

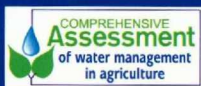
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Assessment of
Water Management
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Series

5



Community-based Water Law and Water Resource Management Reform in Developing Countries

Edited by
B. van Koppen, M. Giordano, J. Butterworth



**Community-based Water Law and Water
Resource Management Reform in
Developing Countries**

Community-based Water Law and Water Resource Management Reform in Developing Countries

Edited by

Barbara van Koppen

Mark Giordano

and

John Butterworth



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CABI Head Office
Nosworthy Way
Wallingford
Oxfordshire OX10 8DE
UK

Tel: +44 (0)1491 832111
Fax: +44 (0)1491 833508
E-mail: cabi@cabi.org
Website: www.cabi.org

CABI North American Office
875 Massachusetts Avenue
7th Floor
Cambridge, MA 02139
USA

Tel: +1 617 395 4056
Fax: +1 617 354 6875
E-mail: cabi-nao@cabi.org

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Contributors

Seleshi Bekele Awulachew, International Water Management Institute (IWMI), ILRI-Ethiopia campus, PO Box 5689, Addis Ababa, Ethiopia; e-mail: s.bekele@cgiar.org

Mukand Singh Babel, School of Civil Engineering, Asian Institute of Technology, PO Box 4, Khlong Luang, Pathumthani 12120, Thailand; e-mail: msbabel@ait.ac.th

Rutgerd Boelens, General Coordinator of the WALIR Program and Researcher with Wageningen University and Research Centre, Wageningen, Netherlands; e-mail: rutgerd.boelens@wur.nl

Bryan Bruns, Consulting Sociologist, Santa Rosa Beach, Florida, USA; e-mail: bryanbruns@bryanbruns.com

Rocio Bustamante, Coordinator for WALIR in Bolivia and Researcher with Centro AGUA, San Simon University, Cochabamba, Bolivia; e-mail: vhrocio@entelnet.bo

John Butterworth, IRC International Water and Sanitation Center, Delft, Netherlands; e-mail: butterworth@irc.nl

Bill Derman, Professor of Anthropology, Michigan State University, East Lansing, Michigan, USA and Fulbright Visiting Professor, Department of International Development and Development Studies (NORAGRIC), Norwegian University of Life Sciences, Norway; e-mail: derman@msu.edu or bill.derman@umb.no

Alan B. Dixon, Department of Geography, University of Otago, PO Box 56, Dunedin, New Zealand; e-mail: alan.dixon@geography.otago.ac.nz

Hugo de Vos, Freelance Researcher on Institutional Aspects of Natural Resource Management in Latin America; e-mail: voswiz@versatel.nl

Desalegn Chemedo Edossa, PO Box 19, Haramaya University, Ethiopia; e-mail: dchemeda@yahoo.com

Anne Ferguson, Department of Anthropology, Michigan State University, East Lansing, Michigan, USA; e-mail: fergus12@msu.edu

Mark Giordano, Head: Institutions and Policies Research Group, International Water Management Institute (IWMI), Colombo, Sri Lanka; e-mail: mark.giordano@cgiar.org

Ashim Das Gupta, School of Civil Engineering, Asian Institute of Technology, PO Box 4, Khlong Luang, Pathumthani 12120, Thailand; e-mail: adg@ait.ac.th

Anne Hellum, Faculty of Law, University of Oslo, 0130, Oslo, Norway; e-mail: anne.hellum@jus.uio.no

Bruce Lankford, School of Development Studies, University of East Anglia, Norwich, UK; e-mail: b.lankford@uea.ac.uk

- Rose Machiridza**, Department of Soil Science and Agricultural Engineering, University of Zimbabwe, Box MP 167, Mount Pleasant, Harare, Zimbabwe; e-mail: roma877@yahoo.co.uk
- Emmanuel Manzungu**, Department of Soil Science and Agricultural Engineering, University of Zimbabwe, Box MP 167, Mount Pleasant, Harare, Zimbabwe; e-mail: manzungu@mweb.co.zw
- Everisto Mapedza**, Researcher in Policies and Institutions, International Water Management Institute (IWMI), Southern Africa Regional Programme, PBag X813, Silverton 0127, South Africa; e-mail: e.mapedza@cgiar.org
- Abraham Mehari**, PhD Research Fellow in Land and Water Development, UNESCO-IHE, Netherlands; e-mail: abrahamhaile2@yahoo.com or a.meharihaile@unesco-ihe.org
- Ruth Meinzen-Dick**, International Food Policy Research Institute (IFPRI), 2033 K Street NW, Washington, DC 20006, USA; e-mail: r.meinzen-dick@cgiar.org
- Wapulumuka Mulwafu**, History Department, Chancellor College, University of Malawi, PO Box 280, Zomba, Malawi; e-mail: wmulwafu@chanco.unima.mw
- Albert Mumma**, Faculty of Law, University of Nairobi, Parklands Campus, PO Box 30197, Nairobi, Kenya; e-mail: cepla@nbnet.co.ke
- Willie Mwaruvanda**, Rufiji Basin Water Office, Ministry of Water and Livestock Development, Iringa, Tanzania; e-mail: rufijibasin@yahoo.co.uk
- Regassa Ensermu Namara**, Economist, International Water Management Institute (IWMI), PMB, CT 112, Cantonments Accra, Ghana; e-mail: r.namara@cgiar.co.org
- Leticia Nkonya**, Department of Sociology, Anthropology and Social Work, Kansas State University, 204 Waters Hall, Manhattan, Kansas 666502-4003, USA; e-mail: letinkonya@yahoo.com
- Leah Onyango**, Lecturer in Urban and Regional Planning, Maseno University, Private Mail Bag, Maseno, Kenya and Graduate Attachment, World Agroforestry Centre; e-mail: leahonyango@yahoo.com
- Jessica L. Roy**, former PhD Student at the University of California–Santa Cruz, USA and Graduate Attachment, World Agroforestry Centre (ICRAF); she died in August 2004 while conducting field research reported in this book.
- Bart Schultz**, Professor of Land and Water Development, UNESCO-IHE; Top Advisor, Rijkswaterstaat, Civil Engineering Division, Utrecht, Netherlands; and President Honorary of the International Commission on Irrigation and Drainage (ICID); e-mail: b.schultz@unesco-ihe.org
- Tushaar Shah**, Principal Scientist, International Water Management Institute (IWMI), South Asia Program, Anand Office, Anand, Gujarat, India 388001; e-mail: t.shah@cgiar.org
- Pinimidzai Sithole**, Centre for Applied Social Sciences, University of Zimbabwe, Harare, Zimbabwe; e-mail: spinimidzai@yahoo.com
- Brent Swallow**, Theme Leader for Environmental Services, World Agroforestry Centre (ICRAF), PO Box 30677, Nairobi, Kenya; e-mail: b.swallow@cgiar.org
- Barbara van Koppen**, Principal Scientist, International Water Management Institute (IWMI), Southern Africa Regional Programme, PBag X813, Silverton 0127, South Africa; e-mail: b.vankoppen@cgiar.org
- Frank van Steenbergen**, MetaMeta Research, Paarskerkhofweg, 5223 AJ's-Hertogenbosch, Netherlands; e-mail: fvansteenbergen@metameta.nl
- Adrian P. Wood**, Centre for Wetlands, Environment and Livelihoods, University of Huddersfield, Queensgate, Huddersfield, HD1 3DH, UK; e-mail: a.p.wood@hud.ac.uk

Preface

Water resource management reform today emphasizes user participation. However, in developing country contexts the water laws and institutions which have followed from this reform have consistently ignored how people actually manage their water. Informal rural and peri-urban water users have managed their water resources for centuries and continue to respond to new opportunities and threats, often entirely outside the ambit of formal government regulation or investment. The community-based water laws which guide this informal management in fact govern water development and management by significant numbers of water users, if not the majority of citizens and the bulk of the poor, who depend on water for multiple uses for fragile agrarian livelihoods. These community-based arrangements tend to have many of the people-based, pro-poor attributes desired in principle, if not always found in practice in current water management reform agendas – they are typically robust, dynamic and livelihood-oriented, and often encompass purposeful rule-setting and enforcement and provide incentives for collective action. At the same time, they can also be hierarchical and serve to entrench power and gender disparities.

Ignoring community-based water laws and failing to build on their strengths, while overcoming their weaknesses, greatly reduce the chance of new water management regimes to meet their intended goals. In contrast, when the strengths of community-based water laws are combined with the strengths of public sector contributions to water development and management, the new regimes can more effectively lead to sustainable poverty alleviation, gender equity and overall economic growth. Indeed, the challenge for policy makers is to develop a new vision in which the indispensable role of the public sector takes existing community-based water laws into full account.

This book contributes to this new vision. Leading authors analyse living community-based water laws in Africa, Latin America and Asia and critically examine the interface between community-based water laws, formal water laws and a variety of other key institutional ingredients of ongoing water resource management reform.

Most chapters in the book were selected from papers presented at the international workshop 'African Water Laws: Plural Legislative Frameworks for Water Management in Rural Africa', held in Johannesburg, South Africa, 26–28 January 2005, co-organized by the International Water Management Institute (IWMI), the Department of Water Affairs and Forestry (DWAF) South Africa, the National Resources Institute UK (NRI), and the Faculty of Law, University of Dar es Salaam, Tanzania (www.nri.org/waterlaw/workshop). The support given to this workshop by the Comprehensive Assessment on Water Management in Agriculture, the Water Research Commission, South Africa, EU, DFID and CTA is gratefully acknowledged.

The completion of this volume has been made possible, first of all, by the willing and punctual contributions of the authors of the fifteen chapters. Kingsley Kurukulasuriya carefully and promptly edited all chapters. The maps were designed by Simon White. Mala Ranawake, Pavithra Amunugama, Nimal Attanayake and Sumith Fernando provided further indispensable editorial support. The editors are grateful for these contributions.

The Editors