



UNIVERSITY OF SWAZILAND
Faculty of Health Sciences

DEGREE IN ENVIRONMENTAL HEALTH

FINAL EXAMINATION PAPER 2016

TITLE OF PAPER : **Water Law and Institutions**

COURSE CODE : **EHM 422**

DURATION : **2 HOURS**

MARKS : **100**

INSTRUCTIONS : **READ THE QUESTIONS & INSTRUCTIONS CAREFULLY**

: **ANSWER ALL QUESTIONS**

: **EACH QUESTION CARRIES 25 MARKS**

: **WRITE NEATLY AND CLEARLY**

: **NO PAPER SHOULD BE BROUGHT INTO THE EXAMINATION ROOM**

: **BEGIN EACH QUESTION ON A SEPARATE SHEET OF PAPER**

DO NOT OPEN THIS QUESTION PAPER UNTIL PERMISSION IS GRANTED BY THE INVIGILATOR.

QUESTION ONE

- i. Define pollution of water and state the public health risks associated with contaminated water? [10 marks]
- ii. State the major point source of pollution of water. [5 marks]
- iii. State the general functions of Swaziland Water Services Corporation and state why such functions are important for public health. [5 marks]
- iv. State the duties of local authorities regarding the control of pollution of water, in terms of the Public Health Act, 1969. [5 marks]

QUESTION TWO

A) The Constitution at Chapter XII deals with land, minerals, water and the Environment. In your reading and understanding of this part; please answer the following questions.

- i) Whose responsibility is it to protect water found naturally in Swaziland? [3 marks]
- ii) On reading of the Constitution, is water capable of privately ownership? Please explain your answer. [4 marks]
- iii) In terms of section 217 of the Constitution, whose responsibility is it to make laws regarding the use of water in Swaziland? [2 marks]

B) The country is in the process of passing a National Water Policy, and as such, a Final Draft was submitted to the Ministry of Natural Resources and Energy.

- i) What are the objectives for the Draft National Water Policy? [4 marks]
- ii) Is a Water Policy necessary? Please explain your answer. [3 marks]
- iii) What is the main goal for a National Water Policy? [3 marks]
- iv) When was the Water Act enacted? [2 marks]
- v) In terms of section 34 of the Water Act, in order to divert, store, or use water requires a permit. When is a permit not necessary for the use of water? [4 marks]

QUESTION THREE

A. Define the following terms as they are used in the Water Act.

- i. "servitude" [4 marks]
- ii. "pollution" [3 marks]
- iii. "industrial use" [3 marks]
- iv. "effluent" [1 marks]
- v. "use for primary purpose" [4 marks]

B. Section 10 of the Water Act provides for a Master Plan. The said Master Plan is supposed to be prepared by the National Water Authority with the approval of the Minister. Subsection (6) of the same section provides for objectives of the Master Plan. Please list five (5) of the objectives of a Master Plan. [10 marks]

QUESTION FOUR

A) Section 210 of the Constitution provides amongst other things that water use has to take into consideration, the principle of sustainable development. In your understanding of this concept of sustainable development; please answer the following questions –

- i) Give a brief definition of sustainable development. [2 marks]
- ii) What are the three (3) Pillars of sustainable development? [3 marks]
- iii) Write a brief description of each Pillar. [6 marks]

B) The Water Act of 2003 amongst other Institutions, establishes the National Water Authority, and confers it with some responsibilities.

- i) What are the responsibilities of the National Water Authority? [3 marks]
- ii) Who provides secretarial services for this institution? [2 marks]
- a) Save for the Ministry of Natural Resources: which other Government Ministries are recognized as key to water resources development in the Country, and what are its roles? [9 marks]