

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

Series Foreword: Comprehensive Assessment of Water Management in Agriculture

There is broad consensus on the need to improve water management and to invest in water for food to make substantial progress on the Millennium Development Goals (MDGs). The role of water in food and livelihood security is a major issue of concern in the context of persistent poverty and continued environmental degradation. Although there is considerable knowledge on the issue of water management, an overarching picture on the water–food–livelihoods–environment nexus is required to reduce uncertainties about management and investment decisions that will meet both food and environmental security objectives.

The Comprehensive Assessment of Water Management in Agriculture (CA) is an innovative multi-institute process aimed at identifying existing knowledge and stimulating thought on ways to manage water resources to continue meeting the needs of both humans and ecosystems. The CA critically evaluates the benefits, costs and impacts of the past 50 years of water development and challenges to water management currently facing communities. It assesses innovative solutions and explores consequences of potential investment and management decisions. The CA is designed as a learning process, engaging networks of stakeholders to produce knowledge synthesis and methodologies. The main output of the CA is an assessment report that aims to guide investment and management decisions in the near future, considering their impact over the next 50 years in order to enhance food and environmental security to support the achievement of the MDGs. This assessment report is backed by CA research and knowledge-sharing activities.

The primary assessment research findings are presented in a series of books that form the scientific basis for the Comprehensive Assessment of Water Management in Agriculture. The books cover a range of vital topics in the areas of water, agriculture, food security and ecosystems – the entire spectrum of developing and managing water in agriculture, from fully irrigated to fully rainfed lands. They are about people and society, why they decide to adopt certain practices and not others and, in particular, how water management can help poor people. They are about ecosystems – how agriculture affects ecosystems, the goods and services ecosystems provide for food security and how water can be managed to meet both food and environmental security objectives. This is the fourth book in the series.

The books and reports from the assessment process provide an invaluable resource for managers, researchers and field implementers. These books will provide source material from which policy statements, practical manuals and educational and training material can be prepared.

The Comprehensive Assessment of Water Management in Agriculture calls for Institutional Reform to address issues of equity, sustainability and efficiency in water resource use for

agriculture. The assessment recognizes that effective reform has been elusive, and that reform is needed in the reform process itself. This book focuses on the critical issue of institutional and legal water arrangements that can strengthen poor rural women's and men's access to water and, thus, contribute to poverty reduction and gender equity. The book envisions a new role for the state in informal rural economies in developing countries in which community-based water laws also play their full roles. The book assesses legal and institutional challenges based on in-depth empirical analyses of community-based water laws in Africa, Latin America and Asia.

The CA is carried out by a coalition of partners that includes 11 Future Harvest agricultural research centres supported by the Consultative Group on International Agricultural Research (CGIAR), the Food and Agriculture Organization of the United Nations (FAO) and partners from over 200 research and development institutes globally. Co-sponsors of the assessment, institutes that are interested in the results and help frame the assessment, are the Ramsar Convention, the Convention on Biological Diversity, FAO and the CGIAR.

Financial support from the governments of The Netherlands and Switzerland, EU, FAO and the OPEC foundation for the Comprehensive Assessment for the preparation of this book is appreciated.

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