

UNIVERSITY OF SWAZILAND

Faculty of Health Sciences

DEGREE IN ENVIRONMENTAL HEALTH SCIENCE

MAIN EXAMINATION PAPER 2017

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 NOR OUT OF 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

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

- i) "servitude" [4 marks]
- ii) "pollution" [4 marks]
- iii) "industrial use" [4 marks]
- iv) "effluent" [4 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. WRITE five (5) of the objectives of a Master Plan.

[5 marks]

[25 marks]

QUESTION TWO

- A) i) Define ground water. [2 marks]
- ii) Is a permit required for the drilling of a borehole? If so, what is the name of the permit required? [2marks]
- iii) What information that an applicant for a drilling permit is supposed to supply to the Board? [4 marks]
- iv) Whose responsibility is it to protect water found naturally in Swaziland? [3 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 of 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) 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]

[TOTAL: 25 MARKS]

QUESTION THREE

- 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 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]

[TOTAL: 25 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)

i) What are the powers of a Board (section 37 of the Water Act, 2003) regarding an application for a permit for the use of water?

[5 marks]

ii) 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]

[TOTAL: 25 MARKS]