



RESOURCE

The Interface Between Customary and Statutory Water Rights—A Statutory Perspective

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Description / Abstract

This paper will contribute to mapping out the area of interface of customary water rights and statutory water rights. Based on original surveys and analyses of water legislation and customary water rights and practices in Canada (Nowlan 2004), Ghana (Sarpong 2004), Guyana (Janki 2004), and Nigeria (Kuruk 2004), as well as a brief analysis of the contemporary legislation of Argentina, Indonesia, and Namibia, this paper will (a) review the extent to which customary water-related practices and rights have been accounted for in water legislation, (b) analyze the approaches to reconciling such rights with the rights created by statute and administered by government, and (c) based on the analysis, flag emerging issues as well as sketch an agenda for future action.

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