

Draft Organizational Review and Institutional Development Consultancy (National Integrated Water Resources Authority of Belize)

DRAFT ORGANIZATIONAL AND OPERATIONAL CHARTER

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Foreword

This report is submitted as fulfilment of Deliverable 4

“Draft Organizational Operations Charter.”

under the

GCCA Belize: Enhancing Belize’s Resilience to Adapt to the Effects of Climate Change
Organizational Review and Institutional Development Consultancy
(National Integrated Water Resources Authority of Belize)

The report addresses the scope of work as per the revised Work Plan and Schedule of Deliverables.

It specifically addresses:

WORKPLAN AS PER SCOPE OF WORK

- iii. Develop an organizational operations charter document reflecting the mandate of the NIWRA as is prescribed in national integrated water resources act (2010) (such a charter should outline the day to day functions of the authority and its secretariat and should be accompanied by phased plans for full institutionalization of the NIWRA;**

Required Output

The required output as approved for Deliverable 4 is:

“Organizational Operations Charter.”

The Organizational Operations Charter.

The Charter is prepared with considerations for the institutional arrangements, legal authority, functions and responsibilities expressed and implied in the National Integrated Water Resources Act. Standard operating principles for Statutory Organizations were applied in the preparation of the Charter.

Background

This Charter stipulates the functions, tasks and organizational structure of the National Integrated Water Resources Authority as mandated in the National Integrated Water Resources Act.

OVERVIEW

The National Integrated Water Resources Authority (the Authority) is the successor to the National Pro Tempore Water Commission. The Authority is an autonomous statutory corporate body with perpetual succession, a common seal, bank accounts, and whose authority applies to control, conservation, and proper uses of water resources in Belize. Its operational expenses are from the State and any other lawful sources.

Need for and Purpose of the National Integrated Water Resources Authority

The Government of Belize declared that its overarching water policy¹ is that:

“Belizeans have a fundamental right to water and it is hereby declared that the policy of the Government is to bring about the planned development, coordinated management, sustainable use and protection of Belize’s water resources consistent with the social, economic and environmental needs of present and future generations, and to ensure that all Belizeans have access to affordable, safe, adequate and reliable water.”

Considering that water resources institutional and management frameworks circumstances have not changed since the FAO TCP 2353 Report and recognizing the following identified needs persist and require attention.

- To remove fragmentation in the current water resources legal framework;
- To removal overlaps in current water resources management responsibilities;
- To fill gaps and voids in current water resources management structure;
- To mainstream water resources issues into the economic and social fabric of Belize;
- To treat water as a natural resource with an economic and social value;
- To treat water in its natural form as one of the raw materials for the water industry;
- To separate the management of water as a natural resource from management of the water industry;
- Allow the Public Utilities Commission to focus on Water Industry without the additional responsibility for managing the natural resource.

The Government of Belize in line with its approved Water Resources Strategy and Action Plan, ACTION 1²:

“Establish an agency to execute integrated water resources management”,

and after further modifications of the 2005 Cardona recommendations and in line with its policy³ decided to

¹ D2, National Water Policy

² National Adaptation Strategy to Address Climate Change in the Water Sector in Belize - Strategy and Action Plan

“Establish a permanent National Water Commission with responsibility for integrated water resources management, control and coordination, acting upon the interests of all stakeholders and adaptation measures necessary in response to climactic changes.”

The Purpose of the Authority is specified in subsection 15(1) of the NIWRA

(The Authority) “...is to enforce the policy of the Government for the orderly and coordinated development and use of Belize’s water resources, to conserve and protect such resources for the benefit of present and future generations of Belizeans, and to provide the Belizean public with a safe, adequate and reliable supply of water.”

The Authority’s Scope and Limitations

The scope of the Authority is defined in subsection 4(1) of the NIWRA as “...to control, conservation, and proper uses of water resources...” and prescribes in subsection 4(1)a., that

“The Authority shall strictly confine itself to discharging its functions specified in relation to a matter falling within the provision of this Act (NIWRA).”

The Authority, in subsection 4(1)b. and c., of the NIWRA, does not have any jurisdiction over the licensees regulated under the Water Industry and the Public Utilities Commission Acts, however the Authority shall consult with the companies licensed by the Public Utilities Commission under the Water Industry Act (NIWRA subsection 4(1)).

Licenses and permits granted by the Authority does not dispense with the necessity of obtaining any permission or approval where such permission or approval is required under any other enactment in force at the time of the grant, unless otherwise stated in such other enactment (NIWRA subsections 32,61,71).

Goals and Objectives of the Authority

The Goal of the Authority is to coordinate its activities with any person, organization, agency, Department of Government, Local Authority, and to undertake any appropriate studies, investigations and consultations with the objective of facilitating the implementation of the water policy of the Government of Belize.

The specific goals and objectives will be established during the preparation of the National Master Water Plan. The general goals are listed in Table 1 below.

Table 1: Authority's Goals and Objectives

Goal	Objective
Water Resources Development, Conservation And Use	Economic efficiency, The protection of the health, safety and welfare of persons, The promotion of a sustainable utilization of water resources The protection and enhancement of environmental values
Water Resources Assessments	Identification of water resources the occurrence, Determination of water quantity,

³ E.4.2.Policy, National Water resources Policy

	Determination of water availability Description of quality of water Identification of current uses of water; Identification of activities which are dependent on, affected by, or related to water and its uses;
<i>Future Water Demand Assessments</i>	Recommendation of water development projects and programmes Control of water abstraction Control of water storage Management of water supply, distribution, drainage and disposal
<i>The Protection of Water Resources</i>	Management of water drainage and disposal Control of ground water Control of well drilling Establish, adopt or modify water effluent quality standards Prevention of contamination or pollution of the water Maintenance of environmental flows and safe yields of any aquifers
<i>Develop Strategies for Integrated Water Resources Management</i>	Proper cost analysis and budgeting, Preparation of a plan of action and timeframe, Prioritization and implementation of water uses, Coordination of water stakeholders activities Management of water rights Management of water allocations

The Authority's Budget

The budget of the Authority shall be from State budget or be from sums payable to or vested in the Authority from any lawful source whatsoever.

The expenses of the Authority, including the remuneration of members and staff thereof, shall be paid out of its annual approved budget in such form and by such dates as may be prescribed by the Financial Secretary.

Functions of the Authority

The responsibilities of the Authority are to:–

1. Obtain, compile, store and disseminate data concerning the water resources of Belize;
2. Exercise planning functions as provided for in this Act in relation to the Master Plan and Water Quality Control Plan;
3. Allocate water resources in conformity with the provisions of this Act;
4. protect and control the quality of water resources in accordance with the provisions of this Act;
5. Provide to any department or agency of Government, at its request, technical assistance in respect of any projects, programmes or activities which relate to the development, conservation and use of water resources;
6. Take measures designed to raise public awareness of the importance or need for the wise use of water resources;

7. Perform such other functions relating to the management, protection, conservation and use of water resources as may be assigned to it by or under this Act or any other enactment.

Organizational Structure of the Authority

The Board

The Belize Water Advisory Council (proposed)

The Management Divisions of the Authority

The Board

The Board is composed of seven members, appointed by the Governor-General acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition for such period not exceeding five years and for such terms as may be specified in the instrument of appointment.

The Belize Water Advisory Council (*proposed*)

The Belize Water Advisory Council is composed of six technical officers drawn from the Water Sector. This Council will be convened as necessary to overcome persistent inter-Ministries /Departments coordination challenges and local turf protection issues.

The Management Divisions of the Authority

The Authority has three (3) main management divisions as follows:

1. **Administrative & Secretariat**
2. **Hydrology/Database/Planning Division**
3. **Water Resources Management Division**
4. **Belize Water Advisory Council** (proposed)

Operational Principles and Working Relationships

Operational principles of the Authority are democracy and decided by majority with assignment of clear responsibilities for each member.

Responsibility for Implementation

The Authority's members and other related institutions and individuals are responsible for implementation of this Charter. The revision and amendment of this Charter shall be considered if proposed by at least one third of the Board members and approved by the Chairperson and only at official Board meetings of the Authority shall the Charter be revised.

The Authority's Vision and Mission

The NIWRA provides instruction of the role and the mandates of the authority. Considering the expressed instruction in the NIWRA, the National Water Policy, and the Water Strategy and Plan the following vision and mission statements are proposed

Vision Statement

The National Integrated Water Resources Authority will be the sole entity for the sustainable management of water resources to meet the economic, environmental and social needs of Belize.

Mission Statement

The purpose of the National Integrated Water Resources Authority is to enforce the policy of the Government for the orderly and coordinated management, development and use, conservation and protection of our water resources to provide a safe, adequate and reliable supply for the present and future generations of Belizeans.

***ORGANIZATIONAL AND
OPERATIONAL CHARTER
OF THE NATIONAL
INTEGRATED WATER
RESOURCES AUTHORITY
OF BELIZE***
(DRAFT)

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Preface

Initiatives aimed at the improved management of Belize's water resources began with the British Overseas Development Agency's (ODA) agricultural potential assessments of the Belize River Valley Toledo Lowlands in 1965 and 1969 respectively.

In 1981 The Hydrology Unit of the National Meteorological Service (NMS) of Belize incorporated the ODA's assessments into its National Water Resources Assessment Programme. In 1992, the National Hydrological Service, formerly the Hydrology Unit of the NMS, along with the Food and Agriculture Organization (FAO) under Technical Cooperation Project 2353 (TCP 2353) conducted Belize's first formal review of Belize's laws as it relates to water and water resources institutional and management frameworks and recommended the establishment of a National Water Commission.

It was not until 2004, under an initiative by the Department of the Environment and Ministry of Natural Resources' issuance of Statutory Instrument 64 of 2004, was the Pro Tempore Water Commission established. In the 2005 the Cardona Report, prepared with support from the United Nations Development Programme Belize, presented suggested revisions of the 1992 National Water Commission proposals. During 2009 and 2010 the Attorney General's Office further revised and updated the Cardona proposals.

ESTABLISHMENT OF THE AUTHORITY

In 2009 the Cabinet adopted the National Water Policy and the National Water Resources Adaptation Strategy (Climate Change) prepared under the Mainstreaming Adaption to Climate Change Project for the Caribbean, and approved National Integrated Water Resources (NIWRA) and the Water Industry Act (Amendment) Bills. In 2010 the National Assembly passed the National Integrated Water Resources Bill and on May 18th, 2011 the Governor General signed the NIWRA into law. The NIWRA was gazzetted on 21st, May 2011.

The National Integrated Water Resources Authority (the Authority) is the successor to the National Pro Tempore Water Commission. The Authority is an autonomous statutory corporate body with perpetual succession, a common seal, bank accounts, and whose authority applies to control, conservation, and proper uses of water resources in Belize. Its operational expenses are from the State and any other lawful sources.

A commencement date for the NIWRA is imminent. Although approved by Cabinet the Water Industry (Amendment) Bill, which removes conflicts with the NIWRA, is yet to be passed by the National Assembly.

DRAFT OPERATIONAL AND ORGANIZATIONAL CHARTER OF THE NATIONAL INTEGRATED WATER RESOURCES AUTHORITY

CHAPTER I GENERAL PROVISIONS

ARTICLE 1 THE CHARTER

This Charter stipulates the functions, tasks and organizational structure of the National Integrated Water Resources Authority as mandated in the National Integrated Water Resources Act.

ARTICLE 2 MINISTERIAL ROLE

The Minister with responsibility for water resources (hereafter referred to as the Minister) may give to the Authority, directions of a general nature pertaining to the policy to be followed by the Authority in the performance of its functions, as appear to the Minister to be in the interest of Belize and the Authority shall comply with such directions.

ARTICLE 3 LEGAL STAUS

The National Integrated Water Resources Authority (the Authority) is an autonomous statutory corporate body with perpetual succession, a common seal, bank accounts, and whose authority applies to control, conservation, and proper uses of water resources in Belize. Its operational expenses are from the State and any other lawful sources. The Authority is the successor to the National Pro Tempore Water Commission.

CHAPTER II FUNCTIONS OF THE AUTHORITY

ARTICLE 4 THE FUNCTIONS OF THE AUTHORITY are to:—

8. Obtain, compile, store and disseminate data concerning the water resources of Belize;
9. Exercise planning functions as provided for in the NIWRA in relation to the Master Plan and Water Quality Control Plan;
10. Allocate water resources in conformity with the provisions of the NIWRA;
11. Protect and control the quality of water resources in accordance with the provisions of the NIWRA;
12. Provide to any department or agency of Government, at its request, technical assistance in respect of any projects, programmes or activities which relate to the development, conservation and use of water resources;
13. Take measures designed to raise public awareness of the importance or need for the wise use of water resources;
14. Perform such other functions relating to the management, protection, conservation and use of water resources as may be assigned to it by or under the NIWRA or any other enactment.

CHAPTER III

ORGANIZATIONAL STRUCTURE

ARTICLE 5 THE ORGANIZATIONAL STRUCTURE OF THE AUTHORITY

1. The Board
2. Belize Water Advisory Council
3. The Management Divisions of the Authority

ARTICLE 6 THE BOARD

1. The Board is the ultimate responsible body within the Authority, and is charged with the issuing of orders, rules and regulations, grant, refuse, amend, suspend or revoke licences, establish and manage technical standards and procedures, and monitor compliance.

ARTICLE 7 ORGANIZATIONAL STRUCTURE OF THE BOARD

1. The Board with one person as the Executive Chairman, “the Water Commissioner”, nominated by the Minister of Natural Resources;
2. The Water Commissioner and five other members are appointed by the Governor-General acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition for such period not exceeding five years;
3. The Chief Executive Officer of the Ministry of Natural Resources is the ex officio Deputy Water Commissioner;
4. A representative of the Public Utilities Commission, nominated by the Public Utilities Commission;
5. A representative of the Department of the Environment;
6. An attorney-at-law, with five years’ experience nominated by the Chief Justice;
7. Two persons nominated by the Minister of Natural Resources from among persons with recognized competence in the fields of Economics, Finance, Banking, Commerce, Business Management, Forestry, Agriculture, and Environmental Engineering or from a Non-Governmental Organization with socially related objects.

ARTICLE 8 TASKS AND RIGHTS OF BOARD MEMBERS

1. **The Executive Chairman, “the Water Commissioner”, shall:**
 - a. Be responsible to The Minister of Natural Resources for the activities of the Authority;
 - b. Lead the Authority to realize its functions, duties as stipulated by the NIWRA;

- c. Steer the preparation of the Board meetings' content;
 - d. Convene and chair the Board meetings;
 - e. Supervise the implementation of the Operational and Organizational Charter of the Authority;
 - f. Allocate missions to Board members;
 - g. Proceed with suggestions and recommendations by Board members;
 - h. Manage the Authority and its funds in compliance with the prevailing State regulations.
2. The Board Members shall:
- a. Fully attend all the Board meetings;
 - b. Contribute ideas about issues discussed in the Board meetings or documents sent by The Water Commissioner and the Deputy Water Commissioner
 - c. Be responsible to the Board for contents and results of assigned tasks, and implement tasks and responsibilities assigned by The Water Commissioner;
 - d. Conserve secret document and figure in accordance with instructions set by State and the Board;
 - e. Initiate proposals for adjusting mechanisms and policies related to water resources activities for the Board's discussion;
 - f. Instruct and participate in coordination and instruction for formulation of sectorial and local strategies of water resources development that he/she is represented for;
 - g. Be fully provided with required information about economic, social, environment, science and technology and other documents related to contents of Board meetings;
 - h. Be equipped with necessary working conditions in accordance with existing

regulations;

- i. The Deputy Water Commissioner has additional tasks and rights as follows:
 - i. Holding meetings in the absence of the Water Commissioner
 - ii. Assist the Water Commissioner in preparing, organizing and maintaining regular work of the Board.

ARTICLE 9 BELIZE WATER ADVISORY COUNCIL

1. Is a subordinate entity to the Board and is a mechanism that provides for additional technical inputs that can assist in overcoming residual inter-Ministries/Departments coordination challenges and opportunities to alleviate local turf protection issues. *The Belize Water Advisory Council is not mandated by the NIWRA;*
2. ***Belize Water Advisory Council membership***
 - a. The members of Council shall be technocrats, appointed by the Minister of Natural Resources, from the follow agencies:
 - i. The Public Health Bureau,
 - ii. The Department of the Environment,
 - iii. The Department of Agriculture,
 - iv. The National Emergency Management Organization,
 - v. The Forest Department.
 - b. Other members may be co-opted as the issues dictate.
3. The Water Commissioner is the Chairman of the Belize Water Advisory Council.

ARTICLE 10 MANAGEMENT DIVISIONS OF THE AUTHORITY

1. The Authority has three Management Divisions as follows:

Administrative & Secretariat
Hydrology/Database/Planning Division
Water Resources Management Division

The Management Divisions assist the Authority in the implementation of NIWRA and the Government of Belize Water Policy and Strategy.

2. The Management Divisions operate concurrently under the direction of the Divisional Heads and have the following tasks:

a. Administrative & Secretariat

- i. Prepare content, working schedule and documents for the Authority's Board meetings under instruction by the Water Commissioner.
- ii. Assist the Authority as the secretariat and prepare minutes of the Authority Board meetings;
- iii. Assist The Water Commissioner to prepare Authority meeting reports to submit to the Minister;
- iv. Implement the Authority's work as assigned by the Authority;
- v. Assist the Authority in keeping files, stamp and records of the Authority in compliance with the NIWRA and existing regulations;
- vi. Assist the Authority in preparing annual and unexpected operational budget of the Authority;
- vii. Propose content of water resources education, awareness raising for all stakeholders about the activities of Authority.

- viii. Regularly report and consult with the Water Commissioner and the Deputy Water Commissioner about activities of the Authority.

b. Hydrology, Database and Planning Division

- i. to obtain, compile, store and disseminate data concerning the water resources of Belize;
- ii. to exercise planning functions in relation to the Master Plan and Water Quality Control Plan;
- iii. the protection and control of the quality of water resources;
- iv. to provide to any department or agency of Government, at its request, technical assistance in respect of any projects, programmes or activities which relate to the development, conservation and use of water resources;
- v. to conduct surface and underground water resources assessments;
- vi. the management of the Authority's Database;
- vii. revision of the Master Plan and Water Quality Control Plans
- viii. Permitting procedures for well drilling operations;
- ix. the monitoring of operations in the underground water sub-sector

c. Water Resources Management Division

- i. To allocate water resources in conformity with the provisions of the NIWRA
- ii. Management of water rights and water rights regime,
- iii. Licencing of well drilling operation and well drillers.
- iv. Maintain registers of holders of water rights and permits for effluent discharges;

- v. Manage abstraction rates to ensure safe yield from aquifers;
- vi. Analyses of licensees' abstraction and discharge reports;
- vii. Compliance with the licence conditions and effluent limitation regulations;
- viii. Review of applicants' certificates from the Department of Agriculture and the Department of the Environment;
- ix. Preparation of contingency plans for responses to likely contamination scenarios.

CHAPTER IV

OPERATIONAL PRINCIPLES AND WORKING RELATIONSHIPS

ARTICLE 11 GENERAL PRINCIPLES

1. Operational principles of the Authority are democracy and decided by majority with assignment of clear responsibilities for each member.
2. The Authority operates by discussion, comment and voting procedure. Decision is made if it gets the majority of the vote of the attending members; at the same time, other opinions should be presented on the meeting minutes.
3. The Minister may give to the Authority, directions of a general nature pertaining to the policy to be followed by the Authority in the performance of its functions, as appear to the Minister to be in the interest of Belize and the Authority shall comply with such directions.
4. All recommendations of the Authority are sent to the Minister with signatures of the Chairman and Deputy Chairman.

ARTICLE 12 BOARD MEETINGS

1. The Board of the Authority shall meet at least once every month.
2. The Water Commissioner can convoke extra ordinary meetings.
3. The quorum of a meeting of the Board is four members.
4. In particular cases the Prime Minister and the Deputy Prime Minister may attend the Board meetings
5. Depending on the meeting content, the Chairman can invite representatives from the Belize Water Advisory Council and or related agencies to attend. These representatives have no voting right in the meeting.
6. The Meeting documents are prepared by the Administrative and Secretariat Division and sent to the Board members two weeks prior regular meetings, and at least 3 days prior to extraordinary meetings.

ARTICLE 13 OPERATIONAL MECHANISM OF THE AUTHORITY

1. RELATIONSHIP BETWEEN MANAGEMENT DIVISIONS AND THE BOARD

- a. Relationship between the Board and the management Divisions is through the Water Commissioner through the Divisional Heads;
- b. There is no direct relationship between the Board and the staff of the Management Divisions. Connection between the Board and the Management Divisions is through the Water Commissioner.

2. OPERATIONAL MECHANISM BETWEEN MANAGEMENT DIVISIONS

The Management Divisions are responsible for implementing assigned tasks as stated in Article 10 of this Charter. The relationship between Management Divisions are supportive, full sharing and exchanging of information, research results and other related issues at all times and at quarterly management meetings (the last week of the month of the quarter). The Management Divisions are mandated to respond, provide information and to document timely and precisely responses to requests by other Divisions.

**ARTICLE 14 WORKING RELATIONSHIP BETWEEN THE
AUTHORITY AND MINISTRIES AND GOVERNMENT DEPARTMENTS
AND LOCAL COUNCILS**

1. The Authority collaborates and works closely with Ministries, Government Departments and Local Councils on water resources issues in Belize.
2. Annually, the Authority informs and disseminates information progress of the master water plans and provides guidance to Ministries, Government Departments and local Councils in preparing annual water development plans.
3. Ministries Government Departments and Local Councils periodically report and provide information related to water resources as required by the Authority.

**ARTICLE 15 RELATIONSHIP BETWEEN THE
AUTHORITY AND INTERNATIONAL ORGANIZATIONS**

1. The Authority establishes relationship with regional and international organizations in research, regional and international projects, training and experience sharing related to water resources.

ARTICLE 16 THE AUTHORITY'S BUDGET

1. The budget of the Authority shall be from State budget or be from sums payable to or vested in the Authority from any lawful source whatsoever.

2. The expenses of the Authority, including the remuneration of members and staff thereof, shall be paid out of its annual approved budget in such form and by such dates as may be prescribed by the Financial Secretary.
3. The Authority shall, with the approval of the Minister of Finance, open and maintain, at such bank or banks as it may from time to time determine, accounts for the funds of the Authority.
4. All payments are made according to standard financial and accounting practices.
5. The Authority may, submit to the Minister of Finance, through the Minister of Natural Resources, estimates of revenue and expenditure for each financial year, and the Minister of Finance shall present the said estimates to the National Assembly with such amendments, if any, as he may consider necessary.

CHAPTER V

FINAL PROVISIONS

ARTICLE 17 RESPONSIBILITY FOR IMPLEMENTATION

1. The Authority's members and other related institutions and individuals are responsible for implementation of this Charter.
2. The revision and amendment of this Charter shall be considered if proposed by at least one third of the Board members and approved by the Chairperson.
3. Only at official Board meetings of the Authority shall the Charter be revised.