"Water is God's": Commonality View and the Challenges of State Institutions in Nigeria

By

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Presented at the XIIIth World Water Congress, Monpelier, France

Abstract

The search for responsible and accountable water management practices has generally overlooked belief systems, perception, reality and attitudes. Yet these all play a part in sustainable water management most especially in the Third World Countries. The aim of this paper is to see how such cultural and indigenous issues contend with the formal State initiatives for efficient water resources management in Akwa Ibom state, Nigeria. The study used key contending State water management principles, namely water rights, cost recovery and environmental sustainability and compared with local practice to see commonalities and differences. Meetings, interviews, observations and focus group discussions were used to collect the data. The ideal points for such data collection were the Cross River Basin Development Authority (CRBDA) projects which served as intersection points between formal, state-based institutions and the informal community-based practices. In the result, it was observed that the key water management principles adopted by the State could not fit well with the prevailing local practices and contexts. Expectedly, the needed cooperation from the locals for those projects was weak and lacking. A number of factors lent explanations and these bordered on the perception and attitudes to water by the locals and compounded by the hydrological characteristics of the study areas. For instance, the notion of linking water with the supernatural agency stultifies any formal efforts at cost recovery. This is likely going to be so in the nearest future given sufficient water supplies from the natural sources. Since the "scarcity value" has not been appreciated, it is likely that the locals will continue to perceive any formal water management initiatives as financially taxing rather than improving their overall conditions. Consistent with the above local impression, the study further observed that current state policies and programmes on water carry no elements intended for the improvements of the lives of people but meaningless projects, which is of meaningless impacts on the lives of the intended beneficiaries. A number of recommendations proffered include inclusive governance that takes on the views of the locals, incentive practices and cost effective project targeting.

Introduction

The search for responsible and accountable water management practices has generally overlooked belief systems, perception, reality and attitudes. Yet these all play a part in sustainable water management most especially in the Third World Countries. For instance, how do tradition and religion affect peoples' notions of water? What determines rights of access to water as well as management practices in such context? These and related questions determine the dynamics and workings of local institutional arrangements and have been documented in several studies (Akpabio, 2006a; Akpabio, 2006b; Akpabio et.al, 2005; Akpabio, 2004; Maganga, 2003; Sokile & Van Koppen, 2004;). For instance Sokile and Van Koppen (2004) observe that in sub-Saharan Africa, water is the basis for life for agro-and for pastoral societies and its allocation mechanism is firmly tied to the deeper socio-cultural and economic context that cannot be simply understood by mainstream economic, social, and legal principles.

The way people perceive water shapes their attitudes to management. Based on this context, how do conventional water management paradigms fit into local practices? What are the roles and challenges of state institutions in guaranteeing efficient, accountable and equitable management of water resources? These and related questions will be answered by looking at how water rights, cost recovery and sustainability principles of the state compares favourably with local practices in the Cross River Basin (CRB), Nigeria. The study pays particular emphasis on areas of commonalities and differences as well as exploring how areas of differences could be resolved. Project units of the Cross River Basin Development Authority (CRBDA) in Akwa Ibom state are used for analysis.

Brief Insight into the Study Area

The study was conducted in Akwa Ibom state found between latitudes 4^0 30′ N and 5^0 30′N and longitudes 7^0 30′E and 8^0 15′E (Fig 1).

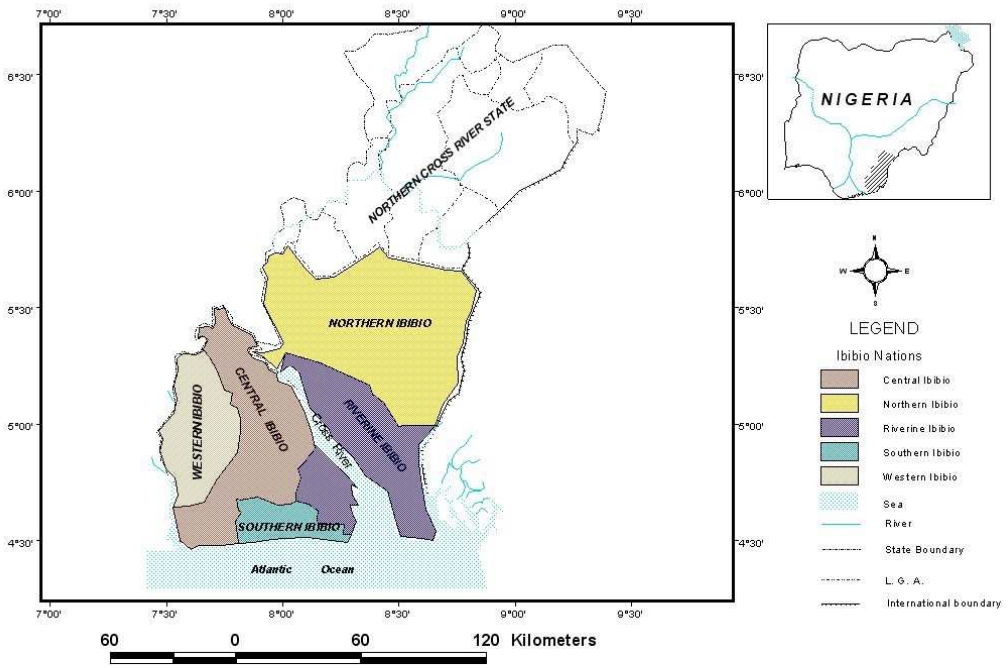

Fig. 1 : Ethnographic Details of the Study Area

Source: IRDC, (2001)

It has three major ethnic groups (namely, Ibibio, Annang and Oron) with a total population of 3,920,208 spread across a landmass of 8,412km^2 (NPC, 2007) with 87.89% forming the rural population while 12.11% forms the urbanising population. Agriculture and related works occupy 40.9% of the population with the rest of the economically active employed population constituting 48.5% (Ekong, 2003). Ninety percent of Akwa Ibom indigenes are Christians and faithfully believe in what the Bible says. Traditional Rulers, by the oath of their office, still practice traditional (pagan) form of worship, through libation and regular communication with ancestors.

There are two sources of water supply in the state: the natural sources and the modern supply sources. The natural sources are still useful to a vast majority of the people especially in the rural areas. Availability is a matter of direct collection of rainwater in containers and extraction from streams, ponds and hand-dug wells. Although generally viewed as primitive, this system has its good points, especially the multi source and self-reliant aspects. All the available local sources are used, depending on the people's perception of quality, seasonal availability and technological know-how (Faniran, 1981). Natural sources serve about 80%-90% of the state's population, which is predominantly rural. In most cases, the natural source of water is community-based and community-driven. The modern supply sources started with the British in days of empire. At best, the modern supply scheme is a public-sector affair, undertaken and maintained by government at public expense e.g., the water supply undertaken by the Akwa Ibom state water boards. Such schemes could be found in taps at public and private places. At worst, modern supply source is individually owned e.g. a private borehole and a well owned by the wealthy individuals. Customary water rights in the rural areas are mostly

embedded in the land tenure system. Although, the system of land ownership also influences water rights, Akpabio et.al (2005) however noted that in most communities there is a clear difference between land and water rights. This means one can have exclusive land rights but water bodies belong to the community (as in Nkwot community), where everybody has the right of access. This practice is reinforced by traditional recognition of water bodies as God given (*Mmon edi eke Abasi*). This implies that no single individual has exclusive right over water bodies - the context and basis for a collective management and control over available water bodies by communities concerned. Akwa Ibom state is well endowed with vast resources of both surface and groundwater as annual rainfall ranges between 2000mm and 3000mm, which occur mainly between March and October of every year (AKS, 1989).

The study was conducted at the CRBDA projects, namely, Abak irrigation project and Itu drainage and irrigation projects. These two projects are selected since they form the intersection points between the CRBDA (as state agents) and the practicing farmers (as agents of local informal institutions). Village meetings, focus groups, interviews and researcher's past personal village experiences were important sources of field data. Issues that were given much attention during data collection include rights and access issues, cost recovery, equity and environmental sustainability, among others.

Current State Water Management Instruments

The framework and basis for Akwa Ibom state involvement in water resources management come from various sources such as legal, legislative and administrative at national, state and local levels (Table 1).

Table 1 Water Resources Related Management Instruments in Nigeria

Name of Statutes	Key provisions
Waterworks Act of 1915	Colonial Nigeria (shortly after Amalgamation in 1914) passed the law specifically to keep water from being polluted. It prohibits the pollution of water in Nigeria by obnoxious or harmful matters.
The Minerals Act of 1917	The law vests the Head of State of Nigeria with power to make regulations for the prevention of pollution of any watercourse
Public Health Act, 1917	It prohibits the fouling of water.
The oil in Navigable Waters Act, 1968	It prohibits water pollution by oil spillage
The Petroleum Act, 1969	It covers prevention of pollution by inland waters, rivers, lakes and watercourses.
The Land use Act of 1978	Ownership of Land linked to ownership of groundwater resources
The River Basin Development (RBDA) Decree 25 of 1976 (repealed by No.87 of 1979 and also latter by the RBDA Act, Decree	In its present form Cap 396 spells out diverse functions and objectives for these Authorities to ensure a Pan-Nigerian programme for water resources development.

35 of 1987,i.e.Cap 396)	
The Environmental Impact Assessment (EIA) Decree, No.86 of 1992	The law seeks to protect the physical and aquatic environment.
Water Resources Decree, No.101 of 1993)	It vests the right to use and control all surface waters and groundwater and of all water in any water course affecting more than one state in the Federal Government, with provisions that any person may take water without charge for his domestic or livestock watering purposes (in any watercourse to which the public has free access)
The 1999 Constitution of the Federal Republic of Nigeria	The constitution puts in the Exclusive Legislative List (ELL) shipping and navigation on the River Niger and on any of its affluent and on any such other inland waterway as may be designated by the National Assembly to be an international waterway or to be an interstate waterway. The ELL also includes water from such sources as may be declared by the National Assembly to be sources affecting more than one state
National Policy on Environment 1989	Protection of the environment
National Guidelines and standards for Environmental pollution control in Nigeria (1991)	Pollution control in watercourses as part of the environment
National Effluent Limitation Regulation 1991	Control of discharge of industrial waste and sewage into watercourses
Pollution Abatement in Industries and Facilities Generating wastes Regulation 1991	Control of industrial pollution
Waste Management Regulation, 1991	Waste Management

Source: Akpabio, 2007

The land use Act of 1978 and the water resources decree No 101 of 1993 have overbearing influence on water resources management in Akwa Ibom state as rights and responsibilities are mostly linked to these provisions. The provisions in the land use Acts give individuals absolute rights to ground water resources through land rights. Although the water resources decree of 101 attempts to harmonize this by vesting all matters of water rights in the federal government of Nigeria, the impact has not been so significant because of a number of traditional, attitudinal, perceptual and reality factors. These factors play out in the implementation of water resources programmes and projects in Akwa Ibom state and they form the nucleus of discussions in this paper. The purpose of this paper is to present a common framework for the

understanding of water resource management in Akwa Ibom state. Discussions on these factors are intended to be situated within the 'commonality perspectives' of resource view. Discussions on this will start by throwing theoretical highlights on the concept of 'common resources' as well as linking this concept with indigenous notions of water resources. The goal will be to see how such notions have enhanced or undermined the workings of relevant state institutions in the implementation of water resources programmes in Akwa Ibom state.

Water and Community in Nigeria: Perception, Relationship and Management

There is a marked dualism in the way water is managed between the urban areas and rural communities in Akwa Ibom state. While the formal rights system to water (human, property and contractual rights) are applicable and enforceable in the urban areas, the rural communities, on the other hand, see water as a common property and managed within the framework of the commons. For a clarification, the term commons, in Anglo-American property law, is an area of land for use by the public. According to Encyclopadia Britanica (3: 494, 3a), the term originated in feudal England where the 'waste' or uncultivated land of a lord's manor could be used for pasture and firewood by his tenants. In the American colonies, where there was no manorial system, commons took the form of a town square or green devoted to municipal or recreational use. The common has been historically used to make some points about different property regimes, e.g., open access resources as opposed to right-assigned resources (e.g., individual property or state property rights). While the former denotes of a resource that is used by all, the later has some restrictions as defined by right systems (comparing the urban and rural areas). The concept of the commons was most expansiated by Garrett Hardin (1968). In his tragedy of the commons, Hardin captured how the environment could be degraded by overuse given absence of modalities for efficient control system. Although the contents of Hardin's articles attracted more criticisms than thoughtful consideration (Appell, 1998; Berkes, 1989 and Feeny et.al, 1990), emerging resource use scenario in most Third World countries has led to a revisiting of the resource management systems of most countries.

One of the distinguishing characteristics of indigenous system of natural resources management in Nigeria is the overlap of various authorities and rights system. For example the water resources management systems in Akwa Ibom state, currently implies a dual right system derived from 1.) unrecognized or informal community based property right to water, and 2.) recognized or formal state right to water management. If there is any difficulty attempting to draw a distinguishing line between these rights system in the urban areas, such difficulties is even more pronounced within local resource users, as 'common property' concept defines their daily activities and interaction with resources.

It is noted that various levels of authorities are involved in water management in Nigeria-the individuals, local, state and the federal governments (Table 2).

Table 2 Rights to Water Resources Management in the CRB

Institutions	Rights and Responsibilities	Remarks
Private Individuals	Right to water is linked to land rights	Mostly groundwater
Local Governments	Restricted to water resources in the rural areas of their jurisdiction	Powers subject to state and Federal control
State Governments	Restricted to water resources in the urban areas and local government headquarters within their jurisdiction	Powers subject to Federal Control
CRBDA	Manages the waters of the entire catchments comprising of the two states-Akwa Ibom and Cross River	Powers not exclusive and still subject to state cooperation and permit
Federal Ministry of Water Resources	Has exclusive rights and authority over the waters of the entire country	Delegates powers of administration to different departments, and parastatals within the ministry.

Source: Akpabio, 2006a

The informal community-based right has not been recognized, yet such sector exerts influential role in the daily management of water and related natural resources (Akpabio, 2006b). There has been, at the moment, a tripartite interest in water management (Fig 2). These include private interest (whose authority is derived from the land use Act); community interest (the informal authority); and government interest (at various levels).

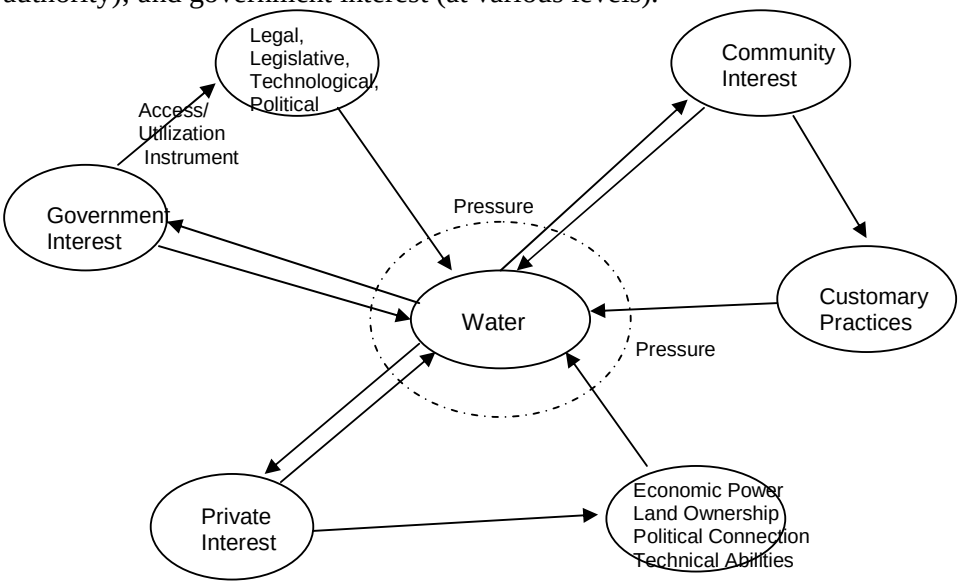

Fig 2 Tripartite Interest on Water use in Akwa Ibom State

Each of the interested parties uses various management means, including customary practices, technical and technological abilities, economic, legal, legislative and political powers as management, access or utilization tools. Project communities are more at home with the usual customary and spiritual view of water and so would want its management correspond with taboos, sacrifices, custom defined access with no cost attached. Individuals gain access to water through economic power, land ownership, and political connection especially at urban areas. Governments (represented at federal,

state and local levels), on the other hand, adopts some forms of legal, legislative and political instruments. These instruments, however, conflicts with the peoples spiritual and symbolic attachments to water resources leading to friction in management claims as well as undue pressure on the resource. For instance, it looks strange to pay for government owned water projects. The individuals who have lands, money and abilities can drill boreholes anywhere for commercial or private use by provision in the Land use Act. The emerging arrangements is such that the informal authorities seem to exert the dorminant and overbearing role in water management especially at rural communities. The conflicts between the formal and informal authorities exerts enormous pressure on the available water resources; as in when governments developed water projects do not encourage conservational use. Such externally initiated projects (as in Itu and Abak) automatically confers some form of rights of free, reckless and 'revenge' use. Even as government projects, the communities still perceive as a common property. Moreso, since there has not been any customary notion attached to such project, its usage is even more reckless and cannot attract any 'protective' or conservational management practices as it would have been with a typical community owned resource project. Furthermore, when a property is perceived as a common property, the following characteristics applies among the users, namely:

1. Such a project is state project-in this case an opportunity to share in the 'national cake' syndrome;
2. One can waste it, mismanage or misuse it with reckless abandon;
3. Recovering cost of investments is absolutely impossible, which is linked to the 'national cake' syndrome;
4. Everybody competes to use it with no sense of return or responsibility;
5. Unwillingness to adhere to rules and regulations regarding use sometimes leading to vandalization;
6. Community norms are not brought to bear in utilization and management compared to if it were perceived as a community-based property.

These characteristics are compounded by ecological, religious, customary, economic and institutional factors. Ecologically, there is water abundance making it impossible for the affected communities to realise its value (Akpabio, 2007). There is also the attitude of seeing water as 'a gift from nature' which implies free use to members of the communities. This attitude is mostly enforced by the Biblical command of Genesis 1:28, which states thus: *'and God blessed them, and God said unto them, be fruitful and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea and over the fowl of the air, and over every living thing that moveth upon the earth'*. This implies that water is only there to satisfy the needs of man as man depends on it for his daily livelihoods. Sustainability is completely out of place where this attitude prevails. Looking at the economic perspectives, it could be argued that the impracticability of achieving cost recovery among the people is related to the massive poverty that has been the recurring nightmares of the rural populace in Nigeria (see Akpabio, 2003 and 2004). More so, Akpabio (2007) and Akpabio et.al (2007) having observed difficulties in cost recovery as the most common problem facing government water schemes in Nigeria attributed the problem as compounded by the absence of public trust in government services over the years especially when people see government

projects as opportunity and their turn to have a share in the national cake. The authors went on to substantiate this fact when they observed that people are very willing to pay for half a litre of water (in sachet form) at N10.00 than pay for a 25 litre of government water at N5.00. Taking example of the CRBDA projects, the above explanation has demonstrated the impossibilities of achieving cost recovery in project developments at every water use sectors (Table 3).

Table 3 Pricing/ Cost Recovery and User Compliance in the CRB Projects

Pricing/cost recovery policy	Domestic water use	Irrigation	Industrial/commercial	Power/ generation	Remarks
Full cost recovery	Nil	Nil	Not developed	Not developed	Projects run as social services. Domestic water use is free.
Partial cost recovery	Nil	Nil	Not developed	Not developed	Projects run as social services. Domestic water use is free.
Full subsidy	Yes	Yes	Not developed	Not developed	For irrigation, less than 1% of cost is charged on farmers to fuel pumping engine.

Source: Akpabio, 2006a

Even when domestic water use is free as a matter of policy, recovering costs for irrigation water becomes impossible and in most cases generating restiveness and conflicts among users.

The Challenges of State Institutions and Concluding Remarks

It is of interest to observe two versions of commonality view of water especially among rural communities in Akwa Ibom state. The first version is the hard core traditional commonality view, whereby some elements of conservational management practices are integrated. The second version is the commonality view of state water project, whereby reckless use is encouraged (in the spirit of sharing in the national cake). These present a big management challenge to state management institutions. There is the need to reconcile these conflicting and competing knowledge systems. Consequently, cooperative rights to water management is most needed and necessary mechanisms should be worked out to achieve this. As a first step towards generating community interest on government resource projects, there is need for dialogue between government and affected communities before any water resources project is sited. Such a dialogue should be a continuous activity as the project materialises. Akpabio et.al (2005) has found this participatory approach very capable of promoting inclusion and a sense of ownership among the affected communities. Relevant government agencies also have a big role to play in the light of the lessons drawn from the above analyses. For instance Itu and Abak are not ‘resource problems areas’. There is relative abundance of water, which may not elicit fullest interest on government projects from the communities examined. The more rational approach to handle such a situation by government agencies should have been based on demand responsive project targeting approach. Although the influence of ecological factors dictated the siting of such projects at the study areas, the study has shown that such assumption is not fruitful where traditional attitudes predominates, in addition

to the non-appreciation of the 'scarcity value' of water by the affected communities. It would have been more fruitful and welcome by the people if such water projects were sited in the northern parts of the Cross River Basin such as Ini and Ikono local government areas, which are wallowing in acute water scarcity as a result of their peculiar hydrological nature.

Acknowledgement

This report and presentation has been facilitated and funded by the British Academy, London. However, the views expressed in this paper are solely that of the author and not the institution named above.

Biographical Information

Emmanuel Akpabio, PhD, is a lecturer in the Department of Geography and Regional Planning, University of Uyo, Nigeria and a British Academy Visiting Fellow to Newcastle University, UK (1st May-31st August, 2008). His broad research field is on Environment and Natural Resources Planning in the Developing World. He has specific interest on governance and institutions for water resources management. He has participated in a number of scholarly activities on this theme, in the form of conferences and workshops, in countries of Africa, Asia and Europe. Emmanuel Akpabio is a member of many professional associations, including International Water Resources Association (IWRA). His current publications have appeared in the Environmentalist, Water Policy, International Journal of Water Resources Development and International Journal of Regulations and Governance.

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