Minister may direct. The auditor shall send a copy of such report to the Board and the Board shall consider the report within two months after receipt thereof, whereupon a copy of the auditor’s report together with the Board’s comments thereon shall be sent by the Board to the Minister.</p> <p>48.-(1) If on receipt of the report of the auditor, the Minister is satisfied that an expenditure has been incurred without proper authority, he may, by order in writing, surcharge any person responsible for such expenditure for the whole or any part thereof. (2) If, on receipt of the report of the auditor, the Minister is satisfied that - (a) any</p>
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			<p>failure to collect money due to the Board; (b) any loss of money or property; (c) any damage to property; has occurred by reason of any willful or wrongful act or any negligence by a member of the Board or person in its service, the Minister may, by order in writing, surcharge such member or person for the whole or any part of any money or property due to the Board.</p> <p><b>The Public Finance Management Act 2003</b> PART X provides for Disciplining of Controlling Officers and Chief Executives in certain circumstances and Offences S 88.-( 1 ) A person commits an offence who</p> <p>(a) in connection with an inspection or inquiry under this Act refuses, or without reasonable excuse fails, to</p>
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			<p>attend at a time and place required of him by the Secretary to the Treasury;</p> <p>(b) refuses to produce any records in his possession when required to do so under this Act;</p> <p>(c) refuses or neglects to pay any public money or trust money into the account or fund into which it is payable;</p> <p>(d) refuses to provide reports under this Act;</p> <p>(c) intentionally or recklessly over-commits or overspends funds under his control or expends funds where there is no appropriation permitting such expenditure;</p>
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			<p>(j) makes any statement or declaration or gives any certificate required to be made or given by or under this Act, knowing it to be false;</p> <p>(g) does any act or omission for the purpose of procuring for that person or for any other person or organization-</p> <p>(i) the improper payment of public money or trust money; or</p> <p>(ii) the improper use of public resources; or</p> <p>(h) wilfully fails to meet any obligation imposed on him under this Act.</p> <p>Obligation to report under the public finance management act</p>
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			<p>(2) A person who commits an offence under subsection (1) is liable on conviction to a fine of K100,000 and to imprisonment for five years or where the person is a statutory body to a fine of K500,000.</p> <p>89.-0) A person who has knowledge of any circumstances which may cause him to consider that an offence under section 88 may have occurred shall report those circumstances to the Secretary to the Treasury.</p> <p>(2) A person who, without malice, alleges a breach of this Act to the Secretary to the Treasury shall not be penalized in any way whether the allegation is proved or not.</p>
<p>Water Works Act 1995 National Water Policy 2005</p>	<p>Water Works Act 1995</p>	<p>National Water Policy 2005</p>	<p>Water Works Act 1995 Public Finance Management Act 2003</p>

## Setting and reviewing of fees and charges

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>The <b>water works act 1995</b> stipulates that</p> <p>S 35.-(1) The Board shall make such charges as are approved, within a reasonable time, by the Minister for the supply of quantities of water measured by meter, for the rental of meters, or for the provision of other services. Such charges may differ in respect of different classes of consumers.</p> <p>(2) Such charges shall be levied and enforced in accordance with rules made by the Minister. (3) Such rules may provide for - (a) different rates being fixed and levied in respect of</p>	<p>The <b>national water policy 2005</b> gives responsibility on delivering this function to the ministry responsible for water affairs with support from water utilities</p> <p>S 9.1.9 Develop and regulate water utilities in terms of tariffs and financing; and S 9.3.5 Implement investment programmes, tariffs and compensations related to the development and management of water supply and water borne sanitation facilities and services;</p>	<p>The <b>national water policy 2005</b> mandates the ministry responsible for water affairs as the overarching institution to perform monitoring of all waterworks activities CH 8.</p> <p><b>The water works act 1995</b> states that all board accounts shall be open to monitoring by an assigned auditor from S 44 to S 48 making sure this function is operating adequately.</p>	<p>The <b>national water policy 2005</b> outlines the processes relating to tariff management S 9.3.5 Implement investment programmes, tariffs and compensations related to the development and management of water supply and water borne sanitation facilities and services;</p> <p><b>the Ombudsman Act No. 10 of 1996</b> to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p>

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<p>different classes of premises or parts thereof; (b) rates to be increased in response to price inflation. (4) A schedule showing the tariff of rates and charges payable to the Board shall be available for inspection at the offices of the Board and shall be advertised in such other manner as the Minister may, on the advice of the Board, prescribe.</p> <p>36. All rates and charges levied and made under this part shall, as from the date they fall due, be deemed to be a charge upon the premises to which they relate and shall be recoverable from the occupier, and if he fails to pay, from the owner of the premises or any subsequent owner or occupier or the agent of any such owner or occupier.</p>	<p><b>The water works act 1995</b> CH 7 states that the board is responsible for setting fees and charges under the supervision of the minister responsible for water affairs.</p>		<p>The <b>office of the Ombudsman</b> provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p>
<p>Water Works Act 1995</p>	<p>National Water Policy 2005</p>	<p>National Water Policy 2005</p>	<p>National Water Policy 2005</p>

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	Water Works Act 1995	Water Works Act 1995	Ombudsman Act No 10 of 1996 Office of the Ombudsman
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**Collecting of fees and charges**

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>The <b>national water policy 2005</b> states that the Malawi Government has instituted water resources conservation and protection measures to address some of the challenges in the sector S 4.2.8 Developing and instituting demand management instruments for water user fees and other related charges; S 5.2.9 to Developing and instituting instruments for determining water quality data fees and other related charges;</p>	<p>The <b>national water policy 2005</b> mandates the national water resources authority S 9.2.3 Determine and collect fees related to water abstractions and discharges; The water resource act 2013 compliments the function of NWRA with supervision from the minister S <b>19.</b>__(1) The funds of the Authority shall consist of__(a) such sums as may be appropriated by</p>	<p>The <b>national water policy 2005</b> S 119 states that (4) The Authority shall submit yearly to the Minister an audited statement of accounts under this section. As a means of assisting the authority, the association of water users is obligated S 131 (e) to collect water user charges and fees on behalf of the Authority;</p>	<p>The <b>water resource act 2013</b> allows querying in S 19 (2) The Authority shall keep proper books of accounts and other records relating thereto in respect of its funds and shall in every respect comply with the provisions of the Public Finance Management Act. (3) The accounts of the Authority shall be examined and audited annually by auditors appointed by the Authority and approved by the Minister. <b>S 20.</b>__(1) Without prejudice to the provisions of the Public Finance</p>

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<p>The <b>water resources act 2013</b> complements the national water policy S 10 (g) in accordance with guidelines in the National Water Policy, to determine charges to be imposed for the use of water from any water resource;</p> <p>The <b>water resource regulation 2018</b> provides for setting up procedures for the authority to use on fees, charges and penalties on water abstracted, diverted, obstructed or used including energy derived from a water resource at the appropriate rate as set out in the Twenty Third Schedule S 117. (2) A person in possession of consent to discharge effluent or who is required to have a permit to discharge effluent shall pay to the</p>	<p>Parliament for the purposes of the Authority; (b) any fees, charges, etc., payable under this Act; (c) such other moneys and assets as may vest in or accrue to the Authority in the course of its functions;</p> <p>S 119.__(1) The Minister may, on the recommendation of the Authority, by notice published in the <i>Gazette</i>, prescribe charges for__</p> <p>(a) services provided by the Minister, the Authority, a public authority or authorized person under this Act;</p> <p>(b) the abstraction and use of water under a licence granted under this Act;</p> <p>(c) the discharge of effluents under a discharge permit granted under this Act; or</p>	<p><b>The water resource act 2013</b> has an objective for monitoring water resources S 18.__(1) The Authority shall provide for a national monitoring and information system on water resources.</p> <p>(4) Regulations made under this Act may specify requirements for the keeping of records and the furnishing of information to the Authority.</p> <p>(5) On payment of the prescribed fee, any member of the public__</p> <p>(a) shall have access to information contained in any national information system; and</p>	<p>Management Act, the Authority shall retain in a fund managed by it all of the revenue from water use charges payable under a permit, to be applied by the Authority in meeting costs incurred in the performance of its functions.</p> <p>(2) Without prejudice to the generality of subsection (1), funds retained by the Authority under that subsection may be applied for the payment of compensation payable by the Authority under this Act, whether or not the payment is subsequently recoverable from a permit holder or other person.</p> <p><b>The water resource regulation 2018</b> allows for appeals, reporting and complaints procedure S 119 (6) Where the licensee and the Authority fail to agree on the assessment of the</p>
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<p>Authority fees pertaining to the discharge of effluent on the basis of the volume of effluent being discharged at the appropriate rate as set out in the Twenty Third Schedule.</p> <p>(3) The Minister, on the advice of the Authority may review the fees and charges from time to time.</p> <p>(4) A licensee or permit holder may with the permission of the Authority, make payment to the Authority by monthly instalments.</p> <p>118. In reviewing the water and <i>effluent</i> charges, the Minister shall take into account- water and effluent</p> <p>(a) inflation rate; charges</p> <p>(b) cost of managing the water resources and water catchment areas;</p>	<p>(d) any other licence or permit granted under this Act. (2) The water abstraction charges determined by the Minister shall be based on a pricing strategy that takes into consideration__</p> <p>(a) the need to differentiate among geographical areas, categories of water uses and water users;</p> <p>(b) the need to achieve an equitable and efficient allocation of water and water conservation;</p> <p>(c) the need to adhere to sound water management practices based on the “user pays” and the “polluter pays” principles; and</p> <p>(d) the need to provide for incentives for timely payment</p>	<p>(b) shall be supplied with a copy of the Authority’s annual report.</p>	<p>quantity of water used, the opinion of the Authority shall prevail and any payment due shall be made.</p> <p>(7) If, after payment under subregulation (6), the licensee is dissatisfied with the Authority's assessment, he may appeal against the assessment in accordance with section 142 of the Act.</p> <p>120.-(l) Where the Authority discovers that a licensee, a person who is required to have a licence or permit holder, who is obliged to pay water use charges from the coming into force of these Regulations and who has not done so, then it shall be entitled to charge an-ears, for a period not exceeding twelve. (12) months. (2) Where the Authority discovers that a licensee or permit holder, has under-declared his water use, from the coming into force of these Regulations,</p>
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<p>(c) the use of water charges as a tool for water demand management;</p> <p>(d) the use of water as a social and economic good; and</p> <p>(e) any other criterion that the Authority may consider appropriate.</p> <p>The <b>water works act 1995</b> provides in S 34. The rates levied by the Board shall be an annual levy in respect of any premises or part thereof and may take the form of a fixed sum, a sum calculated by reference to area or a sum calculated by reference to value and may be levied in respect of developed or undeveloped land and irrespective of whether there is a supply of water to the premises.</p>	<p>of the charges and disincentives for non-payment of same.</p> <p><b>120.</b> (1) The Authority shall levy and collect charges and fees prescribed under section 119 (1) and it shall deposit the proceeds from the collection thereof into a separate account owned and operated by the Authority.</p> <p>The <b>water works act 1995</b> gives power to the board to set and collect charges S 8 (5) The Board may make rules, subject to the approval of the Minister, for the payment of moneys out of the revenue of the Board to such funds and for the contribution of moneys to superannuation or provident funds by such officers and servants.</p>		<p>then it shall require the licensee to pay for the under declared water use in arrears.</p> <p>121. An additional five percent (5%) shall be added to the water use charges for any water abstraction or diversion within a groundwater conservation area, water area or protected area under the Act to cover for the cost of greater management required for such areas.</p> <p>122. Where the water abstracted exceeds the permitted amounts by over five percent (5%), the excess shall be charged at a penalty rate as prescribed under Twenty Third Schedule.</p> <p>123.---(1) Any person in possession of a licence who has created and uses flood water storage facilities shall be entitled to a discount on water use charges.</p>
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<p>35.-(1) The Board shall make such charges as are approved, within a reasonable time, by the Minister for the supply of quantities of water measured by meter, for the rental of meters, or for the provision of other services. Such charges may differ in respect of different classes of consumers. (2) Such charges shall be levied and enforced in accordance with rules made by the Minister. (3) Such rules may provide for - (a) different rates being fixed and levied in respect of different classes of premises or parts thereof; (b) rates to be increased in response to price inflation. (4) A schedule showing the tariff of rates and charges payable to the Board shall be available for inspection at the offices of the Board and shall be advertised in such other manner as</p>			<p>(2) The value of the discount shall be a maximum of ten percent in the case of storage that equals or exceeds ninety times the daily water demand and shall otherwise be calculated on a pro rata basis.</p> <p>124. Where the assessment of the water used is not based on continuous measurement by means of a calibrated and appropriately sealed flow measuring device, then a penalty of ten percent shall be charged 011 the full amount of water used.</p> <p>The regulation under FORM U has a list of all the fees, charges and penalties.</p> <p><b>The water works act 1995</b> provide under S 43 the Minister may make rules prescribing the manner in which the Board shall make and submit estimates of its revenue and expenditure or revenue and accounts capital accounts,</p>
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<p>the Minister may, on the advice of the Board, prescribe. 36. All rates and charges levied and made under this part shall, as from the date they fall due, be deemed to be a charge upon the premises to which they relate and shall be recoverable from the occupier, and if he fails to pay, from the owner of the premises or any subsequent owner or occupier or the agent of any such owner or occupier.</p>			<p>provided for the submission by the Board of annual statements of account, and prescribing the financial year in respect of which estimates shall be made and accounts submitted. As a means to hold the board accountable an auditor appointed by the board to audit the boards account from time to time from S 45 to 48.</p>
<p>National Water Policy 2005 Water Resource Act 2013 Water Resource Regulation 2018 Water Works Act 1995</p>	<p>National Water Policy 2005 Water Works Act 1995</p>	<p>National Water Policy 2005 Water Resource Act 2013</p>	<p>Water Resource Act 2013 Water Resource Regulation 2018 Water Works Act 1995</p>

## Regulatory oversight

### Monitoring and regulatory oversight to ensure safe management of water

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>The water resource regulation 2018 regulates the registration of existing rights, licencing of water abstraction and use, surface water management, development and administration, groundwater management, development and administration, water quality management and pollution control and the conservation of riparian and catchment areas to ensure safe, efficient and</p>	<p>The national water policy 2005 gives lead to the ministry responsible for water affairs S 9.1.1 Provide policy direction and coordinate water sector programmes; 9.1.2 Monitor (in terms of quality and quantity), assess, plan, develop, conserve, allocate and protect water resources for utilisation in the social and economic sectors of production and services; 9.1.7</p>	<p>The national water policy 2005 Ch 8.0 mandates the Ministry responsible for Water Affairs as the lead institution to undertake the monitoring and evaluation’s activities of the implementation plan of this policy.</p> <p><b>The water resources act 2013</b> S 8 states that the authority shall be governed by a governing board which shall</p>	<p>The water resource act 2013 mandates the establishment of a water tribunal to adjudicate upon directives and appeals lodged against decision made in the management of water resources Ch 12.</p> <p>The act also allows for appeals relating to any aggrieved person. S 142.__(1) Except as otherwise provided under this Act, any person aggrieved by a decision of the Authority, authorized person or public authority made under this Part of the Act may, within</p>

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<p>environmentally sound management of water.</p> <p>It also states S 4.-(1) These Regulations shall apply to all policies, plans, programmes, and activities that are subject to the Act.</p> <p>(2) These Regulations shall apply to all water resources, waterworks and water bodies in Malawi including lakes, streams and rivers, whether perennial or seasonal, and aquifers.</p> <p>S 8. Any person who intends or undertakes any activities relating to water, which under the Act require a licence, shall obtain a licence or a permit, as the case may be, from the Authority to undertake the activity.</p> <p>The <b>water works act</b> 1995</p>	<p>Undertake policy formulation reviews, and enforcement;</p> <p>9.1.8 Establish standards, guidelines and inspectorate;</p> <p>Nonetheless, coordination of all relevant stakeholders in the sector helps guide the ministry in carrying out its duties under this function. S 9.2.1 Co-ordinate and harmonize the activities of Catchment Management Authorities and all other stakeholders;</p> <p>9.3.6 Monitor water quality within the water supply systems and promote catchment management and pollution control;</p> <p>9.6.1 Promote collaboration with NWRA so that good watershed management and catchment</p>	<p>consist members appointed by the minister to oversee the functionality of the authority.</p>	<p>one month, appeal to the Minister in a prescribed manner.</p> <p>(2) A person who fails, without reasonable cause or neglected to exercise his right of objection under this Act, shall not have a right to appeal under subsection (1).</p> <p>(3) Where a person is still aggrieved with the decision of the Minister, he may appeal to the Water Tribunal.</p> <p>The <b>water resource regulation</b> 2018 allows for reporting and complaints procedure (2) The order under this regulation shall specify the measures that need to be taken, the period of time for compliance with the order, and any other conditions pertaining to the compliance of the order.</p> <p>(3) Any person who has been served with an order under this regulation by</p>
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<p>Ch II 6. The Board shall, except for rural water supply areas, have the control and administration of all waterworks and all the water in such waterworks and the management of the supply and distribution of such water in accordance with this Act.</p> <p>Ch IX S 56 (1) (b) the regulation of the use and the prevention of pollution, misuse, waste of, or any interference with, any water supplied by or under the control of the Board;</p> <p>(l) the prohibition and regulation of the entry of any person into any waterworks occupied by or under the control of the Board;</p> <p>(n) the regulation of bathing or washing any person, animal or thing in any water under the control of the Board.</p>	<p>protection practices are followed in controlled areas and along river banks; 9.6.4 Promote and regulate irrigation development and practices to ensure poverty reduction, efficient utilization of water and prevention of pollution and water related diseases in irrigation fields; 9.7.8 Enforce pieces of legislation and implement policies on natural resources management; 9.8.3 Monitor and provide guidance concerning the quality of drinking water; 9.10.10 Ensure compliance with national policies and regulations governing water and sanitation activities, including registration with the Ministry responsible for Water and Sanitation and</p>		<p>the Authority and fails to comply within the period specified in the order commits an offence.</p> <p>(4) A person who fails to comply with an order by the Authority under this regulation may be liable to have his licence or permit suspended cancelled, or varied.</p> <p><b>The water works act 1995</b> states that the board will be subjective to investigation 49. (1) If the Minister has reasonable cause to suspect that – (a) the Board has failed to observe or perform any of the duties or obligations conferred or imposed upon it by this or any other Act; (b) the Board has done or performed any act, matter or thing without due authority, he may in his discretion, appoint a person or persons to inquire into such matter. (2) The Commissions of</p>
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<p>Ch XII (2) Any subsidiary legislation made under the Acts repealed by subsection (1) in force immediately before the commencement of this Act- (a) shall, unless in conflict with this Act, continue in force and be deemed to be subsidiary legislation made under this Act; (b) may be replaced, amended or repealed by subsidiary legislation made under this Act. (3) Any agreement or similar arrangement made pursuant to the provisions of the Acts repealed by subsection (1) shall continue in force until terminated in accordance with the terms and conditions thereof.</p> <p>The <b>national water policy 2005</b> provides guidance on the delivery of safe management of water S 5.2.7 Developing and enforcing</p>	<p>other relevant authorities.</p> <p>9.12.1 Ministries responsible for Commerce, Industry, Science and Technology shall regulate the development and operations of industries and trade that can contribute to over-exploitation and pollution of public waters, through conditional licensing of industries and trading operations;</p> <p><b>The water resources act 2013</b> gives this responsibility to the NWRA under the direction of a governing board S 8 (3).</p> <p><b>10.__(1)</b> The Authority shall have the following powers and functions__ (a) to develop principles, guidelines and</p>		<p>Inquiry Act shall apply to any inquiry under this Part, provided that for the purposes of an inquiry under this Part, those powers vested by the Commissions of Inquiry Act in the Minister responsible for the administration of that Act shall be deemed to be vested in the Minister responsible for the administration of this Act. (3) If, upon an inquiry under this Part, the Minister is satisfied that the Board has done or suffered any of the acts, matters or things referred to in subsection (1) (a) or (b), he may by order in writing, require the Board to remedy the same within such time as he may appoint. (4) If the Board fails to comply with an order of the Minister made under subsection (3), the Minister may, in addition to any other powers conferred on by this Act – (a) suspend the exercise by the</p>
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<p>regulations regarding water pollution control;</p> <p>5.2.8 Developing skills, technologies and techniques in water quality monitoring and pollution control in the Ministry responsible for Water Affairs, institutions responsible for standards, and other institutions involved in water and environmental sanitation activities;</p> <p>5.2.11 Monitoring and regulating private laboratories involved in the provision of water quality and pollution control services;</p> <p>5.2.12 Facilitating development of self-monitoring systems by all service providers and operators;</p> <p>6.1.2.8 Strengthening and supporting Water Utilities through establishment of effective</p>	<p>procedures for the allocation of water resources;</p> <p>(b) to monitor, and from time to time reassess, the National Water Policy and the National Water Resources Master Plan;</p> <p>(e) to regulate and protect water resources quality from adverse impacts;</p> <p>(i) to liaise with the relevant stakeholders for the better regulation and management of water resources;</p> <p>(l) to coordinate the preparation, implementation and amendment of a water action plan and to recommend the water action plan to the Minister;</p> <p><b>The water resource regulation 2018</b> assigns the NWRA to be</p>		<p>Board of any of the powers conferred upon it by this or any other Act for such period as he may think fit; (b) remove from office all or any of the members and, in his discretion, appoint new members; and during such period, or as the case may be, pending the appointment of new members, confer upon any person the exercise of any powers so suspended or of the members.</p> <p>Ch ix S (2) The by-laws made under this Act may provide for a penalty for the breach of any of their provisions - (a) upon first conviction, of a fine of up to K1,000 or imprisonment for up to one month; (b) on a subsequent conviction, of a fine of up to K2,000 or imprisonment for up to three months; and (c) in the case of a continuing offence, of a fine of up to K200 in</p>
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<p>institutional and governance arrangements, and major infrastructure developments;</p>	<p>responsible S 92. Upon inspection and approval of the authorized effluent discharge works, the Authority shall issue a water effluent discharge permit and shall append the necessary conditions including limits to and monitoring frequency for volume and quality of effluent discharge. 100.-{l) The Authority shall inspect and sample any sources of water pollution.</p>		<p>respect of each day on which the offence continues.</p>
<p>Water Resource Regulation 2018 Water Works Act 1995 National Water Policy 2005</p>	<p>National Water Policy 2005 Water Resource Act 2013 Water Resource Regulation 2018</p>	<p>National Water Policy 2005 Water Resource Act 2013</p>	<p>water Resource Act 2013 Water Resource Regulation 2018 Water Works Act 1995</p>

## Licensing

### Licensing, registration and record-keeping of water supply infrastructure and activities

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p><b>The water resource act 2013</b>  <b>S 17.</b>__(1) The Authority may require any class or type of persons, or the person on whom notice is served, as the case may be, to__                      (a) keep and maintain records; (b) install, operate and maintain equipment;                      (2) Anything required to be done by a regulation made or a notice given under subsection (1) shall be done at the expense of the</p>	<p><b>The water works act 1995 S 64</b> states that the minister shall have jurisdiction under this function with advice from the water board.   <b>The water resource act 2013</b> mandates the authority under the supervision of the minister S 10 (h) to gather and maintain information on water resources and from time to time to publish</p>	<p><b>The water resource act 2013</b> states that the authority shall be governed by a governing board which shall consist members appointed by the minister to oversee the functionality of the authority in carrying out all its activities                      S 8. <b>S 18.</b>__(1) The Authority shall provide for a national monitoring and information system on water resources.</p>	<p><b>The water resource act 2013 CH 12</b> states that a water tribunal will be established to arbitrate upon directives and appeals lodged against decision made on the supply of water. The act also allows for <b>S 51.</b>__(1) Subject to section 52, where the Authority is of the opinion that in order to make water available for a public purpose it is necessary to cancel or vary a licence, the Authority may cancel or vary the licence.</p>



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<p>person to whom the notice or regulation applies, unless the Authority otherwise determines.</p> <p>(3) A person who contravenes or fails to comply with or causes or allows any person to contravene or fail to comply with this section, commits an offence.</p> <p>S 19 (2) The Authority shall keep proper books of accounts and other records relating thereto in respect of its funds and shall in every respect comply with the provisions of the Public Finance Management Act.</p> <p>S 37 (2) Any water resource reserved under subsection (1) shall be taken into account in__</p> <p>(a) the licensing of water abstractions under section 39;</p> <p><b>38.</b>__(1) Subject to subsection (4), a person having lawful access</p>	<p>forecasts, projections and information on water resources;</p> <p>S <b>41.</b>__(1) The Authority shall take the following matters into consideration in determining whether or not to issue a licence__</p> <p>(a) whether or not the proposed abstraction and use of water are consistent with__</p> <p>(i) the objectives referred to in section 4 and the National Water Policy;</p> <p>(ii) the National Water Resources Master Plan; and</p> <p>(iii) any reservation of water made under section 37;</p> <p>(b) the impact of the proposed abstraction upon existing water users, water resources and the water reserved or allocated for environmental uses;</p>	<p>(2) The system shall provide for__</p> <p>(a) the collection and management of data and information regarding water resources and their management; and</p> <p>(b) procedures for gathering data and the analysis and dissemination of information on water resources.</p> <p>(3) For the purposes of the system established under this section, the Authority may, by order require any person, within a reasonable time or on a regular basis, to provide it with specified information, documents, samples or materials.</p>	<p>(3) The Authority shall pay compensation to any licensee whose licence has been cancelled pursuant to this section.</p> <p><b>52.</b> Where it is established that, for any reason beyond the reasonable control of the Authority, the natural flow in a watercourse available to all users has dropped or is likely to drop so that more water is permitted to be diverted, stored, or used than is available in the watercourse, the Authority shall hold a public hearing into the matter and thereafter may amend any or all licences to divert, store, or use water from that watercourse in an equitable and fair manner as the Authority may deem appropriate.</p> <p><b>The ombudsman Act No 10 of 1996</b> monitors public service delivery,</p>
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<p>thereto may abstract water from a water resource for domestic use without obtaining a licence from the Authority under this Part.</p> <p><b>39.</b> (1) No person shall abstract and use water unless authorized to do so under this Part.</p> <p>(2) A licence under this Part shall be required for any of the following purposes__</p> <p>(a) the abstraction, impoundment and use of water from a water resource;</p> <p><b>40.</b> (1) A person wishing to abstract and use water shall apply to the Authority in the prescribed form for a licence and the application shall contain the following information__</p> <p>(a) the name of the applicant;</p> <p>(b) the water resource from which the proposed abstraction will</p>	<p><b>The national water policy 2005</b> mandates this function to the NWRA S 9.2.8 Issue water abstraction and discharge licences. However this function is complemented by stakeholder engagement in the sector S 9.3.7 Collect, process, analyse and disseminate relevant data and information to all stakeholders within the water sector;</p>	<p>(5) On payment of the prescribed fee, any member of the public__</p> <p>(a) shall have access to information contained in any national information system; and</p> <p>(b) shall be supplied with a copy of the Authority's annual report.</p>	<p>negligence i.e. failure in keeping records of those institutions governing the water supply sector.</p> <p><b>The water resource regulation 2018</b> S 169 states that the governing body of the authority may after stating both the justification and time limits, order in writing that any provision of such extent and subject to such special conditions as it may deem reasonable under the circumstances.</p> <p>The act also conditions that S 20.-{ 1) The Authority shall cause to be published quarterly at least in one national newspaper of wide circulation and in the Government Gazette, a list of all the licence applications.</p> <p>(2) The Authority shall cause to be displayed a notice of all applications</p>
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<p>be made;</p> <p>(c) the proposed location of the abstraction;</p> <p>(d) the type and location of the proposed beneficial use;</p> <p>(e) the names of owner or occupier of the land upon which the proposed beneficial use will be made;</p> <p>(f) the proposed rate and volume of the abstraction;</p> <p>(g) the proposed timing of the abstraction;</p> <p>(h) a description of any waterworks necessary to accomplish the proposed abstraction and put the abstracted water to beneficial use and a proposed schedule for the completion of such waterworks;</p> <p>(i) description of the proposed treatment, if any, that will be</p>			<p>received, within a particular region, at the District Commissioner's, chief's and the Authority's regional offices at the end of each month.</p> <p>(3) The Authority shall cause to be displayed at the Catchment Management Board's Office a notice of all applications received by the Authority, within each Catchment Management Board, at the end of each week.</p> <p>( 4) The public notification shall state the name of the applicant, the water resource for which the application has been made, the quantity and purpose for which the application has been made, the land registration number and any additional details that the Authority may consider relevant to the public with respect to the licence application.</p>
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<p>given to the abstracted water, including any chemicals proposed to be applied to the water; (5) The application for a licence to abstract and use water shall be accompanied by__</p> <p>(a) the prescribed charge; and</p> <p>(b) where applicable, an environmental impact analysis of the proposed abstraction of water upon the environment and existing water users and water resources.</p> <p>(6) The Authority may, after taking into consideration any objection that may be raised and after consultation with any person or public authority as it may see fit, grant a licence to the applicant.</p> <p>(7) A grant of a licence under this Part shall not imply representation or guarantee by the Authority, authorized person or public</p>			<p>170.-{1) The Authority shall cause to be displayed on the notice board, at its offices and at the offices of the District Commissioner of the relevant district, a list of notifications on licences, permits and cancellations, within their respective jurisdiction.</p> <p>(2) The list displayed pursuant to subregulation (1) shall include a summary of the information pertaining to the water activity.</p> <p>(3) Any person who wishes to obtain full details of a particular licence or permit shall apply to the Authority in writing and pay the required fee as specified in the Twenty Third Schedule.</p> <p><b>The water works act 1995 S 62.</b> in any proceedings under this Act, a</p>
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<p>authority that water is or will be available in the place and at the times indicated in the licence.</p> <p><b>41.</b> (1) The Authority shall take the following matters into consideration in determining whether or not to issue a licence</p> <p>(a) whether or not the proposed abstraction and use of water are consistent with</p> <p>(i) the objectives referred to in section 4 and the National Water Policy;</p> <p>(ii) the National Water Resources Master Plan; and</p> <p>(iii) any reservation of water made under section 37;</p> <p>(b) the impact of the proposed abstraction upon existing water users, water resources and the water reserved or allocated for environmental uses; (3) A licence</p>			<p>document certified by clerk to the Board as Proof of the a copy of a resolution or order passed or made by the Board or as a copy of the documents appointment or of any authority given to an officer of the Board shall be evidence that the solution, order, appointment or authority was duly passed, given or made by the Board.</p> <p>The water works act states that the board will be subjective to investigation 49. (1) If the Minister has reasonable cause to suspect that – (a) the Board has failed to observe or perform any of the duties or obligations conferred or imposed upon it by this or any other Act; (b) the Board has done or performed any act, matter or thing without due authority, he may in his discretion, appoint a person or persons to inquire into such</p>
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<p>shall, subject to this Act, remain in force for the period specified in it, and may be renewed from time to time on application by the licensee, which shall be filed no less than six months before the due expiration date of the licence.</p> <p><b>46.</b> (1) The Authority may, if in its opinion exceptional circumstances warrant such action, grant a temporary licence authorizing, unconditionally or subject to conditions, the use of water from a water resource and construction of the works required therefor, without subjecting the application to public consultation.</p> <p>(2) In considering whether or not to grant a licence in accordance with this section, the Authority shall have regard to the extent to</p>			<p>matter. (2) The Commissions of Inquiry Act shall apply to any inquiry under this Part, provided that for the purposes of an inquiry under this Part, those powers vested by the Commissions of Inquiry Act in the Minister responsible for the administration of that Act shall be deemed to be vested in the Minister responsible for the administration of this Act. (3) If, upon an inquiry under this Part, the Minister is satisfied that the Board has done or suffered any of the acts, matters or things referred to in subsection (1) (a) or (b), he may by order in writing, require the Board to remedy the same within such time as he may appoint. (4) If the Board fails to comply with an order of the Minister made under subsection (3), the Minister may, in addition to any other powers conferred on by this Act</p>
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<p>which the grant of such a licence would be likely to interfere with the domestic requirements of other users.</p> <p>(3) A licence granted in accordance with this section shall not be granted or renewed so as to be in force for a period exceeding, or for periods which in the aggregate exceed, one year. <b>47.</b> Where under section 40 (1) (h) a licence includes an authorization to construct necessary works, the licensee shall not commence operations under the licence unless and until the relevant works have been inspected and cleared by the Authority.</p> <p><b>48.</b> A licensee shall inform the Authority of any change in the location of use of the water allowed to be abstracted under a licence, including in particular upon the</p>			<p>– (a) suspend the exercise by the Board of any of the powers conferred upon it by this or any other Act for such period as he may think fit; (b) remove from office all or any of the members and, in his discretion, appoint new members; and during such period, or as the case may be, pending the appointment of new members, confer upon any person the exercise of any powers so suspended or of the members.</p>
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<p>subdivision of the land on which the water is used, or for the benefit of which the water is used.</p> <p><b>50.</b>__ (1) The Authority may cancel a licence where the licensee has__</p> <p>(a) failed to comply with any express or implied condition to which the licence is subject;</p> <p>(b) taken or used more water than he is entitled to take in any period;</p> <p>(c) taken or used water for a purpose other than that for which he is entitled;</p> <p>(d) failed to comply with any provision of this Act; or</p> <p>(e) not made full beneficial use of the licence within the two preceding years.</p> <p>(2) No licence shall be cancelled under this section unless notice</p>			
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<p>of the proposed cancellation has been served on the licensee and the licensee has been given a reasonable opportunity to show cause to the Authority as to why the licence should not be cancelled.</p> <p>(3) No compensation shall be payable to any licensee whose licence has been cancelled pursuant to this section.</p> <p><b>55.</b> (1) A licensee may lease his licence to another person for a period not exceeding six months, after giving thirty days' notice to the Authority.</p> <p>(2) A licensee may only lease his licence to another person for a period longer than the period referred to in subsection (1) if such lease is approved by the Authority.</p> <p>(3) An application for approval of the leasing of a licence under</p>			
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<p>subsection (2) shall be submitted to the Authority for consideration in accordance with subsection (4).</p> <p>68 (7) Unless otherwise exempted, a person constructing a borehole shall keep a record of the progress of the work, which shall include__</p> <p>(a) measurements of the strata passed through and the specimen of such strata;</p> <p>(b) measurements of the levels at which water was struck; and</p> <p>(c) measurements of the quantity of water obtained at each level, the quantity finally obtained and the rest level of the water.</p> <p><b>69.</b> A person constructing or drilling a borehole, if required to keep records under this Part, shall, within one month of the cessation of the construction, send to the Authority__</p>			
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<p>(a) a complete copy of the record, together with the specimens referred to in the record; and</p> <p>(b) particulars of any test made, before such cessation of the construction, of the yield of water, specifying__</p> <p>(i) the rate of flow throughout the test and the duration of the test; and</p> <p>(ii) where practicable, the water levels during the test and thereafter until the water has returned to its natural level;</p> <p>(c) a statement of whether, in his opinion (as determined by tasting) the water is suitable for drinking or is highly mineralized, as the case may be; and</p> <p>(d) if required by the Authority, such water samples as it may</p>			
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<p>consider necessary. 72.__(1)A          person constructing or drilling a borehole or the owner or occupier of the land on which construction takes place may give notice to the Authority requesting that__          (a) any copy of, or extract from, the record required to be kept under this Act; or (b) any specimen taken or any other particulars connected with the borehole, be treated confidentially.          (2) In response to such a notice, the Authority shall, if sufficient cause has been shown, thereupon not allow such copy, extract, specimen or other particulars, except in so far as it contains or affords information as to water resources or supplies, to be published or shown to any person other than a member of the</p>			
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<p>Authority without the consent of the person giving the notice:</p> <p><b>84.</b>__(1) No person shall engage in the trade of drilling or construction of boreholes unless the person is licensed as a borehole driller or a borehole constructor in accordance with the provisions of subsection (2).</p> <p><b>114.</b>__(1) The owner of a dam with a safety risk shall register that dam with the Authority.</p> <p>(2) An application for registration shall be made within one hundred and twenty days__ <b>117.</b>__(1) The Minister may make regulations regarding dam safety including__(f) requiring the registration of a specific dam with a safety risk, and setting out the procedure and the processing fee payable for registration; <b>133.</b>__(1) Upon</p>			
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<p>approval by the Authority of the constitution prepared under section 132, the association shall be registered in the Register maintained by the Authority in accordance with section 134.</p> <p>(2) With effect from the date of registration in the Register, all water users within the area of an association as defined in the constitution shall be required to become members of the association and shall be bound by the constitution. <b>134.</b>__(1) The Authority shall establish and maintain a Register in which it shall record the particulars of associations registered with the Authority.</p> <p>(2) The Authority may determine additional particulars of</p>			
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<p>associations registered with the Authority to be included in the Register.</p> <p>(3) Information contained in the Register shall be accessible by the public on payment of prescribed fee. <b>136</b> (3) Upon disestablishment of an association of water users, the Authority shall enter a corresponding record in the Register it keeps under section 134, and on the abstraction licence or on the effluent discharge permit of each member, issued in accordance with Parts V and VIII of this Act, respectively.</p> <p>S <b>157</b> (2) Without prejudice to the generality of subsection (1), such regulations may make provision for or with respect to__ (f) provide for the registration of existing users of water and structures;</p>			
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<p><b>The water resource regulation 2018</b></p> <p>S 16.-{ I) A person who wishes to construct, own, or control any works which-</p> <p>( a) uses a motorized water pump, whether temporarily or permanently, to pump water from a borehole or waterway;</p> <p>(b) is a weir, dam, tank or other work capable of diverting or impounding an inflow of more than 1 00 cubic meters in any period of twenty-four hours, shall apply to the Authority for a licence.</p> <p>(2) An application referred to in subregulation (1) shall-</p> <p>(a) be in the form specified in the Second Schedule except that (i) Form A1 shall be used for surface water licence; and</p>			
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<p>(ii) Form B 1 shall be used for ground water licence;</p> <p>(b) be accompanied by the fee specified in the Twenty Third Schedule;</p> <p>(c) in the case of an application relating to exploratory borehole, be accompanied by a borehole completion report specified in the Seventh Schedule; and</p> <p>(a) in the case of all other applications, be made before any works referred to in subregulation (1) are constructed.</p> <p>(3) The applicant shall describe the intended purpose for which the application is made.</p> <p>(4) The Authority may, depending on the description of the intended purpose, require a Technical Report in the format contained in the Seventeenth Schedule hereto.</p>			
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<p>(5) The Authority may-</p> <p>(a) require an applicant to prepare and submit plans or other information to support the application made under this regulation;</p> <p>(b) by itself or through a person duly authorized by the Authority enter any land and carry out any investigations that are necessary to enable the Authority to process the application;</p> <p>(c) after the provisions of this regulation are complied with, grant the licence on such conditions as are necessary. 17.--(1) The Authority may require an applicant for a licence, at the applicant's cost, to advertise the application for a licence in such manner as the Authority may in writing specify.</p> <p>21.--(1) Any person may object in</p>			
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<p>writing to the Authority stating grounds for the objection, to the grant of any licence application.</p> <p>(2) The objection shall be lodged with the Authority, and copied to the association, within thirty days of the public notification of the licence application.</p> <p>(4) The Authority shall notify the person objecting in writing, within twenty-one days of its decision with respect to the application.</p> <p>25.--( 1) The Authority may grant a water licence in the forms specified in the Third Schedule,</p> <p>(a) Form C1 shall be used for surface water licence; and</p> <p>(b) Form C2 shall be used for groundwater licence.</p> <p>(2) In addition to the conditions specified in section 43 of the Act, the Authority may attach any or all</p>			
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<p>of the following conditions to a licence-</p> <p>(a) the licence shall be granted subject to such conditions as are relevant to the specified particular types of uses determined by the Authority;</p> <p>(b) conditions relating to the standard of-</p> <ul style="list-style-type: none"> <li>(i) construction;</li> <li>(ii) dimension;</li> <li>(iii) any other feature of the works;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>(iv) any associated works;</li> </ul> <p>(c) conditions relating to the future maintenance and operation of the works and any associated works and the date on which operation of these works may commence;</p> <p>(d) the date of commencement of work on the works and the notice required to be given of that commencement;</p>			
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<p>26.-(1) Once the application for a water use licence has been approved to construct by the Authority, the Authority shall issue an authorization to construct works.</p> <p>(2) The authorization issued under subregulation (1) shall provide the commitment by the Authority to issue a valid water use licence if the conditions stated on the authorization are fulfilled. 27. A licence shall not be regarded as allowing the applicant to commence abstraction or the proposed use of the water until the conditions governing the licence are certified as having been met.</p> <p>28.-(1) Where a holder of a licence or an authorization fails to complete the works within the time limited by the licence or an</p>			
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<p>authorization, then a Progress Report shall be submitted to the Authority in lieu of a Completion Certificate and the holder may apply for an extension of time to the Authority, which may be granted on such terms as the Authority may specify.</p> <p>(2) Notwithstanding the generality of subregulation (1), the Authority may extend the period of a licence or authorization subject to subregulation</p> <p>(3), for a period not exceeding twelve months after the initial licence period.</p> <p>30.-(1) An applicant for licence shall be required to pay fees for the licence validity period, as contained in the Twenty Third Schedule before a valid licence is issued.</p>			
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<p>33.-( 1) The Authority may vary or cancel a licence as provided for in sections 50 or 52 of the Act.</p> <p>(2) A licensee shall respond within thirty days of receipt of a notification for cancellation or variation, showing cause to the Authority as to why the licence should not be varied or cancelled.</p> <p>(3) In order to give effect to the cancellation or variation of any licence, the Authority may take any appropriate measures for enforcement including the confiscation of equipment or plant, or removal of works and any costs incurred by the Authority in effecting these measures shall be a cost recoverable from the licensee.</p> <p>34. A holder of licence under the Act shall not be allowed to use the licence as a defence to any civil</p>			
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<p>action or to a criminal prosecution under any legal action under the Act or any other written law to which the licence does not authorize the holder. 41.-{1) A licensee may, at least ninety days before the expiry of the licence, apply to the Authority for the renewal of the licence.</p> <p>(2) An application under subregulation (1) shall-</p> <p>(a) be made in a form and manner determined in writing by the Authority;</p> <p>(b) contain such information as the Authority may specify;</p> <p>(c) be accompanied by the fee specified in the Twenty Third Schedule.</p> <p>(4) Where the Authority is satisfied with the application for renewal, it shall renew the licence on such</p>			
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<p>terms and conditions as the Authority shall determine.</p> <p>(5) The Authority shall inspect the works before processing the application for renewal.</p> <p>(6) The Authority may impose new or alter existing licence conditions as necessary in response to causes as stated in section 52 of the Act.</p> <p>(7) Where the licensee does not apply for the renewal of the licence, the Authority shall, on expiry of the licence, initiate cancellation in accordance with section 50 of the Act.</p> <p>167 .--( 1) The Authority shall maintain a database for purposes of water resource management.</p> <p>(2) The database shall contain data on climate, surface water, groundwater, water quality, catchment conditions, abstractions,</p>			
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<p>licences, permits, water use and any other data relevant to the management of the water resources.</p> <p><b>The national water policy S 3.4.7</b> Water regulation shall be based on reliable continuous data collection, management, and analysis to ensure accurate assessment of water resources and dissemination of information for effective planning of water resources development;</p> <p>3.4.15 All water facilities shall be registered using a numbering system developed and adopted by the Ministry responsible for Water Affairs. The information shall be digitized; 4.2.10 Designing and implementing an appropriate water</p>			
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<p>resources assessment methodology including establishment of a computerized networked database; 4.2.11 Instituting mechanism for water users to submit prescribed water resources data to the appropriate authorities in accordance with the existing legislation; 5.2.4 Establishing an effective and user-friendly water quality database compatible with GIS and establishment and maintenance of water quality and pollution control network systems;</p>			
<p>Water Resource Act 2013 Water Resource Regulation 2018 National Water Policy 2005</p>	<p>Water Works Act 1995 Water Resource Act 2013 National Water Policy 2005</p>	<p>Water Resource Act 2013</p>	<p>Water Resource Act 2013 The Ombudsman Act No 10 of 1996 Water Resource Regulation 2018 Water Works Act 1995</p>

**Social and environmental impact assessment and safeguarding.**

<i>Rules, processes and standards</i>	<i>Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
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<p>National Water Policy 2005 states that 3.4.18 All major water projects should undergo Environmental Impact Assessment (EIA).</p> <p><b>The Environment Management Act 2017</b> provides for: Environmental and Social Impact Assessment Monitoring and Auditing</p> <p>S31.--(l) The Minister responsible for Environmental Affairs may, on the recommendation of the Authority, specify, by notice published in the Gazette, the type and size of a project which shall not be implemented unless an Environmental and Social Impact Assessment is carried out.</p> <p>(2) A person shall not undertake any project for which an Environmental and Social Impact Assessment is required without the written approval of the Authority, and except in accordance with any conditions imposed in that approval.</p>	<p><b>The structural framework</b> indicates that EIA process is managed by the Director of Environmental Affairs (DEA), Environmental Affairs Department (EAD)</p> <p><b>Guidelines for Environmental Impact Assessment (EIA) in Malawi outline the following roles and responsibilities</b></p> <p><b>2.3.1 Environmental Affairs Department (EAD)</b></p> <p>2.3.1.1 Facilitating the EIA process</p> <p>2.3.1.2 Ensuring compliance with EIA provisions in the EMA</p> <p>2.3.1.3 Managing the production and updating of guidelines on EIA practice and procedures</p> <p>2.3.1.4 Assisting line agencies in the</p>	<p><b>The Environment Management Act</b> provides for Environmental monitoring.</p> <p>S32.--(1) The Authority shall, in consultation with such lead agency as it may consider appropriate, carry out or cause to be carried out periodic environmental audits of any project for purposes of enforcing the provisions of this Act.</p> <p>(2) The owner of the premises or operator of a project for which an Environmental and Social Impact Assessment has been made shall keep records and make annual reports to the Authority describing how far the project conforms in operation with the statements made, in the Environmental and Social Impact Assessment.</p> <p>(3) A developer shall take all reasonable measures for mitigating any undesirable effects on the environment arising from the implementation of a project which could not reasonably be foreseen in the process of conducting an Environmental and Social Impact Assessment and shall, within a reasonable time, report to 'the Authority' on the effects and measures taken.</p>	<p><b>Guidelines for Environmental Impact Assessment (EIA) in Malawi provides for:</b></p> <p>A.6 Fees S-29. The Minister may, by notice published in the Gazette, prescribe such fees as may be necessary for covering reasonable costs for scrutinising environmental impact assessment reports and for the subsequent monitoring of a project which has been approved for implementation under this Act.</p> <p>A.7 Offences Relating to Environmental Impact Assessment S-63. Any person who contravenes Section 24(3) or fails to prepare an environmental impact assessment report or knowingly gives false information in an environmental impact assessment report contrary to section 25 shall be guilty of an offence and be liable, upon conviction, to a fine of not less than K5, 000 and not exceeding K200,000 and to imprisonment for two years.</p> <p>A.8 Closure of premises S.76. (1) Where the Director believes, on reasonable grounds, that this Act or any regulations made hereunder have been contravened, the Director may, subject to subsection (2), order the closure of</p>
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<p>(3) Any other licensing authority shall not grant a permit or licence for the execution of a project referred to in subsection (1) unless an approval for the project is granted by the Authority, or the grant of the permit or licence is made conditional upon the approval of the Authority being granted.</p> <p>(4) The Minister may, on the advice of the Authority, make regulations for the effective administration of Strategic Environmental Assessment, Environmental and Social Impact Assessment and Environmental Audit.</p> <p><b>The National Environmental Policy 2004</b> sets an objective to</p> <ol style="list-style-type: none"> <li>1. Develop, regularly review and administer guidelines for Environmental Impact Assessment (EIA), audits, monitoring, and evaluation so that adverse</li> </ol>	<p>preparation of sector-specific guidelines on EIA practice and procedures</p> <p>2.3.1.5 Updating the list of prescribed projects</p> <p>2.3.1.6 Secretariat to the TCE</p> <p>2.3.1.7 Maintaining a register of projects being appraised under the EIA process</p> <p>2.3.1.8 Maintaining a central library of EIA reports</p> <p>2.3.1.9 Maintaining a directory of local, regional and international consultants capable of carrying out EIA studies. Criteria used in selecting the consultants will be outlined at the beginning of the directory.</p> <p><b>2.3.2 Technical Committee on the Environment (TCE)</b></p>	<p>(4) An inspector may enter any land or premises for the purpose of determining how far the activities carried out on that land or premises conform to the statements made in the Environmental and Social Impact Assessment.</p> <p>33.-( 1) The Authority shall, in consultation with any lead agency, monitor-</p> <p>(a) all environmental phenomena with a view to making an assessment of any possible changes in the environment and their possible impacts; and (b) the operation of any industry, project or activity with a view to determining its immediate and long-term effects on the environment.</p> <p>(2) The Authority shall require a developer whose project requires an Environmental and Social Impact Assessment licence to prepare and submit to the Authority, environmental management plans in a form and manner prescribed by the Authority.</p> <p>(3) An inspector may enter upon any land or premises for the purpose of monitoring the effects on the environment of any activities carried out on that land or premises and to enforce compliance</p>	<p>any premises by means of, or in relation to which the Director reasonably believes the contravention was committed.</p> <p>(2) The closure of any premises shall cease after the provisions of this Act or any regulations made hereunder have been instituted in respect of the contravention, in which event the premises shall remain closed until the proceedings are finally concluded.</p>
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<p>environmental impacts can be eliminated or mitigated and environmental benefits enhanced.</p> <p><b>Guidelines for Environmental Impact Assessment (EIA) in Malawi outlines the EIA process.</b></p> <p>Screening; A process of determining what projects should be subject to EIA requirements</p> <p>Scoping; Establishes the principal issues to be addressed in an EIA. This is performed by a project preparation team comprising of the developer and a multi-disciplinary team of experts. The team should ensure that there is public participation in the EIA process.</p> <p>EIA study Five major stages and the report 1 Identification-What will happen as a result of the project?</p>	<p>2.3.2.1 Evaluating Project Briefs, EIA terms-of-reference and EIA reports</p> <p>2.3.2.2 Developing project approval terms and conditions</p> <p>2.3.2.3 Reviewing and monitoring project auditing programmes</p> <p>2.3.2.4 Recommending courses of action to the Director. Reporting to NCE</p> <p><b>2.3.5 National Economic Council (NEC)</b></p> <p>2.3.5.1 Determining if public-sector projects are prescribed under the EMA and referring PSDs to the Director of Environmental Affairs</p> <p>2.3.5.2 Assisting the EAD and TCE in updating the list of prescribed projects (e.g.</p>	<p>with the environmental mitigation and management plans prescribed under subsection {2).</p> <p><b>Guidelines for Environmental Impact Assessment (EIA) in Malawi indicates that:</b></p> <p>Managing Compliance with EIA Results Compliance with the terms and conditions of project approvals under the EMA is managed through project audits developed by the TCE and approved by the Director.</p>	
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<p>2 Prediction-What will be the extent of the change brought about by the project?</p> <p>3 Evaluation and Interpretation - Do the changes matter?</p> <p>4 Mitigation-What can be done about the changes?</p> <p>5 Monitoring and Management-What are the monitoring and management plans?</p> <p>6 Report How can decision-makers be informed of -what needs to be done, given the various alternatives?</p>	<p>adding or deleting project types, establishing size thresholds for project referral to the Director)</p> <p>2.3.5.3 Participating on the TCE</p> <p>2.3.5.4 Working with the EAD and TCE to develop and streamline their working relationship on EIA activities</p> <p><b>2.3.6 Sectoral/Line Ministries</b></p> <p>2.3.6.1 Ensuring that their own projects prescribed under the EMA adhere to the EIA requirements</p> <p>2.3.6.2 Ensuring that private-sector projects over which they have jurisdiction adhere to the EIA requirements</p>		
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	<p>2.3.6.3 Participating on the TCE</p> <p>2.3.6.4 Providing information and advice to project developers</p> <p>2.3.6.5 Advising project developers on regulations and monitoring requirements related to licensing their projects</p> <p>2.3.6.6 Incorporating DEA approval terms and conditions in project licences</p> <p>2.3.6.7 Ensuring that project licensing terms and conditions are met, including those specified by the Director of Environmental Affairs</p> <p><b>2.3.7 Malawi Investment Promotion Agency (MIPA)/Chamber of Commerce/Local Authorities</b></p>		
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	<p>2.3.7.1 Review project briefs from the private sector</p> <p>2.3.7.2 Make recommendations to the DEA</p> <p>2.3.7.3 Monitoring compliance by investors</p> <p><b>2.3.8 Local Training Institutions</b></p> <p>2.3.8.1 Developing and executing short term training programmes on EIA</p> <p>2.3.8.2 Institutionalise environmental education</p> <p><b>2.3.9 Non-Governmental Organisations</b></p> <p>2.3.9.1 Monitoring compliance with EIAs</p> <p>2.3.9.2 Identifying projects with potential adverse environmental effects</p>		
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	<p>2.3.9.3 Participating on the TCE</p> <p><b>2.3.10 Project Developers</b></p> <p>2.3.10.1 Preparing Project Briefs and EIA terms-of-reference and statements and where they are not able to do so, they should seek the services of the DEA.</p> <p>2.3.10.2 Implementing terms and conditions attached to DEA project approvals</p> <p>2.3.10.3 Reporting on compliance with terms and conditions of DEA approval to the DEA/TCE and licensing authorities</p> <p><b>2.3.11 Public</b></p> <p>2.3.11.1 Contributing information and advice to EIA studies</p> <p>2.3.11.2 Commenting on the content of EIA reports</p>		
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	<p>2.3.11.3 Advising project developers and the DEA/TCE on practical approaches for avoiding, minimising or compensating for adverse environmental impacts</p> <p>Ensuring coordination among different institutions in the EIA process. Coordination is ensured through the secretarial services provided by the Director to the NCE which reports through the chair to the Minister. The TCE will provide technical assistance to the NCE.</p> <p>The National Water Policy 2005 states that MoIWD and Department of Disaster Preparedness (DDPR) are responsible for improving assessment</p>		
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	of impact of water-related disasters and undertake effective response to prevent mortality and reduce morbidity and suffering among affected communities		
The National Water Policy 2005 Environmental Management Act 2017 National Environmental Policy 2004 Guidelines for Environmental Impact Assessment (EIA) in Malawi document	National Environmental Policy 2004 Guidelines for Environmental Impact Assessment (EIA) in Malawi document The National Water Policy 2005	Environmental Management Act 2004 Guidelines for Environmental Impact Assessment (EIA) in Malawi document	Guidelines for Environmental Impact Assessment (EIA) in Malawi document

## Compliance

### Enforcement of regulations regarding safe management of water

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
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<p><b>The water resource act 2013</b></p> <p>S 4. The objectives of the Act are__</p> <p>(a) to promote the rational management and use of the water resources of Malawi through__ (i) the progressive introduction and application of appropriate standards and techniques for the investigation, use, control, protection, management and administration of water resources; (ii) the regulation of all public and private activities which may influence the quality, quantity, distribution, use or management of water resources; (iii) the coordination, allocation and delegation of responsibilities among Ministers and public authorities for the investigation, use, control, protection, management or administration</p>	<p><b>The water resource act 2013</b></p> <p>mandates this function to the NWRA.</p> <p>S 10.__(1) The Authority shall have the following powers and functions__</p> <p>(e) to regulate and protect water resources quality from adverse impacts; (f) to liaise with the relevant stakeholders for the better regulation and management of water resources; (m) at the request of the Minister, advise any other Minister who may request advice on__</p> <p>(i) issues of policy relevant to the investigation, use, control, protection, management or administration of water; or (ii) any other issue that may be referred to it;</p>	<p><b>The water resources act 2013</b></p> <p>S 8 states that the authority shall be governed by a governing board which shall consist members appointed by the minister to oversee the functionality of the authority.</p> <p><b>The national water policy</b> CH 8.0 states that Monitoring and evaluation of the Water Policy implementation plan which incorporates enforcement of regulation on safe management of water</p>	<p><b>The water resource act 2013</b></p> <p>mandates the establishment of a water tribunal to adjudicate upon directives and appeals lodged against decision made in the management of water resources Ch 12.</p> <p>The act also allows for appeals relating to any aggrieved person. S 142.__(1) Except as otherwise provided under this Act, any person aggrieved by a decision of the Authority, authorized person or public authority made under this Part of the Act may, within one month, appeal to the Minister in a prescribed manner.</p> <p>(2) A person who fails, without reasonable cause or neglected to exercise his right of objection under this Act, shall not have a right to appeal under subsection (1).</p>
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<p>of water resources;</p> <p><b>117.</b>__ (1) The Minister may make regulations regarding dam safety including__</p> <p>(a) the establishment of a register of approved professional persons for dealing with dams with a safety risk;</p> <p>(b) the provision of technical audit of the work of approved professional persons;</p> <p>(c) classifying dams into categories;</p> <p>(d) standard specifications regarding the construction, maintenance and repair of dams;</p> <p>(e) requiring the owner of a dam with a safety risk to accomplish regular monitoring of the dam, to the extent and in the manner prescribed; (f) requiring the registration of a specific dam with a safety risk, and setting out the</p>	<p>(n) whether on request or otherwise, to review the law relating to water and advise the Minister on any amendments that may be required for the improvement or better administration of that law;</p> <p>S <b>15.</b>__ (1) The Minister may, in writing, delegate to the Authority any of his powers or functions under this Act other than__</p> <p>(a) the powers conferred by this section;</p> <p>(b) the power to make regulations; and</p> <p>(c) the power to determine appeals.</p>		<p>(3) Where a person is still aggrieved with the decision of the Minister, he may appeal to the Water Tribunal.</p> <p>S 144 (14) Any person who refuses or fails to submit himself to the jurisdiction of a catchment management committee by refusing, failing or neglecting to comply with directions, rules, regulations, by-laws or guidelines of the catchment management committee commits an offence and shall be liable to an administrative penalty.</p> <p>S <b>147.</b>__ (1) Any person convicted of an offence under this Act, or under any regulations or rules made under this Act for which no other penalty is provided shall be liable to a fine of one million Kwacha (K1,000,000) and to four (4) years imprisonment and where the person continues the</p>
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<p>procedure and the processing fee payable for registration;</p> <p>(g) requiring an approved professional person appointed for a specific purpose for a specific dam to submit information, drawings, reports and manuals; and</p> <p>(h) specifying time periods that shall be complied with.</p> <p>(2) In making regulations under subsection (1), the Minister shall consider__ (a) the expertise required for the effective design, construction, alteration, repair, operation, maintenance and abandonment of a dam in the category concerned; and</p> <p>(b) the qualifications and experience needed to provide the expertise for a particular category of tasks.</p>			<p>contravention, shall be liable to a fine of five thousand Kwacha (K5,000) for every day during which the offence continues.</p> <p><b>148.</b>__(1) If the Authority is satisfied on reasonable grounds that a person has contravened this Act, the Authority may impose administrative penalties on the person by doing one or more of the following__</p> <p>(a) giving the person a written warning;</p> <p>(b) directing the person to do a specified act, or refrain from doing a specified act, for one or more of the following purposes__</p> <p>(i) to remedy the effects of the contravention;</p> <p>(ii) to compensate persons who have suffered loss because of the contravention;</p>
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<p>(3) Before making regulations under subsection (1), the Minister shall consult the relevant professional categories and any other appropriate statutory bodies. S 118 (e) in consultation with the Ministry responsible for Local Government, develop regulations providing for the control and management of storm water within municipal areas. <b>153.</b> The Minister may, on the advice of the Authority, from time to time, prescribe guidelines to be followed by any authorized person.</p> <p><b>the water resource regulation 2018</b></p> <p>S 36.-( 1) The Authority may classify water use activities into different categories for the better management of resources and basic principles for classification.</p>			<p>(iii) to ensure that the person does not commit further contravention;</p> <p>(c) requiring the person to pay monetary penalty of two million Kwacha (K2,000,000); or</p> <p>(d) requiring the person to pay monetary penalty of ten thousand Kwacha (K10,000) for each day during which the contravention continues.</p> <p><b>150.</b> Where an offence against a provision of this Act or regulations made hereunder is committed by a body corporate, each director of the body corporate also shall be guilty of the offence and on conviction shall be liable to the same penalty unless it is established that he took reasonable precaution and exercise due diligence to avoid the commission of the offence.</p>
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<p>(2) Details regarding the criteria applicable to each category of water use shall be determined by the Authority in consultation with the Catchment Management Committees and other relevant stakeholders.</p> <p>(3) The details under subparagraph (2) may in order to reflect catchment differences, vary from one water body or catchment area to another in order to reflect catchment differences.</p> <p>(4) The Authority may from time to time revise the criteria to reflect changing circumstances. 88.--(1) The Authority shall, in considering an application made under regulations 82 and 84, have regard to the following-</p> <p>(a) the existing authorized and projected quality of water in, up</p>			<p><b>The water resource regulation 2018</b> states S 175. Any person who contravenes any provision of these Regulations or an order made under these Regulations commits an offence, shall be liable offences to the penalties prescribed in the Twenty Third Schedule and or in the Act.</p> <p>176. A person whose application is rejected by the Authority may Appeal appeal against the decision of the Authority in accordance with section 142 of the Act and in the form specified in the Twenty Fifth Schedule.</p>
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Water sector accountability review: Malawi

<p>and downstream of the discharge point;</p> <p>(b) any adverse effect which the discharge of <i>effluent</i> is likely to have on-</p> <p>(i) the existing authorized uses of water;</p> <p>(ii) possible future beneficial uses of water;</p> <p>(iii) any aquifer or waterway, including effects on land which forms the waterway or its surroundings;</p> <p>(iv) the environment, including the riverine and riparian environment; and</p> <p>(v) in-stream uses of water;</p> <p>(c) the minimum water quality standards and effluent discharge standards established under the Environment Management Act; Cap. 60:02</p>			
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<p>(d) any guidelines or conditions relating to effluent discharge permits issued by the Authority under regulation 88 or the Act;</p> <p>(e) Government policy on environment management and conservation;</p> <p>(/) any submissions made under regulation 86( l ) (g) the comments of any public authority to which an application is referred under section 95 of the Act and any special conditions that are proposed by that public authority; and</p> <p>(h) any other matter which the Authority considers relevant to the application. 134. Pursuant to section 32 of the Act, the Authority shall formulate Catchment Management Strategies for each catchment area which shall substantially follow the format laid</p>			
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Water sector accountability review: Malawi

<p>out in the Seventeenth Schedule (A compliance strategy that will detail the timeframe, approaches and requirements to bring water users into compliance with water management regulations).</p> <p>135. In establishing the Catchment Management Strategy, the Authority shall be guided by the Act and the National Water Policy and the National Water Master Plan in force at a relevant time. 13 7 .--( 1) The Authority shall, after consultations in accordance with the Act, develop management rules or plans that shall apply to each protected area or groundwater conservation area. 173. The right of a licensee and permit holder shall, notwithstanding anything in his licence or permit, be subject to and conditional upon his compliance</p>			
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<p>with the provisions of the Act and any other statutory requirements.</p> <p><b>The Malawi bureau of standards</b> states S 4.1.6 In general, drinking water must satisfy the following requirements: (a) safety from water borne or associated diseases; (b) wholesomeness, which means reasonable quantities of required chemical (salts) should be present in water (distilled water is not ideal for drinking). (c) water should be clear, palatable and fresh and free from excessive concentration of chemicals; and (d) water must be free from toxic chemicals that are injurious to life.</p> <p><b>The national water policy 2005</b> 3.3.3 Ensure that all persons have</p>			
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<p>convenient access to sufficient quantities of water of acceptable quality and the associated water-related public health and sanitation services at any time and within convenient distance; 3.3.8 Promote and advocate water and sanitation services' pricing and charging systems that recognize water as both a social and economic good in order to institute cost recovery principles; 3.3.10 Facilitate development and regular review of policies and regulations that promote water resources development, conservation, management, protection and utilization; and 3.3.11 Promote user-friendly technologies to enable easy access to water and sanitation services by all manner of people. 3.4.1 All</p>			
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<p>people shall have access to potable water and sanitation services to reduce the incidence of water related diseases; 3.4.7 Water regulation shall be based on reliable continuous data collection, management, and analysis to ensure accurate assessment of water resources and dissemination of information for effective planning of water resources development; 5.2.2 Ensuring and promoting proper management and disposal of wastes;</p> <p>5.2.3 Developing and promoting coherent national sanitation policy, standards and regulations; 6.3.2.3 Harmonizing and mutually enforcing natural resources legislations to protect water</p>			
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resources from degradation and pollution.			
Water Resource Act 2013 Water Resource Regulation 2018 Malawi Bureau of Standards National Water Policy 2005	Water Resource Act 2013	Water Resource Act 2013 National Water Policy 2005	Water Resource Act 2013 Water Resource Regulation 2018

## Customer Engagement

### Transparent and inclusive customer engagement

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>the water works act 1995</p> <p>S 12 (2) The Board shall, at least one month before carrying any pipe or other equipment through, over or under any public or private land without the consent of the owner and occupier of such land or any customary land without the</p>	<p>The national water policy 2005 gives this function to the water utilities in collaboration with the ministry and the NWRA</p> <p>S 9.3.1 Operate and manage waterworks for the delivery, distribution and management of potable water supply; 9.3.7</p>	<p>The national water policy 2005 mandates the Ministry responsible for Water Affairs as the lead institution to undertake the monitoring and evaluation’s activities of the implementation plan of this policy which includes</p>	<p>The water resource act 2013 S 132 (schedule model constitution) 1. The Constitution of the Association of Water Users:</p> <p>There is hereby formed the Association of Water Users (hereinafter referred to as the “Association”).</p>



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<p>consent of the occupier of such land give notice of the intended work either by notice published in the Gazette, or in such other manner as the Minister or any person deputed by him may in any case direct. (3) Such notice shall describe the nature of the intended work and shall name a place where the plan of the intended work is open for inspection at all reasonable hours, and a copy or such notice shall either be – (a) served on every person resident in Malawi whose place or residence is known and who is known or believed to be the owner or occupier of any land through, over or under which it is intended that any pipe or other equipment shall be carried; or (b) displayed in a conspicuous position on such land.</p>	<p>Collect, process, analyse and disseminate relevant data and information to all stakeholders within the water sector; and 9.3.8 Promote private sector participation in the delivery of water supply and sanitation services. 9.1.2 Monitor (in terms of quality and quantity), assess, plan, develop, conserve, allocate and protect water resources for utilisation in the social and economic sectors of production and services; 9.1.10 Undertake training and capacity building within the water and sanitation sector. 9.2.1 Co-ordinate and harmonize the activities of Catchment Management Authorities and all other stakeholders;</p>	<p>8.2.3 Conducting participatory consultative meetings with the relevant stakeholders in order to assess the impact of the programme.</p>	<p>The Association, including its management committee, shall have the status of a legal person and in that capacity it shall be capable of suing and being sued. 2 (c) arbitrate in the resolution of conflicts among holders of water abstraction licences and/or effluent discharge permits within its area of operation;</p> <p><b>The water works act 1995</b> allows for compensation to any aggrieved person under this function S 13.-(1). The Board shall make good all public and private roads, streets, and paths disturbed by its waterworks operations to the reasonable satisfaction of the highway authority or owner thereof. The Board shall also pay compensation for all loss or damage caused in the execution of any power by this Act conferred:</p>
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<p>35 (4) A schedule showing the tariff of rates and charges payable to the Board shall be available for inspection at the offices of the Board and shall be advertised in such other manner as the Minister may, on the advice of the Board, prescribe. 36. All rates and charges levied and made under this part shall, as from the date they fall due, be deemed to be a charge upon the premises to which they relate and shall be recoverable from the occupier, and if he fails to pay, from the owner of the premises or any subsequent owner or occupier or the agent of any such owner or occupier.</p> <p><b>The national water policy 2005</b></p>	<p>9.2.2 Advise on prescribing and determining the establishment of water users associations, especially for rural water supply schemes and any other schemes (for domestic, irrigation or fisheries) owned and operated, maintained and managed by rural communities or required by entrepreneurs;</p>		<p>Provided the owner or occupier of any land through, over or under which any pipe is placed, shall not be entitled to any rent or way-leave fee in respect of such pipe. (2) In case any dispute shall arise as to whether any road, street or paths has been adequately made good or as to the amount of compensation to be paid under subsection (1), such dispute may be referred to a Resident Magistrate having jurisdiction in the District in which the cause of dispute arose. Such Resident Magistrate shall have jurisdiction in respect of all such disputes irrespective of the amount thereof and may make such award as he deems reasonable to the person entitled thereto. (3) Either party to the dispute may appeal from such decision to the High Court. 49 (1) If the Minister has reasonable cause to</p>
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<p>S 3.3.5 Promote public and private sector participation in water resources management, development, supply, and conservation;</p> <p>5.2.5 Promoting public awareness on guidelines and standards on water quality, public health and hygiene and pollution control mechanisms;</p> <p>5.2.10 Promoting private sector participation in water quality and pollution control services;</p> <p>6.1.1.4 To encourage public-private partnerships in urban, peri-urban and market centers for water supply and sanitation; 6.1.2.4 Incorporating local governments and communities in planning, development and management of water supplies and sanitation services;</p>			<p>suspect that – (a) the Board has failed to observe or perform any of the duties or obligations conferred or imposed upon it by this or any other Act; (b) the Board has done or performed any act, matter or thing without due authority, he may in his discretion, appoint a person or persons to inquire into such matter. (2) The Commissions of Inquiry Act shall apply to any inquiry under this Part, provided that for the purposes of an inquiry under this Part, those powers vested by the Commissions of Inquiry Act in the Minister responsible for the administration of that Act shall be deemed to be vested in the Minister responsible for the administration of this Act. (3) If, upon an inquiry under this Part, the Minister is satisfied that the Board has done or suffered any of the acts, matters or</p>
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<p>6.1.2.6 Creating an enabling environment for public-private partnerships in water supply and sanitation activities; 6.2.1.4 To promote community based management in rural water supply and sanitation programmes in consultation with Local Governments;</p> <p>6.2.1.5 To promote integrated approaches to rural water supply and sanitation services;</p> <p>6.2.1.6 To promote active participation of youth, women, persons with disabilities and vulnerable persons in planning and implementation of rural water supply and sanitation activities;</p> <p><b>The water resource regulation 2018</b> S 5.-(1) Unless otherwise provided</p>			<p>things referred to in subsection (1) (a) or (b), he may by order in writing, require the Board to remedy the same within such time as he may appoint. (4) If the Board fails to comply with an order of the Minister made under subsection (3), the Minister may, in addition to any other powers conferred on by this Act – (a) suspend the exercise by the Board of any of the powers conferred upon it by this or any other Act for such period as he may think fit; (b) remove from office all or any of the members and, in his discretion, appoint new members;</p> <p><b>Ombudsman Act No 10 of 1996</b> monitors public service delivery and it can independently decide to conduct an investigation about a public institutions systems alleged failure to deliver its service or services.</p>
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<p>by the Authority, a public consultation shall consist of the activities as stipulated in section 156 of the Act.</p> <p>(2) In giving effect to the requirements of public consultation, the Authority may take proactive steps to engage members of the public who may otherwise not be informed or aware of the issues being brought before them.</p> <p>(3) The Authority may, in addition to the activities stipulated in section 156 of the Act, require an authorized person to hold a public meeting relating to the application or proposed action. 18. The Authority shall, after receipt of any application referred to in Regulation 16, refer the application to any public authority envisaged</p>			
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<p>under section 44 of the Act for consideration and comments. 20.-{</p> <p>1) The Authority shall cause to be published quarterly at least in one national newspaper of wide circulation and in the Government <i>Gazette</i>, a list of all the licence applications.</p> <p>(2) The Authority shall cause to be displayed a notice of all applications received, within a particular region, at the District Commissioner's, chief's and the Authority's regional offices at the end of each month.</p> <p>(3) The Authority shall cause to be displayed at the Catchment Management Board's Office a notice of all applications received by the Authority, within each Catchment Management Board, at the end of each week.</p>			
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<p>( 4) The public notification shall state the name of the applicant, the water resource for which the application has been made, the quantity and purpose for which the application has been made, the land registration number and any additional details that the Authority may consider relevant to the public with respect to the licence application. 22.-(1) Where any objection has been lodged against a particular licence application, the Authority may undertake a site meeting with relevant stakeholders and association, if one exists in the area, at the particular place for which the application has been made before determining the licence application. (3) The site meeting referred to in subregulation ( 1) shall be open to</p>			
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Water sector accountability review: Malawi

<p>the public. 43.-(1) The Authority may, with reasonable cause, declare after public consultation, a natural watercourse not to be a watercourse or a constructed watercourse channel to be a watercourse. 60 (2) Where an operator of a dam intends to make releases, he shall- (b) give notice to the general public downstream in not more than forty-eight hours before the releases. 74.-( 1) For the regulation of the groundwater development, the Authority shall determine in the allocation plan for a given aquifer or part thereof, the spacing of boreholes to be equipped with motorized pump. (2) The allocation plan shall be available and accessible to the public during normal working hours from any office of the Authority. 80.</p>			
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Water sector accountability review: Malawi

<p>The Minister may, after consultation with relevant public authorities as per the Act, prescribe the standards for treated effluent before discharge into water bodies or on land. <b>98</b> (3) The Authority shall, upon receiving information on spillage, take measures to notify the public of the spillage and cause action to be taken to deal with the spillage within the period of twenty-four hours. <b>138</b>. The Authority shall undertake Public Consultation with respect to the establishment of areas to be Protected or designated as Groundwater Conservation Areas and the management rules or plans that shall apply with respect to these Areas. <b>142</b>-(1) The Authority shall make the reserve information on water resources accessible to the public. <b>170</b>-(1)</p>			
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<p>The Authority shall cause to be displayed on the notice board, at its offices and at the offices of the District Commissioner of the relevant district, a list of notifications on licences, permits and cancellations, within their respective jurisdiction.</p> <p>(2) The list displayed pursuant to subregulation (1) shall include a summary of the information pertaining to the water activity.</p> <p>(3) Any person who wishes to obtain full details of a particular licence or permit shall apply to the Authority in writing and pay the required fee as specified in the Twenty Third Schedule.</p>			
<p>Water Works Act 1995 National Water Policy 2005 Water Resource Regulation</p>	<p>National Water Policy 2005</p>	<p>National Water Policy 2005</p>	<p>Water Resource Act 2013 Water Works Act 1995 Ombudsman Act No 10 of 1996</p>

## Complaints, incident management and problem-solving

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p><b>The water resource act 2013</b></p> <p>S <b>81.</b> The Authority may on its own initiative, or upon information or complaint from any source, make an examination of any borehole suspected of containing salt water, and may by order issue instructions for curing any defects in the borehole. <b>103.</b>__(1) If an incident occurs in which a harmful substance which may find its way into a water resource spills, then the person responsible for the incident or the owner of the substance involved in the incident or the one in control of the substance involved in the incident at the time of the incident or any other person with</p>	<p><b>The water resource regulation 2018</b></p> <p>gives this function to the NWRA S 166.-(1) The Authority may, in writing, authorize any person employed Water in the public service, or any servant, agent or contractor of such person, to resources perform any of the powers, duties or obligations vested in it by these inspector Regulations. (2) The following persons shall perform the duties and have the powers of water resources inspector-</p> <p>( a) any person appointed to a post that is equal to or more senior than that of a water</p>	<p><b>The water resource act 2013</b></p> <p>states that the NWRA S 10. (o) to advise the responsible Minister, as the case may require, on any dispute between agencies involved in water management that may be referred to it;</p>	<p><b>The water resource act 2013 S 142.</b>__(1) Except as otherwise provided under this Act, any person aggrieved by a decision of the Authority, authorized person or public authority made under this Part of the Act may, within one month, appeal to the Minister in a prescribed manner.</p> <p>(2) A person who fails, without reasonable cause or neglected to exercise his right of objection under this Act, shall not have a right to appeal under subsection (1).</p> <p>(3) Where a person is still aggrieved with the decision of the Minister, he may appeal to the Water Tribunal.</p> <p><b>143.</b> A person who neglects or fails to comply with any order or</p>

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<p>knowledge of the incident shall, as soon as reasonably practicable after obtaining knowledge of the incident, report to__ (a) the Minister;</p> <p>(b) the Authority;</p> <p>(c) the Malawi Police Service or to the relevant District Council; and</p> <p>(d) the relevant catchment management committee.</p> <p>(2) The person responsible for the incident, the owner of the substance involved in the incident and the person in control of the substance involved in the incident at the time of the incident shall__</p> <p>(a) take all reasonable measures to contain and minimize the effects of the incident;</p> <p>(b) perform clean-up procedures;</p>	<p>resources officer or water rights officer in the Authority; or (b) persons other than officers of the Authority, appointed by the Authority by notice published in the <i>Gazette</i>, as water resources inspector, which persons may receive such payment in respect of their services as the Authority may determine.</p> <p>(3) Every person appointed to perform duties and exercise powers of a water resources inspector shall carry a document of identification, and shall produce it when required in the performance of his duties.</p> <p><b>The water works act 1995</b></p> <p>S 58. Provides for the submission of any complaint or information in pursuance of this</p>		<p>requirement given or imposed on him by or under this Act commits an offence and on conviction shall be liable to a fine of one million Kwacha (K1,000,000) and to four (4) years imprisonment. (16) A water management institution which fails to make information at its disposal available to the public under this Act commits an offence and shall be liable to an administrative penalty. <b>146.</b> Without prejudice to the rights of any person to bring proceedings in respect of an offence, the Minister or the Authority may, subject to section 148, institute and maintain criminal proceedings in any court against any person accused of an offence under this Act or under any rules or regulations made under this Act.</p>
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<p>(c) remedy the effects of the incident;</p> <p>(d) take such measures within such specified time as the Authority may either verbally or in writing direct;</p> <p>and</p> <p>(e) compensate any affected community for any and all damage suffered to life and property.</p> <p>(3) Any verbal directive by the Authority shall be confirmed in writing within fourteen days, otherwise the directive shall be deemed to have been withdrawn.</p> <p>(4) If the person specified in subsection (2) fails to comply or to adequately comply with a directive of the Authority, or if the Authority be unable to give the directive timeously it may itself take the measures it considers necessary to__</p>	<p>Act shall be made or laid within and not three months from the time when the matter of such complaint or information arose afterwards.</p> <p>However, the act fails to state who the complaints shall be submitted to and how they will be handled</p>		<p>The <b>ombudsman Act No 10 of 1996</b> monitors public service delivery and it can independently decide to conduct an investigation about public institutions systems alleged failure to deliver its service or services.</p> <p>The <b>water resource regulation 2018 S 175</b>. Any person who contravenes any provision of these Regulations Penalties for or an order made under these Regulations commits an offence, shall be liable offences to the penalties prescribed in the Twenty Third Schedule and or in the Act. S <b>176</b>. A person whose application is rejected by the Authority may Appeal against the decision of the Authority in accordance with section 142 of the Act and in the form specified in the Twenty Fifth Schedule.</p>
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<p>(a) contain and minimize the effects of the incident; (b) perform clean-up procedures; or</p> <p>(c) remedy the effects of the incident.</p> <p>(5) The Authority may recover all reasonable costs incurred by it from the persons specified in subsection (2) jointly or severally as a result of taking measures under subsection (4).</p> <p><b>The water resource regulation 2018</b></p> <p>S 142.-(2) Any person may make written report or complaint to any office of the Authority within the relevant catchment area or to the Executive Director if-</p> <p>( a) he is unable to obtain sufficient water from the water resource for basic human needs as a result of the reserve being violated; and</p>			
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<p>(b) from his observations, he considers that the ecology is threatened as a result of the reserve being violated.</p> <p>(3) Each complaint or report registered with the Authority in regard to a violation of the reserve quantity or quality shall be given a Complaint Number by the Authority which shall be used for purposes of monitoring the response to the complaint or report.</p> <p>( 4) Where a complaint or report has been registered with the Authority in regard to a violation of the reserve quantity or quality, the Authority shall take measures within forty eight hours to respond to the complaint or report. (5) Measures that the Authority may take include but are not limited to</p>			
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<p>activities listed in the Sixteenth Schedule.</p> <p>(6) Within thirty days after each report of a reserve violation, the Authority shall prepare a report detailing the nature of the reserve violation and the measures taken to restore the reserve. 151.--( 1) A complaint in the format prescribed in the Twenty Fourth Schedule, may be made to the Authority against any person licensed as a qualified water resource professional under these Regulations if he-</p> <p>(a) has become incapable of carrying out the work of a qualified professional;</p> <p>(b) has become unfit, through any reason, to practice as a qualified professional; or</p>			
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<p>(c) has failed to comply with the conditions of his licence or any provisions of the Act, or of these Regulations.</p> <p>(2) The Authority shall hold an inquiry within thirty days of the complaint being lodged, and if after such inquiry the Authority is satisfied that the complaint has been justified it shall take disciplinary action which may include cancellation of the licence of the person and his name shall then be deleted from the register of qualified professionals.</p> <p>( 3) The person against whom a complaint has been made shall be entitled to appear and be heard at such inquiry, before his case has been determined. <b>160.</b>-(1) A complaint, in the format prescribed in the <b>Twenty Fourth</b></p>			
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<p>Schedule, may be lodged to the Authority against any person licensed as a qualified contractor under these Regulations if he has-</p> <ul style="list-style-type: none"><li>( a) become incapable of carrying out the work of a qualified contractor;</li><li>(b) become unfit, through any reason, to practice as a qualified contractor; or</li><li>(c) failed to comply with the conditions of his/her or her licence or any provisions of the Act, or of these Regulations.</li></ul> <p>(2) The Authority shall hold an inquiry within thirty days of the complaint being lodged, and if after such inquiry the Authority is satisfied that the complaint has been justified it shall take disciplinary action which may include cancellation of the licence</p>			
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<p>of the contractor and the name shall then be deleted from the register of qualified contractors.</p> <p>(3) The contractor against whom a complaint has been made shall be entitled to appear and be heard at such inquiry, before the case is determined.</p> <p><b>The water works act 1995</b></p> <p>S 58. Any complaint or information in pursuance of this Act shall be made or laid within and not three months from the time when the matter of such complaint or information arose afterwards.</p> <p>However, <b>the act is not clear in outlining how the complaints will be managed and heard.</b></p>			
<p>Water Resource Act 2013</p> <p>Water Resource Regulation 2018</p> <p>Water Works Act 1995</p>	<p>Water Resource Regulation 2018</p> <p>Water Works Act 1995</p>	<p>Water Resource Act 2013</p>	<p>Water Resource Act 2013</p> <p>Ombudsman Act No 10 of 1996</p> <p>Water Resource Regulation 2018</p>

## Service delivery

### Design, commissioning, operation and maintenance of water infrastructure

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>The national water policy 2005 provides guidance on water infrastructure to</p> <p>S 3.4.15 All water facilities shall be registered using a numbering system developed and adopted by the Ministry responsible for Water Affairs. The information shall be digitized;</p> <p>3.4.17 There shall be no agricultural and infrastructure construction activities below the 477- metre</p>	<p>There is confusion in authority on who has the oversight of the function with different documents according to the responsibility of the function to several institutions.</p> <p><b>The national water policy 2005</b> states that the ministry responsible for water is the overseer of this function</p>	<p><b>The water resource Act 2013</b> provides for in S 24. The need for the NWRA, at the end of each financial year, produce a progress report on its activities during that period and shall publish the report. Which is submitted to the Minister responsible for Water.</p>	<p><b>The water works act 1995</b></p> <p>S 50. Any person who wilfully and negligently causes damage to any waterworks, public fountains, public sewers, services, or meters, or who unlawfully draws off, diverts or take water from the same or from any streams or waters by which the waterworks are supplied, or pollutes any such water or allows any foul liquid, gas or other noxious or injurious matter to enter into the</p>

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<p>above mean sea level contour line along Lake Malawi and below the 100-year flood water level along rivers, except where written authority from the responsible minister is granted; and</p> <p>3.4.18 All major water projects should undergo Environmental Impact Assessment (EIA).</p> <p>6.1.2.5 Rehabilitating the existing infrastructure to ensure sustained services to existing consumers and to reduce production costs through reduction of unaccounted- for-water;</p> <p><b>The water works act 1995</b></p> <p>S 3 (6) The Board shall, except for rural water supply areas, have the control and administration of all waterworks and all the water in</p>	<p>9.1.4 Invest in sectoral planning, development and construction of water infrastructure, including multi-purpose dams;</p> <p><b>The water resource regulation 2018</b> gives this function to the NWRA</p> <p>S 108. The Authority may undertake an inspection or series of inspections of the site associated with a proposed, ongoing, existing or abandoned point of water works.</p> <p>109.-(1) Any person constructing temporary works shall apply for a permit from the Authority to divert, abstract, impound, obstruct, store or use water to such extent only-</p>		<p>waterworks, public sewers or any services connected therewith, shall be guilty of an offence and shall, for every offence, be liable to a fine of K2,000, and to a further penalty of K500 for each day during which the offence continues. 51. Any person who wilfully or negligently misuses or wastes or causes or allows to be misused or wasted any water passing into, through or upon or near any premises from any waterworks shall be guilty of an offence and be liable to a fine of K2,000. The liability to such fine shall not prejudice the remedy by suspension of supply or otherwise as proved by section 16. 52. Every change of occupancy of premises shall be notified to the Board. Such occupancy notification shall be made by the new occupier within seven days after going into</p>
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<p>such waterworks and the management of the supply and distribution of such water in accordance with this Act</p> <p><b>The water resource regulation 2018</b></p> <p>S 49.-(1) The Authority shall classify dams according to the criteria detailed in Table 1 of the Fifth Schedule. 50. A dam shall be designed and supervised by the appropriate Dam design category of Qualified Professional as set out in Table 2, of the Fifth Schedule. 51. A dam shall be constructed by the appropriate category of contractor as set out in Table 3 of the Fifth Schedule. 52.--(1) Every dam owner shall cause to be inspected his dam safety according to the criteria given in Table 4 in the Fifth Schedule and an inspection Report</p>	<p>(a) as may be necessary for such construction;</p> <p>(b) in such times and in such manner as to interfere as little as possible with the works of other operators; and</p> <p>(c) to cause as little damage as possible to the property of any person and the environment.</p> <p>(2) A person constructing works shall be liable for any interference or damage resulting from his works.</p> <p>(3) All temporary works shall be removed by the responsible permit holder within a period of three months, or such other period as the Authority may specify, from the date of completion of the works authorized or from the date of</p>		<p>occupation. Any person who fails to comply with this section shall be guilty of an offence and be liable to a fine of K200. 53. Any person who alters, or causes or permits to be altered, any service with intent to avoid the accurate measurement or register of water by means of any meter, or to obtain a greater supply of water than he is entitled to and to avoid payment therefore or who wilfully or negligently causes damage to any meter shall be guilty of an offence and be liable to a fine of K2,000 and any service so altered or meter so damaged shall be replaced or repaired by the Board at the expense of the person convicted, and the cost of replacing or repairing any such service or meter may be recovered upon the order of a magistrate in the same manner as</p>
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<p>prepared in accordance with the Seventeenth Schedule and submitted to the Authority.</p> <p>53.-(1) The net freeboard for Class A dam shall not be less than 0.6 m.</p> <p>(2) The net freeboard for Class B and C dams shall not be less than 1.0 m or as otherwise specified by the Authority on a case by case basis.</p> <p>54.-(1) The minimum acceptable return period for the design of a dam spillway is as shown in Table 5, in the Fifth Schedule hereto.</p> <p>(2) The Authority may require a higher return period with respect to the conditions and risks associated with each site.</p> <p>54.-(1) The minimum acceptable return period for the design of a dam spillway is as shown in Table 5, in the Fifth Schedule hereto. 57 .--(</p>	<p>expiry of the authorization (whichever is earlier):</p> <p>Provided that any quarries, borrow-pits, excavations, cuttings, tunnels or other temporary works which cannot be economically rehabilitated or removed shall instead be rendered safe in the interests of health and property by fencing or such other measure as the Authority may consider satisfactory.</p> <p>(4) Where any temporary works are not removed, rehabilitated or rendered safe within the prescribed period, the Authority shall issue an order for the removal, rehabilitation or rendering safe of the works.</p> <p>(5) Any person who fails to comply with the order under</p>		<p>any penalty herein provided may be recovered upon conviction. 54. Any person who puts or accumulates or allows to be put or to remain or to accumulate, on any premises occupied or owned by him or his servants, or who shall not remove or cause to be removed or take such steps as may be necessary to prevent, upon notice in writing from the Board, any foul, noisome or injurious matter or any earth, deposit or excavated material in such manner or place that it may be washed, fall or be carried into the waterworks or the gathering grounds thereof shall be guilty of an offence and be liable to a fine of K2,000 and for each day during which such matter, earth, deposits or excavated material remains unremoved after notice in writing from the Board,</p>
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<p>1) Any application for a licence to construct a Class A, B or C dam shall be accompanied by a Dam Design Report substantially as shown in the Seventeenth Schedule hereto, for approval by the Authority. (2) The level of detail in the Dam Design Report will be dependent on the class of dam under consideration. 58. A licence applicant, on commissioning the construction of a dam, shall submit a dam construction progress report at such time intervals determined by the Authority.</p> <p>59.--(1) On completion of construction, the licence applicant shall submit to the Authority a Dam Completion Report and a Dam Operation Report substantially as shown in the Seventeenth Schedule hereto, in</p>	<p>sub-regulation (4), commits an offence.</p> <p>10.-{I} Where the Authority has cancelled a licence or permit, the licensee or the permit holder shall not be relieved of liability for any damage resulting from the works constructed, operated or maintained under the cancelled licence or permit, or from any defect or insufficiency in the works.</p> <p>(2) The Authority may, within one hundred and eighty days of the cancellation or expiry of a licence or permit, serve upon the permit holder or former licensee or permit holder whose licence or permit has been cancelled or expired, an order for the disposal of all or any portion of the works</p>		<p>requiring the same to be removed, to a further penalty of K500 for each day during which the offence continues.</p> <p><b>The water resource act 2013</b> provides for S 122.__(1) There is hereby established a tribunal to be known as the Water Tribunal. (2) The Water Tribunal shall have jurisdiction throughout Malawi, with power to conduct hearings anywhere in Malawi. 127.__(1) An appeal shall lie to the Water Tribunal at the instance of any aggrieved person who has a right or proprietary interest which is directly affected by a decision or order of the Authority, the Minister or a catchment management committee concerning any matter regarding water</p>
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<p>conjunction with the Completion Certificate.</p> <p>(2) Issuance of the licence is conditional upon approval of the Dam Completion and Dam Operation Report containing the details in the Seventeenth Schedule hereto by the Authority. 60.--(1) It is the responsibility of the operator of any dam to take adequate measures, at their cost as detailed within the approved Dam Operation Report to notify the Authority and persons downstream likely to be affected in the event of any discharge from the dam whether caused by dam failure, or intended releases from the dam that might result in damage downstream.</p> <p>(2) Where an operator of a dam intends to make releases, he shall-</p>	<p>previously used under the authority of the authorization or permit.</p> <p>(3) Any person who fails to comply with the order served under subregulation (1), commits an offence.</p> <p><b>The water works act 1995</b> states that this function is given to the board(s) subject to the supervision of the minister S 11. The Board may make, construct and maintain all such works as are necessary which water and convenient for the purpose of creating, maintaining and extending waterworks works may for supplying water for domestic, public and business purposes, for the extinction be</p>		<p>resources management, a permit or licence</p> <p>under this Act, and the Water Tribunal shall hear and determine any such appeal.</p> <p>(2) In addition, the Water Tribunal shall have such jurisdiction to hear and determine disputes, and shall have such other powers and functions, as may be conferred or imposed on it by or under this or any other written law.</p> <p><b>The water resource regulation 2018</b> outlines that <b>Compliance</b> with dam inspection requirements shall be among the conditions to be considered before permit renewal is processed where dams are involved. In addition A person who fails to follow the steps detailed in the</p>
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<p>(a) take adequate measures, at his cost, as detailed within the approved Dam Operation Report, to protect persons, infrastructure and environment downstream likely to be affected in the event of any discharge from the dam caused by the releases; and</p> <p>(b) give notice to the general public downstream in not more than forty-eight hours before the releases.</p> <p>61.--(1) A licensee, operator or the person having the control of any dam, in the event of serious damage or failure, shall submit an interim Dam. Damage or Failure Report within three days, and a detailed Report substantially as prescribed in the Seventeenth Schedule to the Authority within twenty-one days of the event.</p>	<p>constructed of destructive fires, for cleansing streets, lanes, gutters and sewers, and for all other purposes to which water and waterworks are supplied or are applicable. S 64. The Minister shall have power, on the advice of the Board, to make rules prescribing any matter or thing which may or should be prescribed under this Act and generally to carry into effect the provisions thereof.</p>		<p>approved Dam Operation Report commits an offence.</p>
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<p>(2) A person who fails to submit the Dam Damage or Failure Report within the prescribed period commits an offence. 66.-( 1) A person who wishes to engage in the business of constructing boreholes shall apply to the Authority for a drilling permit in the format prescribed in the Sixth Schedule.</p> <p>(2) A person who wishes to engage a driller under subregulation (1) to construct a borehole on his land for the purpose of-</p> <ul style="list-style-type: none"> <li>(a) using water;</li> <li>(b) recharging an aquifer; or</li> <li>(c) monitoring and research</li> <li>(d) fitting a motorized pump to a borehole,</li> <li>(e) exploration, shall apply to the Authority for a construction permit in the Sixth Schedule hereto;</li> </ul>			
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<p>(3) Where any borehole is intended to be equipped with a motorized pump, the application shall be accompanied by a hydrogeological assessment report substantially conforming to the appropriate report prescribed in the Seventeenth Schedule.</p> <p>(4) Before any borehole is replaced, deepened or widened, an owner of the borehole, or his duly authorized representative, shall file with the Authority an application for authority to carry out such replacement, deepening or widening of an existing borehole, for any water use category.</p> <p>(5) Where any borehole encounters, in the course of drilling, a collapsed, loss of tools, or other associated drilling problems, (hereinafter referred to as</p>			
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<p>downhole problems) but exclude a dry borehole, the owner of such borehole well shall drill, without further reference to the Authority, a replacement borehole, whose site shall not be more than fifteen metres, from the previously approved site.</p> <p>(6) Before any borehole is drilled, after encountering downhole problems, is moved to a new site of more than fifteen (15) metres from the previously approved site, the owner of the borehole, or his/her duly authorized representative, shall file with the Authority an application for authority to move to the new site.</p> <p>(7) An application referred to under subregulation (1), (2) or (3) shall be accompanied by the appropriate</p>			
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<p>application fee specified in the Twenty Third Schedule.</p> <p>(8) Any person who contravenes the provisions of this .regulation commits an offence.</p> <p>67. The Authority may, declare any class of boreholes or class of works to be a class to which regulation 66 shall not apply and shall cause such declaration to be published in the <i>Gazette</i>.</p> <p>71.-{1) A holder of a construction permit shall, within ninety days of completion of any works, provide the Authority with a construction completion report in respect of those works, which shall-</p> <p>( a) be in a form specified in the Seventh Schedule hereto;</p> <p>(b) include plans and drawings of all works as constructed; and</p>			
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<p>(c) contain such other information as the Authority may, in writing, specify.</p> <p>(2) The Authority shall not issue a drilling permit unless a construction completion report is provided to the Authority as provided under subregulation (1 ). <b>140.</b> The reserve in all instances shall comprise one element related to the quantity of the water resource and the respective probability associated with that quantity and a second element related to the quality of the water resource.</p> <p><b>141.</b>-(1) Where information is available from the water resource records and on reserve water demand, the Authority shall establish the reserve and shall be</p>			
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<p>guided by the estimates of the quantity of water required to satisfy the reserve water demand.</p> <p>(2) Where water resource records are not available or where there are significant ambiguities, the Authority shall establish the reserve and shall be guided by-</p> <p>(a) ecological vulnerability;</p> <p>(b) vulnerability of population dependant on that water resource;</p> <p>(c) local observations with respect to the naturalized flows or water levels of minimum values observed during periods of prolonged droughts;</p> <p>(d) where water flow is known to be normally perennial, then the reserve quantity shall be sufficient to ensure perennial flow; and</p> <p>(e) consultations with associations of water users if such exists;</p>			
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<p><b>142.</b>-(1) The Authority shall make the reserve information on water resources accessible to the public.</p> <p>(2) Any person may make written report or complaint to any office of the Authority within the relevant catchment area or to the Executive Director if-</p> <p>(a) he is unable to obtain sufficient water from the water resource for basic human needs as a result of the reserve being violated; and</p> <p>(b) from his observations, he considers that the ecology is threatened as a result of the reserve being violated.</p> <p>(3) Each complaint or report registered with the Authority in regard to a violation of the reserve quantity or quality shall be given a Complaint Number by the Authority which shall be used for purposes of</p>			
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<p>monitoring the response to the complaint or report.</p> <p>( 4) Where a complaint or report has been registered with the Authority in regard to a violation of the reserve quantity or quality, the Authority shall take measures within forty eight hours to respond to the complaint or report.</p> <p>(5) Measures that the Authority may take include but are not limited to activities listed in the Sixteenth Schedule.</p> <p>(6) Within thirty days after each report of a reserve violation, the Authority shall prepare a report detailing the nature of the reserve violation and the measures taken to restore the reserve.</p> <p>(7) Where the Authority considers that the reserve quantity and or quality is threatened, it shall cause</p>			
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<p>to be placed in or near the water resource or in a public place frequented by the water users of a particular resource a legible signboard displaying the current condition of the resource and action required by the water users to safeguard the Reserve.</p> <p><b>The water resource act 2013 S 112.</b>__(1) An owner of a dam shall__</p> <p>(a) before submitting an application for a licence under Part V or within the period specified, provide the Authority with__</p> <p>(i) any information, drawings, specifications, design assumptions, calculations, documents, copies of the</p>			
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<p>Environmental Impact Assessment Report and test results requested by the Authority; and</p> <p>(ii) a copy of the Environmental Impact Assessment Report and certificate issued in accordance with the Environment Management Act; and</p> <p>(b) give any person authorized by the Authority access to the dam, to enable the authorized officer to determine whether__</p> <p>(i) the dam is a dam with a safety risk;</p> <p>(ii) the dam should be declared to be a dam with a safety risk;</p> <p>(iii) a directive should be issued for specific repairs or alterations to the dam; or</p> <p>(iv) the owner has complied with any provisions of this Act applicable to the dam.</p>			
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<p>(2) The Authority may by notice published in the <i>Gazette</i> declare a category of dams to be dams with a safety risk. 113 (2) An approved professional person appointed to carry out a task on a dam shall__</p> <ul style="list-style-type: none"><li>(a) ensure that the task is carried out according to acceptable dam engineering practices;</li><li>(b) keep the prescribed records;</li><li>(c) compile the prescribed reports; and</li><li>(d) where the task includes constructing, altering or repairing a dam, issue a completion certificate to the owner of the dam to the effect that the task on that dam has been carried out according to the applicable design, drawings and specifications. (3) An approved professional person appointed to</li></ul>			
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<p>carry out a dam safety evaluation shall__</p> <p>(a) consider whether the safety norms pertaining to the design, construction, monitoring, operation, performance and maintenance of the dam satisfy acceptable dam engineering practices; and</p> <p>(b) compile a report on the matters contemplated in (a) according to the prescribed requirements and submit the signed and dated report to the owner of the dam within the prescribed period. <b>116.</b>__(1) The Minister may, on the recommendation of the Authority, exempt a dam belonging to a certain category, by notice published in the <i>Gazette</i>, from compliance with any provision of this Part or any regulation made</p>			
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<p>under this Act, on conditions determined by the Minister on the recommendation of the Authority.</p> <p>(2) The Minister may withdraw the exemption or impose further or new conditions in respect of the exemption.</p> <p>(3) Before recommending an exemption, the Authority shall consider__</p> <p>(a) the degree of risk or potential risk posed by the dam or category of dams to public safety, property and the resource quality; (b) the manner of design, construction, alteration, repair, impoundment of water in, operation or abandonment of the dam or category of dams;</p> <p>(c) the supervision involved in the dam or category of dams;</p>			
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<p>(d) alternative measures proposed for regulating the design, construction, alteration, repair, operation, maintenance, impoundment of water in, inspection or abandonment of the dam or category of dams and the effectiveness of these measures;</p> <p>(e) the knowledge and expertise of the persons involved in any task relating to the dam or category of dams;</p> <p>(f) comments solicited from the surrounding communities;</p> <p>(g) the costs relating to the dam or category of dams;</p> <p>(h) any security provided or intended to be provided for any damage which could be caused by the dam or category of dams;</p> <p>(i) recommendations made in an environmental impact assessment</p>			
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<p>or an environmental audit report; and</p> <p>(j) whether the dam or category of dams are permitted in terms of a licence or any other authorization issued by or under any other Act. <b>68.</b>__(1) No person shall drill, construct, enlarge or otherwise alter a borehole, or engage in borehole drilling programme, for the purpose of exploring for groundwater, except in accordance with the provisions of a permit issued under subsection (4).</p> <p>(2) Any person who wishes to drill, construct, enlarge or alter a borehole, or engage in a borehole drilling programme for exploring for groundwater, shall apply to the Authority for a permit to drill a</p>			
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<p>borehole or to engage in borehole drilling programme in the prescribed manner.</p> <p>(3) An application for a permit to construct or drill a borehole shall be made in the manner and it shall be subject to such terms and conditions as the Authority thinks fit, including a term of duration which shall not exceed one year:</p> <p>Provided that, where the borehole is intended to be constructed or drilled inside the area of operation of a Water Board__ (a) a notice of intent under subsection (1) shall also be filed with such Board; and (b) such Board may advise the Authority as to why, in the Board's opinion, an application should not be granted, but the Authority shall not be bound by the advice of the Board.</p>			
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<p>(4) Upon receipt of the application for a permit under subsection (2), the Authority shall, among other things, consider__</p> <p>(a) the safe yield of the aquifer from which the abstraction of water is proposed to be made; and</p> <p>(b) the conformity of the proposed use with efficient water management practices.</p> <p>(5) After considering the application in accordance with subsection (3), the Authority may issue a permit to drill a borehole or to engage in a borehole drilling programme subject to the prescribed terms and conditions, and such other conditions as the Minister may prescribe.</p> <p>(6) The provisions of Part V shall apply, with the necessary changes,</p>			
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<p>to a permit to drill a borehole or to engage in borehole drilling programme issued under this section in relation to the renewal, transfer, succession, suspension, variation or cancellation of such permit.</p> <p>(7) Unless otherwise exempted, a person constructing a borehole shall keep a record of the progress of the work, which shall include__</p> <p>(a) measurements of the strata passed through and the specimen of such strata;</p> <p>(b) measurements of the levels at which water was struck; and</p> <p>(c) measurements of the quantity of water obtained at each level, the quantity finally obtained and the rest level of the water.</p> <p>(8) A person to whom subsection (7) applies shall allow any person</p>			
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<p>authorized by the Authority, at any reasonable time__</p> <p>(a) to have free access to the borehole;</p> <p>(b) to inspect the borehole and the material excavated from it;</p> <p>(c) to take specimens of such material and of water abstracted from the borehole; and</p> <p>(d) to inspect and take copies of or extracts from the record required to be kept under this section.</p> <p>(9) Where the person constructing a borehole on any land is not the occupier of the land, the obligation to allow any person authorized by the Authority to exercise his rights under this section shall be the obligation of the occupier of the land as well as of the person constructing or drilling a borehole. 70.__(1) Where any</p>			
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<p>borehole is being constructed within eight hundred metres of an existing borehole, the Authority may, by notice require the person constructing the borehole to apply tests, to be specified in the notice, to the existing borehole and to supply to the Authority the particulars of the results of such tests including the rate of pumping and rest levels of water.</p> <p>(2) Where the borehole to which the tests are to be applied is situated on the property of a person other than the person constructing the borehole and the person constructing the well or borehole is unable for any reason to apply the test, the Authority may, by notice, require the person upon whose property the existing borehole is</p>			
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<p>situate to apply the tests to be specified in the notice to him, and to supply to the Authority the particulars of the results of such tests. <b>76.</b> Every artesian borehole and every sub-artesian borehole shall be efficiently cased, capped or furnished with such appliances as will readily and effectively arrest and prevent the flow therefrom over the surface of the ground or wasting from the borehole through the strata through which it passes. <b>77.__(1)</b> Any borehole which encounters salt water, in this Part referred to as a “defective borehole”, shall be securely cased, plugged or sealed off by the owner of the borehole, so that the salt water is confined to the strata in which it was found, and such</p>			
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<p>casing, plugging or sealing shall be done in such a manner as effectively to prevent the salt water from escaping from the strata in which it was found into any other water-bearing strata or on to the surface of the ground. (2) This section shall apply to boreholes constructed or drilled before or after the commencement of this Act.</p> <p><b>78.</b> Any person who re-cases or removes the plugs or seals from a defective borehole, or deposits or causes or knowingly permits the deposit of, any dirt, rubbish or other material in any such borehole, except with the written permission of the Authority, commits an offence.</p> <p><b>79.</b> (1) Before any defective borehole is re-cased or the plugs</p>			
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<p>are removed, the owner of the borehole, or his duly authorized representative, shall file with the Authority an application for permission to carry out such re-casing or the removal of the plugs or seals.</p> <p>(2) The application shall contain such information as the Authority may require in relation to__</p> <p>(a) the name and address of the owner of the borehole;</p> <p>(b) its location, depth and size;</p> <p>(c) the amount and location of casing or sealing in the borehole;</p> <p>(d) the distance below the surface of the ground to the water level in the borehole;</p> <p>(e) the strata penetrated;</p> <p>(f) the distance from the surface of the ground to the top of the</p>			
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<p>salt water stratum and the thickness of the salt water stratum; and</p> <p>(g) any other matter specified by the Authority in respect of the borehole.</p> <p>(3) The application shall also state the methods proposed for re-casing, re-plugging or resealing of the borehole.</p> <p><b>80.</b> The Authority, after consideration of any application under section 79, may call for additional data, and may make such investigation as it considers necessary, and if the borehole is found to contain salt water, shall by order give instructions to the applicant, specifying__</p> <p>(a) the work that shall be done by the owner to place it in a satisfactory condition; and</p>			
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<p>(b) the time that shall be allowed to complete the work, and may inspect such work while it is in progress. <b>107.</b>__(1) The Authority may, after reasonable notice to any landholder concerned, construct and maintain upon any land such works as it may deem necessary or desirable for the purposes of any state scheme.</p> <p>(2) Compensation on just terms shall be payable by the Government to the owner of the land on which any such works are constructed, but in assessing the amount of compensation payable, the Minister shall take into consideration any benefit accruing to the land by the construction of the works and any adverse effect on the land caused by the works, as the case may be.</p>			
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<p>(3) The cost of construction and maintenance of any such works shall be paid out of moneys appropriated by Parliament. <b>109.</b> Any person who, in the opinion of the Minister, will benefit from the scheme or project shall, if the Minister so determines, contribute towards the cost of the state scheme or community project in cash or in kind.</p>			
<p>National Water Policy 2005 Water Works Act 1995 Water Resource Regulation 2018 Water Resource Act 2013</p>	<p>National Water Policy 2005 Water Resource Regulation 2018 Water Works Act 1995</p>	<p>Water Resource Act 2013</p>	<p>Water Works Act 1995 Water Resource Act 2013 Water Resource Regulation 2018</p>

# Annex 1: Sanitation

## Planning

### Ensuring legislation, regulations and policy support delivery of national targets,

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p><b>National Sanitation Policy (2008)</b> vision where all people have access to improved sanitation, where safe hygienic behavior is the norm, and where recycling of solid and liquid waste is widely practiced, leading to a better life of all the people in Malawi.</p> <p><b>The Public Health Act</b> The Act creates the legal framework for the protection of public health in Malawi and broadly provides for powers of the administration to</p>	<p>The national sanitation policy 2008 provides the mandates the Ministry responsible for sanitation affairs overall arching overseer in the formulation of legislation and policy. The ministry will provide policy direction and coordinate sanitation and hygiene sub sector Programmes with other lead agencies. Prepare enabling</p>	<p>The national sanitation policy outlines a monitoring and evaluation procedure. The policy provides for the establishment of National Sanitation and Hygiene Coordination Unit (NSHCU) for effective monitoring and evaluation of the NSP. The M&amp;E framework for NSP shall be developed by MoIWD</p>	<p>Sections 8 and 66 of the <b>Constitution</b> of Malawi gives Parliament a core mandate in oversight, legislation and representation. In carrying out its legislative, representative and oversight functions, the Malawi Parliament has 19 committees comprising of elected Members of Parliament (MPs) from different political parties. These committees are appointed in order to respond to, consider, inquire into, and deal</p>

<p>regulate and control issues such as animal and food production and handling, food and water supply and sewerage.</p> <p><b>National Health Policy (2018)</b> to improve the health status of all people of Malawi by reducing the risk of ill health and the occurrence of premature deaths.</p> <p>National Health Promotion Policy (2013) to reduce preventable deaths and disability through effective health promotion interventions.</p> <p><b>Water Works Act 1995</b> An Act to provide for the establishment of Water Boards water-areas and for the administration of such water-areas for the development, operation and maintenance of waterworks and <b>water-borne sewerage sanitation systems in</b></p>	<p>legislation for the implementation of the policy</p>	<p>under the guidance of the Ministry of Economic Planning and Development (MEPD).</p> <p>The NSP will utilize the existing M&amp;E master plan developed by MEPD and others. The policy will follow a participatory M&amp;E approach whereby the beneficiaries at the grassroots level will participate in monitoring and evaluating programmes of sanitation and hygiene investment plans. These will include The District Assemblies will form an integral part of tire monitoring process. Members of the Village Development Committee (VDC) and the District Executive Committee (DEC)</p>	<p>with emerging legislative and public policy decisions.</p> <p><b>The Public Service Act (1994)</b> makes provision for the administration and management of the Public Service. The Act stipulates that subject to the Constitution and various provisions of the Act, the management of the public service shall be based on modern and appropriate management concepts and techniques within the framework which meets the basic requirements for efficient and effective delivery of services to the public, concern for the welfare</p>
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<p><b>Malawi</b> and for matters incidental thereto or connected therewith</p> <p><b>Environment Management Act 2017</b> The Act contains provisions for pollution control and regulation of waste, including hazardous waste. It regulates the handling, storage, transportation, classification of wastes and the importation and exportation of hazardous waste. The Act subscribes to the polluter pays principle and places the responsibility of preventing discharge or emission of any pollutant into the environment, including the removal or disposal of any pollutant, on the polluter.</p> <p><b>National Environmental Policy 2004</b></p>		<p>will work hand-in-hand to ensure that projects being implemented under NSP are well monitored.</p> <p>Annual monitoring reports will be produced and made available to the public for inspection and information. In addition the annual sanitation and hygiene conferences, which will take place during the 'Sanitation Week', shall provide a venue for annual review of progress as well as problems of both the implementation plan and the effectiveness of the policy itself.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT</b></p>	<p>of public officers as employees and adherence to law.</p> <p>Part II of the Act provides for fundamental principles for the administration of the public service.</p> <p>Section III of the Public Service Act outlines the character of the Public Service and key among these are that the public service shall:</p> <ol style="list-style-type: none"> <li>1. Aim to deliver services to the public in an efficient and effective manner.</li> </ol> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b> Public servants and institutions shall be responsible and answerable to</p>
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<p>has several provisions which provide policy directions for management of waste.</p> <p>. The policy provides for strategies for achieving the objective of promoting urban and rural housing planning services through: (a) solid waste disposal using appropriate technology as well as proper design, selection and licensing of disposal sites and routes; (b) sorting industrial, clinical, domestic and other types of waste at source to facilitate recycling of materials wherever possible; (c) facilitating the privatization of waste management; and (d) ensuring that all hospitals, clinics, public places and residential areas have appropriate sanitation and waste and effluent disposal systems.</p>		<p><b>POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p> <p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><i>a) Accountability</i></p>	<p>the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b>b) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and</p>
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<p>The policy imposes a duty on Government to develop master plans for the conservation and utilization of water resources including solid and liquid waste management on land and water bodies and develop plans for development/construction of industrial sites that have adequate and appropriate waste disposal systems.</p> <p><b>Environment Management (Waste Management and Sanitation) Regulations 2008</b></p> <p>These Regulations specifically provide for waste management and sanitation</p> <p><b>Malawi Bureau of Standards Act</b></p> <p>the Malawi Bureau of Standards (MBS) is responsible for the administration of the Act. The MBS</p>		<p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	<p>are provided with information regarding how important decisions in the public service are made.</p>
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<p>has the authority to establish and implement standards. The MBS may by General Notice published in the Gazette, declare any specification or code of practice framed, developed or prepared by the Bureau to be a Malawi Standard and shall in like manner give notice of any replacement or abolition of a Malawi Standard so declared. The Malawi Bureau of Standards has therefore the duty and obligation to develop standards including those relating to waste management.</p>			
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**Assessing service levels, and current and future demand.**

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
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<p><b>The national sanitation policy 2008</b> provides for establishment of mechanisms at national level to bring about effective Integrated multi-sectoral planning, coordination, implementation and monitoring of sanitation and hygiene promotion.</p> <p>Specifically, the policy under 3.1.3.17 aims to develop and regularly update databases on sanitation and hygiene. This will include databases on sanitation and hygiene practices; on water supply and improved sanitation.</p> <p>3.3.3.5 Establish and manage sanitation facility databases for all cities, municipalities, town assemblies, market centre’s and peri-urban areas for planning monitoring and targeting of sanitation.</p>	<p><b>The National Sanitation Policy 2008</b> assigns this function to the Ministry Responsible for Sanitation Affairs as lead for establishment of the Management Information System but the following shall support:</p> <ol style="list-style-type: none"> <li>1. Water Utilities</li> <li>2. NWRA</li> <li>3. Ministry Responsible for Information and Civic Education</li> <li>4. Local Government</li> </ol>	<p><b>The national sanitation policy</b> outlines a monitoring and evaluation procedure.</p> <p>The policy provides for the establishment of a National Sanitation and Hygiene Coordination Unit (NSHCU) for effective monitoring and evaluation of the NSP.</p> <p>The M&amp;E framework for NSP shall be developed by MoIWD under the guidance of the Ministry of Economic Planning and Development (MEPD).</p> <p>The NSP will utilize the existing M&amp;E master plan developed by MEPD and others. The policy will follow a participatory M&amp;E approach whereby the beneficiaries at the grassroots level will</p>	<p><b>the Ombudsman Act No. 10 of 1996</b> to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p>
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<p>The national water policy 2005 does not directly have a specific clause that talks about service levels and current and future demands however, it states that.</p> <p>3.3.3 Ensure that all persons have convenient access to sufficient quantities of water of acceptable quality and the associated water-related public health and sanitation services at any time and within convenient distance.</p>		<p>participate in monitoring and evaluating programmes of sanitation and hygiene investment plans. These will include The District Assemblies will form an integral part of tire monitoring process.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p>	<p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b><i>b) Transparency</i></b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and;</p>
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		<p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><i>a) Accountability</i></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved</p>	<p>citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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		based on agreed expectations and shall submit to whatever scrutiny appropriate to public office	
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### Planning future sanitation requirements

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<b>The National Sanitation Policy</b> provides under 4.1.7 to ensure holistic planning, designing and development of sanitation programmes; 4.5.1 Co-ordinate and harmonize the activities of Catchment Management Authorities and all other stakeholders in terms of all sanitation related planning and development.	<b>The National Sanitation Policy</b> provides the Ministry responsible for sanitation affairs the role of 4.1.7 to ensure holistic planning, designing and development of sanitation programmes. While the role of; 4.5.1 Co-ordinate and harmonize the activities of Catchment Management Authorities and all other stakeholders in terms	<b>The national sanitation policy</b> outlines a monitoring and evaluation procedure. The policy provides for the establishment of National Sanitation and Hygiene Coordination Unit (NSHCU)	<b>the Ombudsman Act No. 10 of 1996</b> to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.

<p><b>The water works act S11</b> to S provides for the purpose of the boards. This act provides for</p> <p>11. The Board may make, construct and maintain all such works as are necessary and convenient for the purpose of creating, maintaining and extending waterworks works for supplying water for domestic, public and business purposes, for the extinction of destructive fires, for cleansing streets, lanes, gutters and sewers, and for all other purposes to which water and waterworks are supplied or are applicable.</p> <p><b>The national water policy 2005</b> Ch 1.3 Guides the water sector in the management and development of its water resources using the IWRM principles, improving the institutional and legal framework, ensuring sustainable delivery of water supply and sanitation services, effective involvement of the private sector, protection of the environment and conformity with the regional and international conventions and agreements in the management of shared water resources.</p> <p><b>The Malawi National Sanitation and Hygiene strategy (NSHS) for 2018-2024</b> set out a five-year</p>	<p>of all sanitation related planning and development is assigned to NWRA.</p> <p><b>The national water policy 2005</b> Ch 9.1 assigns the ministry responsible for water affairs as the lead authority in dealing with planning and sanitation measures.</p> <p>9.1.6 Develop systems for early warnings on floods and droughts and pollution.</p> <p>9.1.7 Undertake policy formulation reviews, and enforcement.</p> <p>9.1.8 Establish standards, guidelines and inspectorate;</p> <p>9.1.10 Undertake training and capacity building within the water and sanitation sector.</p>	<p>for effective monitoring and evaluation of the NSP.</p> <p>The M&amp;E framework for NSP shall be developed by MoIWD under the guidance of the Ministry of Economic Planning and Development (MEPD).</p> <p>The NSP will utilize the existing M&amp;E master plan developed by MEPD and others. The policy will follow a participatory M&amp;E approach whereby the beneficiaries at the grassroots level will participate in monitoring and evaluating programmes of sanitation and hygiene investment plans. These will include The District Assemblies will form</p>	<p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny</p>
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<p>implementation plan. The implementation plan aligns with current guidelines to decentralize services and promote ownership of planning and implementation at district and community level. This approach will build upon the previous success of the Open Defaecation Free and Hand Washing with Soap strategies. Planned activities also seek to build upon the successes achieved in those previous strategies while specifically addressing the gaps identified through consultations. The NSHS will be continually assessed throughout the implementation plan to ensure efficacy of the programme is tracked. This will be achieved in line with the monitoring and evaluation framework</p>		<p>an integral part of tire monitoring process.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels. The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p>	<p>appropriate to public office.</p> <p><b>b) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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		<p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b><i>a) Accountability</i></b> Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	
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# Financing

## Financing of sanitation infrastructure

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>The National Sanitation Policy provides for a Sector Wide Approach for Sanitation Financing which refers to a financing mechanism that involves Government, Donor agencies and other stakeholders for Joint Sector Programmes. The financing arrangements advocates joint planning, transparency and accountability and follows an agreed reporting format.</p>	<p>The National Sanitation Policy provides the Ministry responsible for sanitation affairs the role of 4.1.7 to ensure holistic planning, designing and development of sanitation programmes. While the role of; 4.5.1 Co-ordinate and harmonize the activities of Catchment Management Authorities and all other stakeholders in terms of all sanitation related planning and development is assigned to NWRA.</p> <p><b>The national water policy 2005</b> Ch 9.1 assigns the ministry responsible for water affairs as the lead authority in dealing with planning and sanitation measures.</p>	<p>The national sanitation policy outlines a monitoring and evaluation procedure. The policy provides for the establishment of National Sanitation and Hygiene Coordination Unit (NSHCU) for effective monitoring and evaluation of the NSP. The M&amp;E framework for NSP shall be developed by MoIWD under the guidance of the Ministry of Economic Planning and Development (MEPD).</p>	<p>the Ombudsman Act No. 10 of 1996 to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p>

	<p>9.1.6 Develop systems for early warnings on floods and droughts and pollution.</p> <p>9.1.7 Undertake policy formulation reviews, and enforcement.</p> <p>9.1.8 Establish standards, guidelines and inspectorate;</p> <p>9.1.10 Undertake training and capacity building within the water and sanitation sector.</p>	<p>The NSP will utilize the existing M&amp;E master plan developed by MEPD and others. The policy will follow a participatory M&amp;E approach whereby the beneficiaries at the grassroots level will participate in monitoring and evaluating programmes of sanitation and hygiene investment plans. These will include The District Assemblies will form an integral part of tire monitoring process.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance</p>	<p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b>b) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial</p>
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		<p>management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p> <p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b><i>a) Accountability</i></b></p> <p>Public servants and institutions shall be responsible and answerable to</p>	<p>records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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		<p>the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	
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### Setting and reviewing of fees and charges

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
National Sanitation Policy provide for the NWRA to 4.5.2 determine and collect fees related to water	The National Sanitation Policy provides for the NWRA to 4.5.2 determine and collect fees related to water	The water resources act outlines under 23. __ (1)As	the Ombudsman Act No. 10 of 1996 to ensure that all public institutions work effectively, efficiently, and

<p>abstractions and effluent discharges.</p> <p><b>The national water resources regulations in part IV SEC 104.</b>-(1) provides for the need for a holder of an effluent discharge permit to pay an annual discharge fees effluent discharge fee as may be determined by the Authority.</p> <p>(2) The fee referred to in sub regulation (1) of this regulation shall be determined having regard to--</p> <p>(a) the volume, characteristics and components of effluent to be discharged; and</p> <p>(b) the principle that the true and total costs of environmental pollution should be borne by the polluter.</p> <p>However these are not specific on waterborne sanitation facilities and services within urban areas</p>	<p>abstractions and effluent discharges;</p>	<p>soon as practicable, but not later than six months after the expiry of each financial year, the Authority shall submit to the Minister a report concerning its activities during that financial year.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p>	<p>that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public</p>
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		<p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved</p>	<p>resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b>b) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and</p>
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		based on agreed expectations and shall submit to whatever scrutiny appropriate to public office	are provided with information regarding how important decisions in the public service are made.
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### Collecting of fees and charges

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p><b>National Sanitation Policy</b> provides for water utilities under 4.4.5 to Implement investment programmes, tariffs and compensations related to the development and management of water supply and waterborne sanitation facilities and services. In addition the policy provides for the NWRA under 4.5.2 determine and collect fees related to water abstractions and effluent discharges.</p>	<p><b>The National Sanitation Policy</b> specifies the roles of collecting fees and charges</p> <ol style="list-style-type: none"> <li>1. water utilities to Implement investment programmes, tariffs and compensations related to the development and management of water supply and</li> </ol>	<p><b>The national sanitation policy</b> provide the role to the Ministry responsible for sanitation affairs under 4.2.2 to Develop and regulate water utilities in terms of combined tariffs and</p>	<p><b>the Ombudsman Act No. 10 of 1996</b> to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p>



	<p>waterborne sanitation facilities and services.</p> <p>2. NWRA to determine and collect fees related to water abstractions and effluent discharges;</p>	<p>financing for waterborne sanitation.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p> <p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p>	<p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny</p>
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		<p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b> Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	<p>appropriate to public office.</p> <p><b>b) Transparency</b> Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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## Regulatory Oversight

### Monitoring and regulatory oversight to ensure safely managed sanitation (Includes quality standards for safe toilets and for transport, storage and treatment of faecal sludge and their monitoring)

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>The <b>National Sanitation and Hygiene strategy 2018 – 2024</b> observes that currently there is an absence of a formally established institutional mechanism to promote vertical and horizontal collaboration at District level relating to sanitation and hygiene functions and regulation. However, there are some provisions within the following:</p> <p><b>Environment Management Act</b> mandates the Malawi Environmental Protection Agency to coordinate the management of the environment including issues relating to waste. Although, specific responsibilities for waste management lie with various sectoral institutions which are mandated by sectoral legislation.</p> <p><b>National Sanitation Policy</b> provides</p> <ol style="list-style-type: none"> <li>a. Ministry Responsible for Sanitation Affairs</li> </ol>	<p>The <b>National Sanitation Policy</b> observes the roles of Monitoring and regulatory oversight to ensure safely managed sanitation as multi sectoral which includes; local government, water utilities and the Ministry responsible for sanitation affairs as the coordinating institution for all stakeholders</p>	<p>The <b>national sanitation policy</b> outlines a monitoring and evaluation procedure.</p> <p>The policy provides for the establishment of National Sanitation and Hygiene Coordination Unit (NSHCU) for effective monitoring and evaluation of the NSP.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for</p>	<p>the <b>Ombudsman Act No. 10 of 1996</b> to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p>

<p>4.1.10 Undertake capacity building and monitoring within the water and sanitation sector.</p> <p>4.1.13 provide regulation framework for the provision and management of adequate sanitary facilities with hand washing at all functions and gatherings both private and public, where food is provided at traditional cultural ceremonies ;</p> <p>b. Local Governments (District, Town, Municipal and City Assemblies) under 4.7.2 to Conduct sanitation audit at community and household level to establish baseline on improved sanitation coverage and hygiene practices; and</p> <p>4.7.3 Establish MIS and supporting databases on improved sanitation, hygiene practices and coverage of potable water supply;</p> <p>4.7.14 Ensure provision of adequate numbers of sanitation facilities at prison and police stations for inmates and staff;</p> <p>4.7.15 Ensure provision of adequate and appropriate numbers of</p>		<p>a long time been implementing performance management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p> <p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be</p>	<p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b>b) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy</p>
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<p>sanitation facilities at commercial/ private lodging places, restaurants, tea rooms, bars and informal drinking places, sporting centers and any other gathering places;  c. Water Utilities shall be to  4.4.10 Ensure adequate provision of wastewater treatment and disposal facilities for all new city, municipal, town and market centre water supply programmes and projects;</p>		<p>responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	<p>access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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## Licencing

### Licencing, registration and record-keeping of for sanitation infrastructure and activities

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
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<p><b>The Environmental Management Act 2017 S 57 .---</b>          (1) A person shall not handle, store, transport, classify or destroy waste other than domestic waste, or operate a waste disposal site or plant, or generate waste except in accordance with a licence issued under this section.          (3) An application for a licence under this section shall be in the prescribed form or, if no application form is prescribed, in a form as the Authority may determine, and the form shall contain the applicant's full names, postal and physical addresses and any other particulars as the Authority may require.          (4) Any person who, at the commencement of this Act, is carrying on the business of handling, storing, transporting, classifying, destroying or disposing of waste shall apply for a licence under this section within six (6) months from the date of the commencement of this Act.          (5) The Authority may, at any time, revoke a licence issued under this section or vary any condition attached to the licence if the activity in respect of which the licence is issued constitutes an imminent,</p>	<p><b>The Environmental Management Act 2017 S 9</b> provides the Malawi Environment Protection Agency the role of licensing S57 (2) The Authority may, in consultation with relevant lead agencies, grant to any person a licence to handle, store, transport, classify or destroy any waste, except domestic waste, or to generate waste or to operate a waste disposal site or plant, subject to conditions determined by the Authority.</p>	<p><b>The Environment Management (Waste Management and Sanitation) Regulations 2008.</b> Provides under          S 62. Reporting procedures          (1) Any person who is licensed to carry out any activities under these Regulations shall submit to the Director bi-annual reports on the conduct of the licensed activities.          (2) Where special reporting procedures are a condition of any licence under these Regulations, such procedures shall take precedence over regulation.          S 63. Duty to keep records</p>	<p><b>The Environment Management (Waste Management and Sanitation) Regulations 2008.</b>          Provides under          S 65. Communication of decision          Where a person applies for a licence under these Regulations, the Director shall communicate his decision to the applicant within three months.          S 66. Improvement notice          (1) Where an inspector has reasonable cause to believe that any person is violating these Regulations, he may issue against such a person an improvement notice or take any other measures appropriate for correcting the situation.          (2) An improvement notice issued under sub regulation (1) shall not prejudice criminal proceedings</p>
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<p>actual or potential hazard to the environment or natural resources or if the licensee violates any condition endorsed on the licence.</p> <p>(6) The Authority may delegate the power to issue a licence under this section to the Director General and anything done by the Director General in the exercise of that power shall be valid for all purposes as if it had been done by the Authority.</p> <p><b>The Environment Management (Waste Management and Sanitation) Regulations 2008.</b> S 50 outlines the process for Application for a licence to own or operate a waste disposal site or plant</p> <p>(1) Any person who intends to own or operate a waste disposal site or plant shall apply to the Director for a licence.</p> <p>(2) An application for a licence to operate a waste disposal site or plant shall specify whether the facility shall be for the disposal of general or municipal solid waste or the disposal of hazardous waste or for the disposal of both and shall be in the form set out in the Thirteenth Schedule hereto and shall be</p>		<p>(1) The holder of a licence under these Regulations shall—</p> <p>(a) keep records of the licensed activities and all transactions related thereto; and</p> <p>(b) submit the records referred to in paragraph (a) to the Director every twelve months from the commencement of the licensed activities.</p> <p>(2) The Director may order the holder of a licence under these Regulations to install mechanisms at the expense of the holder of the licence to take samples and analyze them as the Director may direct.</p> <p>64. Register of licences</p>	<p>which may be taken under any of the provisions of the Act.</p> <p>S 67. Cancellation of licence</p> <p>In addition to the provisions of the Act, the Director may suspend or revoke a licence issued under these Regulations if he is satisfied that—</p> <p>(a) the conditions attached to the granting of the licence have not been complied with; or</p> <p>(b) continued operation of the activity will be injurious to the health of the neighbouring environment in general.</p> <p><b>the Ombudsman Act</b> No. 10 of 1996 to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p>
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<p>accompanied by the fee prescribed in the Twentieth Schedule hereto.</p> <p>(3) Where the application is for a licence for the disposal of hazardous wastes, the applicant shall indicate the disposal operations that he intends to carry out in accordance with the categories identified in the Seventh and Eighth Schedules hereto and shall enclose—</p> <p>(a) a detailed description of the process he intends to employ and its possible effects;</p> <p>(b) a detailed description of the soil structure and geology of the area;</p> <p>(c) a plan for managing leachate, incinerator fumes, fly ash and other by-products from the waste;</p> <p>(d) a detailed drawing indicating the structure, construction and surroundings of the waste disposal site or plant; and</p> <p>(e) any other matter that may be required by the Director.</p> <p>(3) Any person who operates a waste disposal site or plant without a licence commits an offence.</p> <p>51. Licence to own or operate a waste disposal site or plant</p> <p>The Director may grant a licence in the form set out in the Fourteenth Schedule hereto to own or operate a waste disposal site or plant if—</p>		<p>The Director shall maintain a register of holders of licences to transport wastes, for storage of wastes or for operating recycling facilities and wastes disposal sites or plants.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p>	<p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved</p>
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<p>(a) written approval has been obtained by the applicant from the local authority within the area of which the waste disposal site or plant is located;</p> <p>(b) that the Director is satisfied that the owner or operator has the ability and resources to manage the facility without causing any damage to public health and the environment, taking into account the findings of any environmental impact assessment submitted by the applicant; and</p> <p>(c) notice has been given by the applicant in the Gazette or such local newspapers of daily circulation as the Director shall deem fit on the proposed waste disposal site or plant, sixty days before the issue of the licence.</p>		<p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved</p>	<p>based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b>b) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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		based on agreed expectations and shall submit to whatever scrutiny appropriate to public office	
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### Social and environmental impact assessment and safeguarding.

<i>Rules, processes and standards</i>	<i>Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p>National Sanitation Policy 2008 states that</p> <p>3.3.7.2 Ensure compliance with effluent discharge standards and guidelines at industrial premises including conducting pre-investment Environmental Impact Assessment (EIA);</p> <p>4.9.9 Ensure compliance to effluent discharge standards and guidelines at all industrial premises including conducting pre-investment EIA</p>	<p>The structural framework indicates that EIA process is managed by the Director of Environmental Affairs (DEA), Environmental Affairs Department (EAD)</p> <p><b>Guidelines for Environmental Impact Assessment (EIA) in Malawi outline the following roles and responsibilities</b></p> <p><b>2.3.1 Environmental Affairs Department (EAD)</b></p>	<p>The Environment Management Act provides for Environmental monitoring.</p> <p>S32.--(1) The Authority shall, in consultation with such lead agency as it may consider appropriate, carry out or cause to be carried out periodic environmental audits of any project for purposes of enforcing the provisions of this Act.</p> <p>(2) The owner of the premises or operator of a project for which an Environmental and Social Impact Assessment has been made shall keep</p>	<p><b>Guidelines for Environmental Impact Assessment (EIA) in Malawi provides for:</b></p> <p>A.6 Fees</p> <p>S-29. The Minister may, by notice published in the Gazette, prescribe such fees as may be necessary for covering reasonable costs for scrutinising environmental impact assessment reports and for the subsequent monitoring of a project which has been approved for implementation under this Act.</p> <p>A.7 Offences Relating to Environmental Impact Assessment</p>

<p><b>The Environment Management Act 2017</b> provides for: Environmental and Social Impact Assessment Monitoring and Auditing</p> <p>S31.--(l) The Minister responsible for Environmental Affairs may, on the recommendation of the Authority, specify, by notice published in the Gazette, the type and size of a project which shall not be implemented unless an Environmental and Social Impact Assessment is carried out.</p> <p>(2) A person shall not undertake any project for which an Environmental and Social Impact Assessment is required without the written approval of the Authority, and except in accordance with any conditions imposed in that approval.</p> <p>(3) Any other licensing authority shall not grant a permit or licence for the execution of a project referred to in subsection (1) unless an</p>	<p>2.3.1.1 Facilitating the EIA process</p> <p>2.3.1.2 Ensuring compliance with EIA provisions in the EMA</p> <p>2.3.1.3 Managing the production and updating of guidelines on EIA practice and procedures</p> <p>2.3.1.4 Assisting line agencies in the preparation of sector-specific guidelines on EIA practice and procedures</p> <p>2.3.1.5 Updating the list of prescribed projects</p> <p>2.3.1.6 Secretariat to the TCE</p> <p>2.3.1.7 Maintaining a register of projects being appraised under the EIA process</p> <p>2.3.1.8 Maintaining a central library of EIA reports</p> <p>2.3.1.9 Maintaining a directory of local, regional and international consultants capable of carrying out EIA studies. Criteria used in selecting the consultants will be outlined at the beginning of the directory.</p>	<p>records and make annual reports to the Authority describing how far the project conforms in operation with the statements made, in the Environmental and Social Impact Assessment.</p> <p>(3) A developer shall take all reasonable measures for mitigating any undesirable effects on the environment arising from the implementation of a project which could not reasonably be foreseen in the process of conducting an Environmental and Social Impact Assessment and shall, within a reasonable time, report to 'the Authority' on the effects and measures taken.</p> <p>(4) An inspector may enter any land or premises for the purpose of determining how far the activities carried out on that land or premises conform to the statements made in the Environmental and Social Impact Assessment.</p> <p>33.-( l) The Authority shall, in consultation with any lead agency, monitor-</p> <p>(a) all environmental phenomena with a view to making an assessment of any possible changes in the environment and their possible</p>	<p>S-63. Any person who contravenes Section 24(3) or fails to prepare an environmental impact assessment report or knowingly gives false information in an environmental impact assessment report contrary to section 25 shall be guilty of an offence and be liable, upon conviction, to a fine of not less than K5, 000 and not exceeding K200,000 and to imprisonment for two years.</p> <p>A.8 Closure of premises</p> <p>S.76. (1) Where the Director believes, on reasonable grounds, that this Act or any regulations made hereunder have been contravened, the Director may, subject to subsection (2), order the closure of any premises by means of, or in relation to which the Director reasonably believes the contravention was committed.</p> <p>(2) The closure of any premises shall cease after the provisions of this Act or any regulations made hereunder have been instituted in respect of the contravention, in which event the premises shall remain closed until the proceedings are finally concluded.</p>
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<p>approval for the project is granted by the Authority, or the grant of the permit or licence is made conditional upon the approval of the Authority being granted.</p> <p>(4) The Minister may, on the advice of the Authority, make regulations for the effective administration of Strategic Environmental Assessment, Environmental and Social Impact Assessment and Environmental Audit.</p> <p>The National Environmental Policy 2004 sets an objective to</p> <p>2. Develop, regularly review and administer guidelines for Environmental Impact Assessment (EIA), audits, monitoring, and evaluation so that adverse environmental impacts can be eliminated or</p>	<p><b>2.3.2 Technical Committee on the Environment (TCE)</b></p> <p>2.3.2.1 Evaluating Project Briefs, EIA terms-of-reference and EIA reports</p> <p>2.3.2.2 Developing project approval terms and conditions</p> <p>2.3.2.3 Reviewing and monitoring project auditing programmes</p> <p>2.3.2.4 Recommending courses of action to the Director. Reporting to NCE</p> <p><b>2.3.5 National Economic Council (NEC)</b></p> <p>2.3.5.1 Determining if public-sector projects are prescribed under the EMA and referring PSDs to the Director of Environmental Affairs</p> <p>2.3.5.2 Assisting the EAD and TCE in updating the list of prescribed projects (e.g. adding or deleting project types, establishing size thresholds for project referral to the Director)</p> <p>2.3.5.3 Participating on the TCE</p>	<p>impacts; and (b) the operation of any industry, project or activity with a view to determining its immediate and long-term effects on the environment.</p> <p>(2) The Authority shall require a developer whose project requires an Environmental and Social Impact Assessment licence to prepare and submit to the Authority, environmental management plans in a form and manner prescribed by the Authority.</p> <p>(3) An inspector may enter upon any land or premises for the purpose of monitoring the effects on the environment of any activities carried out on that land or premises and to enforce compliance with the environmental mitigation and management plans prescribed under subsection {2}.</p> <p><b>Guidelines for Environmental Impact Assessment (EIA) in Malawi indicates that:</b></p> <p>Managing Compliance with EIA Results</p> <p>Compliance with the terms and conditions of project approvals under the EMA is managed through project audits developed by the TCE and approved by the Director.</p>	<p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b>b) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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<p>mitigated and environmental benefits enhanced.</p> <p><b>Guidelines for Environmental Impact Assessment (EIA) in Malawi outlines the EIA process.</b></p> <p>Screening; A process of determining what projects should be subject to EIA requirements</p> <p>Scoping; Establishes the principal issues to be addressed in an EIA. This is performed by a project preparation team comprising of the developer and a multi-disciplinary team of experts. The team should ensure that there is public participation in the EIA process.</p> <p>EIA study Five major stages and the report 1 Identification-What will happen as a result of the project?</p>	<p>2.3.5.4 Working with the EAD and TCE to develop and streamline their working relationship on EIA activities</p> <p><b>2.3.6 Sectoral/Line Ministries</b></p> <p>2.3.6.1 Ensuring that their own projects prescribed under the EMA adhere to the EIA requirements</p> <p>2.3.6.2 Ensuring that private-sector projects over which they have jurisdiction adhere to the EIA requirements</p> <p>2.3.6.3 Participating on the TCE</p> <p>2.3.6.4 Providing information and advice to project developers</p> <p>2.3.6.5 Advising project developers on regulations and monitoring requirements related to licensing their projects</p> <p>2.3.6.6 Incorporating DEA approval terms and conditions in project licences</p> <p>2.3.6.7 Ensuring that project licensing terms and conditions are met, including those</p>	<p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance.</p> <p>Government introduced an open performance appraisal system at organizational and individual levels.</p> <p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p>	
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<p>2 Prediction-What will be the extent of the change brought about by the project?</p> <p>3 Evaluation and Interpretation -Do the changes matter?</p> <p>4 Mitigation-What can be done about the changes?</p> <p>5 Monitoring and Management-What are the monitoring and management plans?</p> <p>6 Report How can decision-makers be informed of -what needs to be done, given the various alternatives?</p>	<p>specified by the Director of Environmental Affairs</p> <p><b>2.3.7 Malawi Investment Promotion Agency (MIPA)/Chamber of Commerce/Local Authorities</b></p> <p>2.3.7.1 Review project briefs from the private sector</p> <p>2.3.7.2 Make recommendations to the DEA</p> <p>2.3.7.3 Monitoring compliance by investors</p> <p><b>2.3.8 Local Training Institutions</b></p> <p>2.3.8.1 Developing and executing short term training programmes on EIA</p> <p>2.3.8.2 Institutionalise environmental education</p> <p><b>2.3.9 Non-Governmental Organisations</b></p> <p>2.3.9.1 Monitoring compliance with EIAs</p> <p>2.3.9.2 Identifying projects with potential adverse environmental effects</p>	<p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	
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	<p>2.3.9.3 Participating on the TCE</p> <p><b>2.3.10 Project Developers</b>  2.3.10.1 Preparing Project Briefs and EIA terms-of-reference and statements and where they are not able to do so, they should seek the services of the DEA.  2.3.10.2 Implementing terms and conditions attached to DEA project approvals  2.3.10.3 Reporting on compliance with terms and conditions of DEA approval to the DEA/TCE and licensing authorities</p> <p><b>2.3.11 Public</b>  2.3.11.1 Contributing information and advice to EIA studies  2.3.11.2 Commenting on the content of EIA reports  2.3.11.3 Advising project developers and the DEA/TCE on practical approaches for avoiding, minimising or compensating for adverse environmental impacts</p>		
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	<p>Ensuring coordination among different institutions in the EIA process. Coordination is ensured through the secretarial services provided by the Director to the NCE which reports through the chair to the Minister. The TCE will provide technical assistance to the NCE.</p> <p>The National Water Policy 2005 states that MoIWD and Department of Disaster Preparedness (DDPR) are responsible for improving assessment of impact of water-related disasters and undertake effective response to prevent mortality and reduce morbidity and suffering among affected communities</p>		
<p>The National Water Policy 2005</p> <p>Environmental Management Act 2017</p> <p>National Environmental Policy 2004</p> <p>Guidelines for Environmental Impact Assessment (EIA) in Malawi document</p>	<p>National Environmental Policy 2004</p> <p>Guidelines for Environmental Impact Assessment (EIA) in Malawi document</p> <p>The National Water Policy 2005</p>	<p>Environmental Management Act 2004</p> <p>Guidelines for Environmental Impact Assessment (EIA) in Malawi document</p>	<p>Guidelines for Environmental Impact Assessment (EIA) in Malawi document</p>



## Compliance

### Enforcement of regulations regarding safe management of sanitation

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p><b>Environment Management (Waste Management and Sanitation) Regulations 2008.</b>            These Regulations specifically provide for waste management and sanitation.            Part II places a duty on local authorities to prepare waste management plans and operate and maintain a municipal sewage collection system for their area of jurisdiction and promote integrated waste management systems.            Part III deals with the management of general or municipal solid waste including: (a) waste separation at the source; (b) the collection of the general or municipal solid waste at such a frequency as to prevent the piling of waste; and (c) disposal of</p>	<p><b>The Environmental Management Act 2017 S 9</b> provides the Malawi Environment Protection Agency the role of (c) enforce the right to a clean and healthy environment, provisions of this Act, and monitor and enforce compliance with environment and natural resources related policies and legislation by lead agencies;            S 38. The Authority shall, in liaison with relevant lead agencies-            (a) establish standards for the discharge of any effluent into the water bodies of Malawi; and</p>	<p><b>The Environmental Management Act 2017</b>            Provide for performance monitoring and reporting by the authority            S 18. ( 1) The Authority shall, within four ( 4) months after the end of each financial year, furnish to the Minister a report on the exercise and performance of its functions during that year and the report shall include financial</p>	<p><b>The Environment Management (Waste Management and Sanitation) Regulations 2008.</b>            Provides under            S 69. Polluter responsible to pay for pollution            Any generator, collector or transporter of wastes or any person responsible for disposal of wastes who pollutes the environment by poor management of wastes shall be responsible to pay for any</p>

<p>solid waste at a plant identified and maintained by a competent local authority. Part IV deals with solid waste recycling and recycling facilities. It identifies which materials can be recycled and the procedure for obtaining authorization to operate a disposal site or plant. Part V focuses on the management of municipal solid-liquid waste including the discharge of effluent and of municipal liquid waste into the environment</p> <p><b>The Water Resources Regulation 2018 provides s 82.</b>--(1) A person-</p> <p>(a) to whom a works approval has been issued.</p> <p>(i) the owner or operator of any industry or trade specified in the Eighth Schedule which discharges, or which will discharge effluent into a water body or on land.</p> <p>(ii) responsible for producing, storing, discharging or disposing of any effluent or any effluent containing a substance specified in Part C of the Eighth Schedule.</p> <p>(iii) engaged in any trade specified in Part C of the Eighth Schedule; or</p> <p>(iv) the owner or occupier of any premises specified in Part C of the</p>	<p>(b) prescribe measures for pre-treatment of effluent before discharge into the sewerage system;</p>	<p>statements duly audited, the report of the auditors. and such other information as the Minister may, by notice in writing to the Authority, require.</p> <p>(2) The Minister shall, on receipt of the report referred to in subsection ( 1 ), lay the report before the National Assembly, and subsequently publish the report.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance. Government</p>	<p>damage to the environment occasioned by such pollution.</p> <p>S 70. Duty of care</p> <p>(1) Every person, business or industry shall exercise duty of care by avoiding indiscriminate disposal of litter, garbage, commercial solid waste, and construction and demolition wastes.</p> <p>(2) Any person who contravenes this provision commits an offence.</p> <p>S 75. Offences and penalties</p> <p>Any person who contravenes the provisions of these Regulations commits an offence and on conviction shall be liable to the penalties prescribed under the Act.</p> <p><b>the Ombudsman Act</b> No. 10 of 1996 to ensure that all public institutions work effectively, efficiently, and</p>
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<p>Eighth Schedule from which effluent may come into contact with water, directly or indirectly, shall apply to the Authority for an effluent discharge permit.</p> <p>The Malawi Bureau of Standards has published standards such as MW 59:2002 regarding solid waste handling, transportation, and disposal- code of practice, and MS 731:2005 regarding solid waste disposal sites, guidelines for safe management – code of practice</p>		<p>introduced an open performance appraisal system at organizational and individual levels.</p> <p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public</p>	<p>that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public</p>
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		<p>resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	<p>resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b><i>b) Transparency</i></b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and</p>
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			are provided with information regarding how important decisions in the public service are made.
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## Customer engagement

### Transparent and inclusive customer engagement

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
Guiding principles for the <b>national sanitation policy 2008</b> under this function outline the following; S 2.3.4 Women, men and the youth shall effectively participate in policy, programme	<b>The national sanitation policy 2008</b> gives this mandate to the ministry responsible for sanitation affairs S 4.1.1 Provide policy direction and coordinate sanitation and hygiene sub sector programmes;	<b>The national sanitation policy</b> CH 6.0 states For effective monitoring and evaluation of the NSP, the Ministry will form a National Sanitation and Hygiene Coordination Unit (NSHCU). The	<b>the Ombudsman Act No. 10 of 1996</b> to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.

<p>and project design and implementation to enhance their role in sanitation and hygiene management activities;</p> <p>2.3.7 The participation of the private sector, NGOs and Community Based Organizations (CBOs) shall be promoted;</p> <p>2.3.10 Capacity building in sanitation and hygiene promotion shall be undertaken at all levels;</p> <p>2.3.13 Sanitation and hygiene research activities of various stakeholders shall be encouraged but subject to monitoring and regulation;</p> <p>3.3.3.3 Undertake civic education and public awareness campaigns on improved sanitation and safe hygiene practices;</p> <p>3.3.3.9 Encourage private sector participation in establishment and</p>	<p>4.1.3 Facilitate the development of a multi-sectoral NSHPP;</p> <p>4.1.5 Conduct regular sanitation for all for dissemination of sanitation information, technologies and research findings;</p> <p>4.1.11 Collect, process, analyze and disseminate relevant data and information to all stakeholders within the sanitation sub-sector;</p> <p>4.1.12 Promote private sector participation and investment in the delivery of water supply and sanitation services;</p>	<p>effectiveness of the policy and its implementation will be continuously monitored and evaluated by the NSHCU in consultation with the Planning Division in the Ministry of Irrigation &amp; Water Development and other stakeholders. The work of the NSHCU will be subject to both internal reviews by the MIWD as well as external reviews involving all of the ministries involved in its work.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance</p>	<p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p> <p><b>The national water policy</b></p> <p>S 6.2.2.15 Promoting and instituting economic incentives and opportunities to encourage the participation of small-scale water and sanitation service providers.</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p>
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<p>management of improved sanitation facilities in public places at affordable rates;</p> <p>3.3.3.12 Create -stall-holder committees in markets to manage solid waste disposal, recycling and public toilets;</p> <p>3.3.3.13 Provide sanitation and hygiene training at all training institutions for extension workers;</p> <p>3.5.3.1 Provide training to health practitioners and create awareness to the general public;</p> <p><b>The national water policy 2005</b> gives an overview on how the policy will implement matters to deal with sanitation</p> <p>S 1.3 Achieving sustainable provision of water supply and</p>		<p>management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p> <p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be</p>	<p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b>b) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and;</p>
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<p>sanitation services that are equitably accessible and used by individuals and entrepreneurs for socio-economic development at affordable cost;</p> <p>3.3.3 Ensure that all persons have convenient access to sufficient quantities of water of acceptable quality and the associated water-related public health and sanitation services at any time and within convenient distance;</p> <p>3.3.9 Promote the mainstreaming of HIV and AIDS, and Gender activities in the water and sanitation sector;</p> <p>3.3.11 Promote user-friendly technologies to enable easy access to water and sanitation services by all manner of people.</p> <p>3.4.1 All people shall have access to potable water and sanitation</p>		<p>responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	<p>citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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<p>services to reduce the incidence of water related diseases;</p> <p>5.2.5 Promoting public awareness on guidelines and standards on water quality, public health and hygiene and pollution control mechanisms;</p> <p>5.2.10 Promoting private sector participation in water quality and pollution control services;</p> <p>6.1.1.4 To encourage public-private partnerships in urban, peri-urban and market centers for water supply and sanitation; 6.1.2.4 Incorporating local governments and communities in planning, development and management of water supplies and sanitation services;</p> <p>6.1.2.6 Creating an enabling environment for public-private</p>			
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<p>partnerships in water supply and sanitation activities;</p> <p>6.1.2.11 Promoting and instituting economic incentives and opportunities to encourage the participation of small-scale water and sanitation service providers;</p> <p>6.2.1.2 To encourage user participation in catchment protection, water conservation and sanitation related activities; 6.2.1.4 To promote community based management in rural water supply and sanitation programmes in consultation with Local Governments;</p> <p>6.2.1.5 To promote integrated approaches to rural water supply and sanitation services;</p> <p>6.2.1.6 To promote active participation of youth, women, persons with disabilities and</p>			
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<p>vulnerable persons in planning and implementation of rural water supply and sanitation activities;</p> <p>6.2.2.6 Improving public health through integration of rural water supply and Participatory Hygiene and Sanitation Transformation (PHAST);</p> <p>6.2.2.7 Encouraging participation of women, youths, persons with disabilities and vulnerable persons in water and sanitation activities;</p> <p>9.1.10 Undertake training and capacity building within the water and sanitation sector.</p> <p>9.3.8 Promote private sector participation in the delivery of water supply and sanitation services.</p> <p>9.4.1 Plan and co-ordinate the implementation of water and</p>			
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<p>sanitation programmes at local assembly level;</p> <p>9.4.4 Promote private sector and NGO's participation in the delivery of water supply and sanitation services.</p> <p>9.10.5 Assist in community sensitization on water, sanitation, catchment management and conservation; C1 (implementation plan) 3.2 Incorporating local governments and communities in planning, development and management of water supplies and sanitation services.</p> <p><b>the water works act 1995</b> provides in</p> <p>S 12 (2) The Board shall, at least one month before carrying any</p>			
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<p>pipe or other equipment through, over or under any public or private land without the consent of the owner and occupier of such land or any customary land without the consent of the occupier of such land give notice of the intended work either by notice published in the Gazette, or in such other manner as the Minister or any person deputed by him may in any case direct. (3) Such notice shall describe the nature of the intended work and shall name a place where the plan of the intended work is open for inspection at all reasonable hours, and a copy or such notice shall either be – (a) served on every person resident in Malawi whose place or residence is known and who is known or believed to be the</p>			
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<p>owner or occupier of any land through, over or under which it is intended that any pipe or other equipment shall be carried; or (b) displayed in a conspicuous position on such land. 35 (4) A schedule showing the tariff of rates and charges payable to the Board shall be available for inspection at the offices of the Board and shall be advertised in such other manner as the Minister may, on the advice of the Board, prescribe. 36. All rates and charges levied and made under this part shall, as from the date they fall due, be deemed to be a charge upon the premises to which they relate and shall be recoverable from the occupier, and if he fails to pay, from the owner of the premises or any subsequent</p>			
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<p>owner or occupier or the agent of any such owner or occupier.</p> <p><b>The water resource regulation 2018</b> provide in</p> <p>S 5.-(1) Unless otherwise provided by the Authority, a public consultation shall consist of the activities as stipulated in section 156 of the Act.</p> <p>(2) In giving effect to the requirements of public consultation, the Authority may take proactive steps to engage members of the public who may otherwise not be informed or aware of the issues being brought before them.</p> <p>(3) The Authority may, in addition to the activities stipulated in section 156 of the Act, require an authorized person to hold a public</p>			
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<p>meeting relating to the application or proposed action. 18. The Authority shall, after receipt of any application referred to in Regulation 16, refer the application to any public authority envisaged under section 44 of the Act for consideration and comments. 20.-{</p> <p>1) The Authority shall cause to be published quarterly at least in one national newspaper of wide circulation and in the <i>Government Gazette</i>, a list of all the licence applications.</p> <p>(2) The Authority shall cause to be displayed a notice of all applications received, within a particular region, at the District Commissioner's, chief's and the Authority's regional offices at the end of each month.</p>			
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<p>(4) The public notification shall state the name of the applicant, the water resource for which the application has been made, the quantity and purpose for which the application has been made, the land registration number and any additional details that the Authority may consider relevant to the public with respect to the licence application. 22.-(1) Where any objection has been lodged against a particular licence application, the Authority may undertake a site meeting with relevant stakeholders and association, if one exists in the area, at the particular place for which the application has been made before determining the licence application. (3) The site meeting referred to in</p>			
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<p>subregulation ( 1) shall be open to the public. 43.-(l) The Authority may, with reasonable cause, declare after public consultation, a natural watercourse not to be a watercourse or a constructed watercourse channel to be a watercourse.</p> <p>80. The Minister may, after consultation with relevant public authorities as per the Act, prescribe the standards for treated effluent before discharge into water bodies or on land. <b>98</b> (3) The Authority shall, upon receiving information on spillage, take measures to notify the public of the spillage and cause action to be taken to deal with the spillage within the period of twenty-four hours. <b>138</b>. The Authority shall undertake Public Consultation with</p>			
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<p>respect to the establishment of areas to be Protected or designated as Groundwater Conservation Areas and the management rules or plans that shall apply with respect to these Areas. <b>170.</b>-(1) The Authority shall cause to be displayed on the notice board, at its offices and at the offices of the District Commissioner of the relevant district, a list of notifications on licences, permits and cancellations, within their respective jurisdiction.</p> <p>(2) The list displayed pursuant to subregulation (1) shall include a summary of the information pertaining to the water activity.</p> <p>(3) Any person who wishes to obtain full details of a particular licence or permit shall apply to the Authority in writing and pay the</p>			
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required fee as specified in the Twenty Third Schedule.			
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## Complaints, incident management and problem-solving

<i>a. Rules, processes and standards</i>	<i>b. Responsibilities and duties</i>	<i>c. Performance monitoring</i>	<i>d. Corrective measures, incentives, and sanctions</i>
<p><b>The Environmental Management Act 2017</b></p> <p>S 4.-{ 1) provides that Every person has the right to a clean and healthy environment and has the duty to safeguard and enhance the environment.</p> <p>(6) Any person who has reason to believe that his right to a clean or healthy environment has been violated by any person may, instead of proceeding under subsection (4), file a written complaint</p>	<p><b>The Environmental Management Act 2017</b></p> <p>S 107.-(I) provides that the Environmental Tribunal will be responsible for this function. ( provides that is hereby established an Environmental Tribunal (in this Act otherwise referred to as. the Tribunal,) which shall.</p> <p>(a) consider appeals against any decision or action of the Authority, lead agency, Director General or inspector under this</p>	<p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p>	<p><b>the Ombudsman Act No. 10 of 1996</b></p> <p>to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p>

<p>to the Tribunal outlining the nature of his complaint and particulars.</p> <p>(7) The Tribunal shall, within thirty (30) days from the date of the filing of the complaint, institute an investigation into the activity or matter complained about and shall give a written response to the complainant indicating what action the Tribunal has taken or shall take to restore the claimant's right to a clean and healthy environment, including instructing the Authority to take such legal action on the matter as the Authority may deem appropriate.</p> <p>(8) Subsection (6) shall not be construed as limiting the right of the complainant to commence an action under subsection ( 4 ):</p>	<p>Act;</p> <p>(b) hear and determine petitions on violation of the right to a clean and healthy environment or any other provision of this Act and any written law relating to environment and natural resources management;</p> <p>(c) receive complaints from any person, lead agencies, private sector or non-governmental organizations relating to the implementation and enforcement of environment and natural resources management policies and legislation;</p> <p>(d) consider other issues and make declaratory orders the Authority, the Director General, lead agency or any person may</p>	<p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Accountability</b></p> <p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved</p>	<p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b>a) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p>
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<p>Provided that an action shall not be commenced before the Tribunal has responded in writing to the complainant or where the</p> <p><b>The water works act 1995</b> S 58. Any complaint or information in pursuance of this Act shall be made or laid within and not three months from the time when the matter of such complaint or information arose afterwards.</p>	<p>refer to it under this Act.</p>	<p>based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p>	
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## Service delivery

### Design, commissioning, operation and maintenance of sanitation infrastructure.

<b><i>a. Rules, processes and standards</i></b>	<b><i>b. Responsibilities and duties</i></b>	<b><i>c. Performance monitoring</i></b>	<b><i>d. Corrective measures, incentives, and sanctions</i></b>
<p><b>The national sanitation policy 2008</b> S 3.4.4 Objective 2 The objective is to provide infrastructure for improved sanitation services and sustainable environmental management.</p> <p>3.3.5.13 Encourage private sector participation in investment and management of improved sanitation facilities in public places at affordable rates;</p> <p>3.3.5.14 Ensure proper design and access to refuse collection points at markets and in residential areas;</p> <p><b>The national water policy 2005</b> compliments the sanitation policy</p>	<p><b>The national sanitation policy 2008</b> mandates the water utilities as lead over this function</p> <p>S 4.4.1 Plan, design, rehabilitate and construct infrastructure for wastewater collection, treatment and disposal in their respective water areas in collaboration with local assemblies;</p> <p>4.4.5 Implement investment programmes, tariffs and compensations related to the development and management of water supply and waterborne sanitation facilities and services;</p> <p>4.4.10 Ensure adequate provision of wastewater treatment and disposal facilities</p>	<p><b>The national Sanitation policy 2008</b></p> <p>CH 8.0 states that the Ministry responsible for Sanitation Affairs will be the lead institution to undertake the monitoring and evaluation’s activities of the implementation plan of this policy. S 8.2.1 Developing procedures for monitoring and evaluation of the policy implementation;</p> <p>8.2.2 Undertaking periodical reviews of the specific programmes of the implementation plan;</p> <p><b>The water works act 1995</b></p>	<p><b>the Ombudsman Act No. 10 of 1996</b> to ensure that all public institutions work effectively, efficiently, and that they adhere to democratic principles of openness, fairness, responsiveness, and accountability.</p> <p>The office of the Ombudsman provides oversight by providing a public complaints/inquiry systems aimed at protecting the public against administrative injustice and ensuring adherence to quality service delivery within the public sector</p> <p><b>The Public Service Act (1994)</b> makes provision for</p>

<p>9.3.5 Implement investment programmes, tariffs and compensations related to the development and management of water supply and water borne sanitation facilities and services; C1 (implementation plan)</p> <p>1.6 Undertaking policy guidance for planning and designing of water supply and sanitation infrastructure.</p> <p>5.2 Strengthening and supporting Water Utilities through establishment of effective institutional and governance arrangements and major infrastructure developments.</p> <p><b>. The water works act 1995</b></p> <p>S. 66. Upon the commencement of this Act, the Board shall take over -</p> <p>(a) all waterworks for which the</p>	<p>for all new city, municipal, town and market centre water supply programmes and projects;</p> <p>The confusion stands where <b>The national water policy 2005</b> states that the ministry responsible for water is the overseer of this function</p> <p>C1 (implementation plan) 1.5 Undertaking installation and construction of water supply and sanitation Infrastructure</p> <p>1.6 Undertaking policy guidance for planning and designing of water supply and sanitation infrastructure.</p> <p>2.3 Extending and providing water supply and sanitation services to the unserved population in Malawi, to meet</p>	<p>states that this function is given to the board(s) subject to the supervision of the minister S 11. The Board may make, construct and maintain all such works as are necessary and convenient for the purpose of creating, maintaining and extending waterworks works may for supplying water for domestic, public and business purposes, for the extinction be constructed of destructive fires, for cleansing streets, lanes, gutters and sewers, and for all other purposes to which water and waterworks are supplied or are applicable.</p> <p>S 64. The Minister shall have power, on the advice of the Board, to make rules</p>	<p><b>a) Transparency</b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.</p> <p><b>The water works act 1995</b></p>
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<p>Minister is responsible; (b) such other government operated waterworks for which another Minister is responsible as the Minister may, after consultation with that other Minister and the Board, declare by Order published in the <i>Gazette</i>. Taxing over 67. The Board shall, upon the commencement of this Act, and after consultations water-borne between the Minister and the Minister responsible for local authorities, take over the sewerage assets, plant and machinery in respect of a water-borne sewerage sanitation system sanitation installed and being operated in the water-area by the local authority of the water-area.</p>	<p>the millennium Development Goals (MDGs) in the medium-term and Vision 2020 in the long-term.</p> <p><b>The water works act 1995</b></p> <p>S 20. The Board shall have power to install and operate waterborne sewerage sanitation schemes within the water-area.</p> <p>27.-(2) Where some of the public sewers are reserved for soil and waste water only for storm water only, the map referred to in this section shall show also the purposes which each sewer is intended to serve.</p> <p>28. The Board may alter the size or course of any public sewer vested in it, or may discontinue and prohibit the use of any such</p>	<p>prescribing any matter or thing which may or should be prescribed under this Act and generally to carry into effect the provisions thereof. 26.-(1) The Board may, within its water-area and also, subject or to the prior approval of the Minister, without its water-area - (a) construct and maintain a public sewer-</p> <p>(i) in, under or over any street, or under any cellar or vault below any street; and (ii) in, or over any land forming part of a street, after giving reasonable notice to every owner and occupier of that land; (b) construct water-borne sewage disposal works on any customary land or</p>	<p>S 29.-(1) No person shall throw, empty, or turn, or suffer or permit to be thrown or emptied or to pass, into any public sewer, or into or any drain or private sewer communicating with a public sewer-</p> <p>(a) any matter likely to injure the sewer or drain, or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or (b) any chemical refuse or waste steam, or any liquid of temperature higher than forty three degrees Celsius, being refuse or steam, which, or a liquid which when so heated, is, either alone or in combination with the contents of the sewer or drain, dangerous or the cause of a nuisance, or prejudicial to health; or (c) any petroleum spirit, or carbide</p>
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	<p>sewer, either entirely, or for the purpose of soil and waste water drainage, or for the purpose of storm water drainage, but, before any person who is lawfully using the public sewer for any purpose is deprived by the Board of the use of the sewer for that purpose, the Board shall provide a public sewer equally effective for his use for that purpose and shall at its expense make his drains or sewers to communicate with the sewer so provided.</p>	<p>public land or land acquired or lawfully appropriated for the purpose. (2) In the exercise of its powers under subsection 1 (a) (ii), the Board shall make good, or shall pay for any damage done or occasioned to any private land by reason of the exercise of the said powers, failing which the Board shall be liable to pay compensation to the owner or occupier of the private land.</p> <p><b>The MALAWI PUBLIC SERVICE MANAGEMENT POLICY 2018</b> states that the Malawi Public Service has for a long time been implementing performance</p>	<p>of calcium. (2) A person who contravenes any of the provisions of this section shall be liable to a fine of K200 and to a further fine of K100 for each day on which the offence continues after conviction there for. 30. Subject to this section and section 33, the owner or occupier and of any premises, or the owner of any private sewer, within the water-area of the Board shall be entitled to have his drains or private sewer made to communicate with any available public sewer of the Board and thereby to discharge soil and waste water and storm water from those premises or that private sewer; Provided that nothing in this section shall entitle any person - (a) to discharge directly or indirectly into any public sewer- (i) any liquid from a manufacturing process or</p>
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		<p>management systems to improve productivity and performance. Government introduced an open performance appraisal system at organizational and individual levels.</p> <p>The performance appraisal system is intended to help managers to monitor and measure the efficiency and effectiveness of employees and organizations</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><b><i>a) Accountability</i></b></p> <p>Public servants and institutions shall be responsible and answerable to</p>	<p>any liquid from a factory, other than domestic sewage or storm water except by agreement with the Board; (ii) any liquid or other matter the discharge of which into public sewers is prohibited under this Act or any other law; or (b) where separate public sewers are provided for soil and waste water and for storm water, to discharge directly or indirectly –</p> <p>(i) soil or waste water into a sewer provided for storm water; or</p> <p>(ii) except with the approval of the Board, storm water into a sewer provided for soil and waste water; or (c) to have his drains or private sewer made to communicate directly with a storm water overflow; or (d) to have his drains or private sewer made to communicate with a public sewer</p>
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		<p>the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office</p>	<p>provided for soil and waste water unless and until he satisfies the Board that the premises to be drained have a sufficient water supply available; or (e) to have his drains or private sewer made to communicate with any public sewer if such sewer is situated in excess of thirty metres of the curtilage of the premises. 31. Subject as hereinafter provided, the owner or occupier of premises and the owner of any private sewer without the water-area of the Board shall have the like rights with respect to drainage into the available public sewers of the Board as he would have had or under section 30 if his premises or private sewer were situate within its water-area and that section shall apply accordingly; Provided that, without prejudice to the prohibition</p>
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			<p>contained in section 30 against the discharge of certain liquids or other matters into public sewers or into some public sewers or the right of the Board under section 33 to refuse to permit a communication to be made on any of the grounds set out in subsection (1) of that section and to require the drain or private sewer to be laid open for inspection, the Board may, in the case of a drain or private sewer from premises outside its water-are, refuse to permit a communication to be made except upon such reasonable terms and conditions as may be prescribed or as the Minister may approve. Such terms and conditions may include -</p> <p>(a) compliance with any reasonable requirements to the Board that the premises to be drained shall be</p>
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			<p>sanitary or in a proper state of repair; and (b) such reasonable payment or periodical payment, subject to any special or general directions of the Minister, as the Board may see fit to impose</p> <p>S 50. Any person who willfully and negligently causes damage to any waterworks, public fountains, public sewers, services, or meters, or who unlawfully draws off, diverts or take water from the same or from any streams or waters by which the waterworks are supplied, or pollutes any such water or allows any foul liquid, gas or other noxious or injurious matter to enter into the waterworks, public sewers or any services connected therewith, shall be guilty of an offence and shall, for every offence, be liable to a fine of</p>
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			<p>K2,000, and to a further penalty of K500 for each day during which the offence continues. 51. Any person who wilfully or negligently misuses or wastes or causes or allows to be misused or wasted any water passing into, through or upon or near any premises from any waterworks shall be guilty of an offence and be liable to a fine of K2,000. The liability to such fine shall not prejudice the remedy by suspension of supply or otherwise as proved by section 16. 54. Any person who puts or accumulates or allows to be put or to remain or to accumulate, on any premises occupied or owned by him or his servants, or who shall not remove or cause to be removed or take such steps as may be necessary to prevent, upon notice in writing from</p>
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			<p>the Board, any foul, noisome or injurious matter or any earth, deposit or excavated material in such manner or place that it may be washed, fall or be carried into the waterworks or the gathering grounds thereof shall be guilty of an offence and be liable to a fine of K2,000 and for each day during which such matter, earth, deposits or excavated material remains unremoved after notice in writing from the Board, requiring the same to be removed, to a further penalty of K500 for each day during which the offence continues.</p> <p><b>The Public Service Act (1994)</b> makes provision for</p> <p><i>a) Accountability</i></p>
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			<p>Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.</p> <p><b><i>b) Transparency</i></b></p> <p>Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and;</p>
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			citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.
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