

**Eastern and Central Africa Programme for Agricultural Policy Analysis  
ECAPAPA**

**MANAGING CONFLICTS OVER LAND AND WATER  
RESOURCES IN PANGANI RIVER BASIN: A STUDY OF  
CONFLICT MANAGEMENT IN PLURAL LEGAL SETTINGS**

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## Table of Contents

Table of Contents	1
1. Background	2
2. General and Specific Objectives of the Study	2
3. Methodology	2
4. Outputs/Intended Policy Use	2
4.1 Undertaken Activities	3
4.1.1 Archival and Library research	3
4.1.2 Key Informant Interviews	3
4.1.3 Documentary Review of Village Records, By-laws and Court Cases	4
5. Achievements	4
5.1 Nature of conflicts	4
5.1.1 Mainstreaming Traditional Practices Through Water Users' Associations	4
5.1.2 Conflicts between Upstream and Downstream Users	5
5.1.3 An Example of Surviving Traditional System Based on the Clan System	6
5.1.4 Village Governance Structure Eroded Traditional Systems	6
5.1.5 Problems facing Pangani Basin Water Office	6
5.1.6 Conflicts Arising out of Old Estates	7
5.1.7 Examples of interactions between traditional and modern water management systems	8
5.2 Guidelines on Implementing Integrated Water Resources Management	9
5.3 Increased Awareness of River Basin Managers and Policy Makers	9
Appendix 2: Field Research Tasks for Research Assistants	11
Appendix 3: Terms Of Reference	13

## **1. Background**

The study to facilitate the formulation of better policies and guidelines for managing resource use conflicts in plural legal systems, was prompted by current land and water reforms that are underway in most African countries. These reforms focus on the use of statutory legal systems to regulate the use of land and water resources. However, all of these countries have a pluralistic legal system - land and water resources are regulated by different pieces of legislation and institutions, including statutory law, customary laws of the different ethnic groups and Islamic law. The diverse customary norms and laws are often more important than statutory law and are relied upon in resolving natural resource management conflicts. In these countries, statutory laws regulate very few human activities. Neglect of customary laws may have negative consequences for individuals and groups who were better served by customary-based systems.

## **2. General and Specific Objectives of the Study**

Given the above background, the study was set to investigate how conflicts over land and water resources are managed in Pangani river basin. The general objective of the research project was to describe and analyse customary and statutory systems of utilising and managing land and water in the study area. The research had three specific objectives:

- to analyse the extent to which there are differences in the management of land and water resources between farmers with customary and those with statutory tenure rights;
- to analyse how differences in tenure affects the resolution of conflicts over access to and use of land and water resources; and
- to identify legal and socio-economic factors that facilitate and/or constrain efforts towards sound management of land and water in the study area.

## **3. Methodology**

Using the Pangani river basin as the study area, the team sought to achieve the defined objectives through the following set of approaches:

- .Literature review
- Archival search
- Fieldwork
- Feed-back workshops

## **4. Outputs/Intended Policy Use**

On completion of this study, the following outputs were expected:

- A documentation of local land and water conflicts, and the complementarities/tensions between statutory and customary systems of addressing conflicts.
- Guidelines on implementing Integrated Water Resources Management under plural legal systems.

- Increased awareness of river basin managers and policy makers on the implications of plural legal systems for local conflict management, and empowered communities whose voices and own customary arrangements are better understood

#### **4.1 Undertaken Activities**

##### **4.1.1 Archival and Library research**

The research team reviewed both grey and published literature on the implications of customary laws for land and water management. In short, this review revealed the following three key issues:

- the potential role of customary norms in managing conflicts related to land and water resources: this is prompted by the concern that insufficient consideration to customary laws being given by new management regimes;
- the potential of the new paradigm to impact negatively upon vulnerable groups which rely on customary-based systems to regulate their use of water resources and to manage water-related conflicts, and
- the potential of the efficacy of locally defined customary rights and local mechanisms for adjudication and water administration.

The research team also reviewed relevant literature on rural poverty, legal pluralism, gender and equity in water development, and customary laws. Also, the literature review sought to establish how conflict management is handled in the FAO Legislative Study on Customary Law in Africa<sup>1</sup>. Findings from similar studies<sup>2</sup> indicate that there are enormous challenges facing the Pangani River Basin Office in supervising land and water management in the study area. These include the expansiveness of the River Basin, and the limited number of officials to implement the mainstream laws. The fact that water laws do not give exhaustive coverage over all areas in Tanzania, and the complex and diverse inter-play between customary and statutory systems are issues which were pursued further in this research project. The team undertook a detailed review of literature in order to identify knowledge gaps to be complemented by fieldwork. Prior to literature review archival research was conducted concurrently to archival research at the National Archives (Dar es Salaam). Important unpublished studies and official documents were also analysed (see Appendix 1).

##### **4.1.2 Key Informant Interviews**

Using key guiding questions (see Appendix 2), key informant interviews were conducted with different stakeholders within the study area. The interviewees included officials from Kilimanjaro Regional Water Office (Hydrology Section) that is responsible with keeping data on amounts of water in water sources; Pangani Basin Water Office, in Moshi - responsible for management of water resources; an NGO named PAMOJA, concerned with the management of water conflicts in Pangani Basin, and the Zonal Irrigation Office. In addition to

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<sup>1</sup> Ramazzotti, Marco, 1996. Readings in African Customary Water Law. FAO Legislative Study 58. Development Law Service, Legal Office, Rome

<sup>2</sup> Maganga, F., *et al*, 2003. Implications of Customary Norms and Laws for Implementing IWRM: Findings from Pangani and Rufiji Basins, Tanzania. Paper Presented and the WARSFA/Waternet Symposium, Gaborone, October 2003.

interviewing the above-mentioned key informers, the researchers conducted very brief and short interviews with villagers and water users also to get the other side of the story about how government officials and NGOs' view and understand water use and management conflicts among villagers and other water users.

#### **4.1.3 Documentary Review of Village Records, By-laws and Court Cases**

The researchers also made an analysis of recorded cases and by laws utilised by the Pangani Basin Water Office, and Courts of Law in Moshi, Same and Mwanga in order to have an idea of the kinds of cases filed, especially those related to land and water resources and the different conflict resolution channels when deciding on the cases applied. The researchers also wanted to explore what guidelines are used.

#### **4.1.4 Dissemination and Feed-back Workshops**

The researchers held two workshops to disseminate their research findings and to get feed back from stakeholders. The first workshop was held in Moshi and involved water basin officials, water users, NGOs and water user associations. The second workshop was held in Same and it involved NGOs, water users and water user associations. The main focus of the workshops was on issues of water rights and entitlements to volume of water, complementarities and complexity of coexistence of customary and statutory ways of managing water and land and the way forward. As it is indicated in appendix 4, the workshops were well attended and the comments arose from the participants helped the researchers to embellish their project report.

### **5. Achievements**

#### **5.1 Nature of conflicts**

Pangani Basin has a high number of old water rights entitled to high volume of water at the time when more and more require the same source of water. High volume abstraction is written into these old water rights. It was earlier on possible in the past to grant huge volumes of water because competitions over water were minimal. Now with demands over scant water on the increase, the high volume can no longer be assured. Need now to reduce but holders entitled to the high volume of water are reluctant. It is difficult to solve these problems using the current laws.

##### **5.1.1 Mainstreaming Traditional Practices Through Water Users' Associations**

Water Users' Associations that have so far been established in Hai (1) and Moshi Rural (2). Most of the customary arrangements remain outside the statutory framework. These arrangements include Mifereji ya Mila (traditional canals) have no water rights especially those from the upstream. Those from upstream have in addition no interest in water rights. Traditional arrangements from lower stream prefer to regularize their abstractions in Water Rights. Pangani Basin officials are in agreement that statutory laws alone cannot solve the very deep social, cultural and economic problem subscribing traditional canals.

Expressing the prevailing view of the Basin office, an informant, Mr. Temu saw the only way forward is for all the canals to be registered to minimize conflicts. This would enable all to know who gets what volume of water. There is a growing perception that Water Rights could be used to guard one's right to water. Donors' funds have ironically resulted in forcing traditional systems into the mainstream. Donor funds are only directed at canals that have

water rights. This has worked in Pangani Basin as incentive to those drawing water under traditional system and without water rights to secure these rights.

The question of fees paid to use water is yet another change taking place on traditional systems. Basin water office is of the view that water use fees should not be avoided because water is used for production of cash crops so the beneficiary must pay for water. The argument in favour of fees is based on the fact that one canal services between 10-20 families and if fees is distributed each person will pay an average of Tshs. 1000/= per year- an amount which, according to Pangani Basin officers, is very small and affordable. Below is an illustration of the current water use fees:

### Current Water Use Fees in Tanzania

Item	T.shs	US\$
<b>1. Water rights applications for domestic/livestock small scale irrigation/fish farming</b>	40,000.00	40.00
<b>2. Water rights applications for large-scale irrigation/power generation/industrial/commercial use</b>	150,000.00	150.00
<b>3. All other applications</b>	40,000.00	40.00
<b>4. On every appeal to the Minister</b>	70,000.00	70.00
<b>5. Economic water use fees</b>		
(a) Domestic/livestock/fish farming for every 100m <sup>3</sup>		
• All abstractions less than 37 litres/second, flat rate	35,000.00	35.00
• All abstractions equal or above 37 litres/second for 100m <sup>3</sup>	35.00	0.035
(b) Irrigation (small scale)		
• All abstractions less than 37 litres/second, flat rate	35,000.00	35.00
• All abstractions equal or above 37 litres/second for 100m <sup>3</sup>	35.00	0.035
(c) Large scale Irrigation		
• All abstractions less than 18.5 litres/second, flat rate	35.000	35.00
• All abstractions equal or above 18.5 litres/second for 100m <sup>3</sup>	70.00	0.07
(d) Business (e.g. flower export) for every 1,000m <sup>3</sup>	1,000.00	1.00
<b>6. TANESCO Power Royalty Fees</b>	165,500,000	165,500
<b>7. Industrial</b>		
• All abstractions less than 1.11 litres/second, flat rate	35,000.00	35.00
• All abstractions equal or above 1.11 litres/second for 100m <sup>3</sup>	35.00	0.035
<b>8. Institutional/Regional Centres</b>		
All abstractions less than 1.4 litres/second, flat rate	35,000.00	35.00
All abstractions equal or above 1.4 litres/second for 100m <sup>3</sup>		
• Urban Water and Sewerage Authorities Category for every 100m <sup>3</sup>	120.00	0.12
• Urban Water and Sewerage Authorities Category B for every 90m <sup>3</sup>	100.00	0.10
<b>9. Commercial</b>		
• All abstractions less than 0.94 litres/second, flat rate	35,000.00	35.00
• All abstractions equal or above 0.94 litres/second for 100m <sup>3</sup>	150.00	0.15
<b>10. Mining: Fore every 100m<sup>3</sup></b>	170.00	0.17

Source: Turpie et al. (2003)

### 5.1.2 Conflicts between Upstream and Downstream Users

Pangani Basin also receives complaints from downstream users who pay for water rights, but still do not get water. Basin Office is not in a position to monitor when a downstream water right holder misses his/her share of water. The research team was informed of the NORPLAN project to build control-gates to ensure water that is not used is returned, this project could have prevented the Basin Water Office charging WR holders over waters they did not actually need. Water not needed could be allowed to flow using the water gates. As it turned out, people were not informed of the underlying good intentions of NORPLAN project. The gates and

locks were not effectively used as planned. In some areas there were opposition to the gates. Some gates were even vandalized. Customary water practices objected to female water engineer to oversee the construction of water canals. Mzee wa Mfereji traditionally in charge of canals; “mfereji kufanyiwa matambiko”; sacrificing of virgin daughters to lay claim over a water canal.

Processing of water rights follows protracted procedures. Applications for water rights for irrigation purposes pass through District Irrigation officer who is required to include his recommendations. The process through which an application for water rights pass, include-Water Office for registration of the application and obtaining application number. One copy each of the application is then sent to the Basin Water Office, District Executive Director, and the Agricultural Officer. These are required to indicate if there is any person likely to be adversely affected by the requested grant of water right.

### **5.1.3 An Example of Surviving Traditional System Based on the Clan System**

The clan of Temba (Uru North) traditionally had its own area of jurisdiction. With intermingling of peoples and tribes, this exclusive area of jurisdiction is no longer tenable or possible. The case of URU - involving the Tembas (“mburu” sacrificing a virgin to preserve a water source). Basin Water Office discourages applications for Water Rights for exclusive use by specific clans eg. Mfereji wa Mtambo.

The need to manage water at a wider basin level instead of myopic level of a canal or a river, is another reason why Basin Water Office would reject clan interests. In the North Marangu irrigation systems, matambiko, instillation of fear of spirits and ghosts were done to protect water sources. Invocation of fear of spirits can no longer today be used to manage water resources. Today “meku wa mfereji” is still in operation though under modern conditions. Invariably, election of canal leaders today will still come up with former leaders with expertise on water canals.

The place of customary water laws: law must respect important aspects of traditional rules and elders behind these rules. Traditional elders have expertise and accumulated knowledge over the area concerned. Whenever new policies, laws and projects are formulated; this wealth of traditional expertise must be sought first.

### **5.1.4 Village Governance Structure Eroded Traditional Systems**

It is important to note that villages in Tanzania mainland are established by law and invested with considerable power over resources found within the village boundaries. The village governance system has been a factor that has contributed to the erosion of traditional water right system. Village government is well placed to integrate traditional and statutory, by selecting water committee members from amongst the villagers with traditional water resource management expertise. Village government could also enact village by laws that reproduce traditional water values. In training needs, villages should be assisted to learn how to seek out traditional water practices from the village and reducing these into village by laws.

### **5.1.5 Problems facing Pangani Basin Water Office**

- ◆ A. Staff shortage-
- ◆ No environmental engineer
- ◆ No adequate number of community development officers

- ◆ Need to change of attitudes and perception: regional water officers regard basin officers as competitors, with conflicting goals..
- ◆ NB: look for list of employees to discern expertise at Basin Water Office.
- ◆ NB: What are the training needs of these Basin officers; Regional Officers with stake on water matters,

#### **5.1.6 Conflicts Arising out of Old Estates**

- ◆ Abandoned titled farms that had disused water rights.
- ◆ These farms invaded by squatters, building new villages and parcelling out of farms. Some villagers have been on these estates for over 30 years.
- ◆ New owners coming in to evict squatters and revive water rights. Volume assured under water rights can no longer be provided, leading to conflicts not only over water but over land as well.
- ◆ This is the problem arising out of government's failure to enforce the law [i.e. land and water laws]
- ◆ Check granted rights over land and Water Rights: West Kilimanjaro farms; Voi Sisal Estate; Himo Sisal Estate

### 5.1.7 Examples of interactions between traditional and modern water management systems

#### Box 1. Conflict in Landanai Village

The Maasai clan of Taiko Muna Mamasila in Pangani River Basin applied for a water right to control water from Landanai springs, over which they claim traditional rights. The Roman Catholic Church had renovated the scheme on behalf of the community and the village government. Members of the Taiko clan claim that they have been repairing the scheme for years. However, it was also alleged that the Landanai water scheme has also been maintained frequently by other Landanai villagers, apart from the Taiko clan. The villagers rely upon the scheme for their water needs. Officers of the Pangani Water Basin were of the strong view that it could not in the circumstances allow one clan alone to apply for a water right over the springs. The Basin was wary of possible conflicts likely to result from an exclusive grant of a water right. Already there were claims that some villagers had been beaten for using the water. The Pangani Basin Water Office recommended that Landanai village government and village assembly (involving all villagers) should be convened to decide who should apply for water right over Landanai springs. A delegation from the Pangani Basin Water Board and Central Water Board (Dar es Salaam) attended the first village government meeting. The delegation took time to explain the procedure to be followed by those applying for water rights. The meeting recommended to the village assembly held the next day that the village should form a committee of users of Landanai water springs who should apply for the water right. It was recommended that this Committee be made up of: 4 members drawn from Taiko clan; two members from other pastoralist clans, and 4 members drawn from the agricultural communities resident in Landanai village. It was agreed that amongst the committee members there should be at least two women drawn from pastoralists and agricultural communities. Between 200 and 300 villagers attended the village assembly meeting. The assembly agreed with the recommendations of the village government. The Committee was mandated to work under Landanai Village government for three years

#### Box 2: Irrigation in Ndung'u Village

The village of Ndung'u is a traditional village of the Wapare people, although there are also other tribes like the Sambaa, and Maasai pastoralists. Traditionally, land in Ndung'u was owned under customary arrangements, including in the areas covered by the irrigation project. There are several cases of customary owners leasing their irrigated blocks to others. Conflicts over land between owners and outsiders were almost non-existent because ownership was in accordance with customary arrangements which were well established and respected. Conflicts over land were restricted to relatives competing over inherited parcels or tenants failing to comply with applicable agreements. These conflicts were referred to traditional bodies known as kitala. Following the penetration of statutory laws, projects and other institutions, land disputes are now referred to the irrigation project leadership. If the project leadership fails to resolve an issue, the dispute is taken before the Baraza la Ardhi la Kijiji (the Village Land Tribunal). A new hybrid of the customary system with a strong dose of mainstream values is in place. This hybrid came in the form of the subsidiary legislation made by the Same District Council under Local Government (District Authorities) Act, 1982 to regulate irrigation agriculture in Ndungu area of Same district (Same District Council, 1994) The by-laws cover the Mkomazi river valley area of Ndungu designated as a project area for purposes of agricultural development. Mkomazi river is a controlled water source under the Water Utilisation (Control and Regulation) Act, 1974.

The first case illustrates how Maasai customary water law contended with the mainstream statutory framework. The mainstream package of law and institutions here includes statutory provisions and resulting institutions like the Basin Water Board, village governments and district and regional administrative structures. The Lanandai case provides an example of how an application by a clan for water right could not be sustained against the wider interests of the village and other customary water users. A traditional body with partial control over a water source, wanted to use the modern system of water rights to reinforce its hold over the source. In the second case, there is no doubt that implementation of the irrigation project has completely changed the pre-existing customary tenures in Ndung'u. The limited space for the

application of customary water and land laws is closely related to the increasing power of the District Council. The Council is vested with a lot of power over the organization and administration of the project office. The day-to-day activities of the project office are under a Project Manager who remains answerable to the Council.

## **5.2 Guidelines on Implementing Integrated Water Resources Management**

In obtaining this output the research team collaborated with another team, which was looking into the 'Implications of customary laws for implementing Integrated Water Resources'. The study team and that on 'Implications of customary laws for implementing Integrated Water Resource shared information on the practices from study areas and literature on other similar studies but from other study areas. The draft two guidelines on 'Accommodating customary water management arrangements to consolidate poverty-focused water reform: A policy brief' and on 'Building upon customary practices in implementing IWRM in East and Central Africa: Good practice guidelines for water managers' are presented in two different word documents.

## **5.3 Increased Awareness of River Basin Managers and Policy Makers**

The third output of this study was intended at achieving increased awareness of river basin managers and policy makers on the implications of plural legal systems for local conflict management, and empowered communities whose voices and own customary arrangements are better understood.

The dissemination workshops helped to raise the awareness of the river basin managers somehow through the feedback they received from this study and brainstorming among the participants. However, enough time should be given for the indented beneficiaries of this report including the produced guidelines to read this report and apply the guidelines before anyone could conclude on the impact of the study. Another study to evaluate the impact of this study will be crucial in order to determine the extent to which this output has been achieved.

Appendix 1: List of the Documents, which were Consulted and Analysed:

0. Boesen, J.; F. Maganga and R. Odgaard 1999. Norms, Organizations and Actual Practices in Relation to Land and Water Management in Ruaha River Basin, Tanzania, in T. Granfelt (ed) *Managing the Globalized Environment*, London, Intermediate Technology Publications.
1. Derman, B. and A. Hellum 2002. Neither Tragedy nor Enclosure: Are There Inherent Human Rights in Water Management in Zimbabwe's Communal Lands? *European Journal of Development Research* 14: 2: 31 – 50.
2. Maganga, F. ; H. Kiwasila; I. Juma and J. Butterworth 2004. Implications of customary norms and laws for implementing IWRM: Finding from Pangani and Rufiji basins, Tanzania, *Physics and Chemistry of the Earth*, 29 (1335-1342)
3. Maganga, F.P. and I. Juma 2000. From Customary to Statutory Systems: Changes in Land and Water Management in Irrigated Areas of Tanzania: A Study of Local Resource Management Systems in Usangu Plains, Report Submitted to ENRECA.
4. Meinzen-Dick and R. Pradhan 2001. Implications of Legal Pluralism for Natural Resource Management, *IDS Bulletin*, 32, 4: 10 – 17.
5. Potkanski, Tomasz 1994. "Property Concepts, Herding Patterns and Management of Natural Resources Among the Ngorongoro and Salei Maasai of Tanzania", Pastoral Land Tenure Series No. 6, IIED Drylands Programme, London, International Institute for Environment and Development.
6. Same District Council (Regulation of Agriculture in Ndungu Irrigation Development Project) By-laws, 1994 GN No. 324 of 1994.
7. Rubin, N.N. and E. Cotran (editors) 1971. *Annual Survey of African Law*, Vol. V, London: Frank Cass & Co. Ltd, 1971.
8. Turpie, J.K.; Y.M. Nganga and F.K. Karanja 2003. A Preliminary Economic Assessment of Water Resources of the Pangani River Basin, Tanzania: Economic Value, Incentives for Sustainable Use and Mechanisms for Financing Management. Report Submitted to IUCN – Eastern Africa Regional Office and Pangani Basin Water Office.
9. United Republic of Tanzania 2004a. Second Draft for Water Resources Management Act. Ministry of Water and Livestock Development.
10. United Republic of Tanzania 2004b. Second Draft for Rural Water Supply Act. Ministry of Water and Livestock Development.
11. United Republic of Tanzania 2004c. Second Draft for Urban Water Supply Act. Ministry of Water and Livestock Development.
12. United Republic of Tanzania, 1974. Water Utilization (Control and Regulation) Act No. 42.
13. United Republic of Tanzania, 1981. Water Utilization (Control and Regulation) (Amendment) Act No. 10.
14. United Republic of Tanzania, 2002. Water Policy, Ministry of Water and Livestock Development, Energy and Minerals.
15. United Republic of Tanzania, 1982. Local Government (District Authorities) Act, 1982.
16. Van Koppen, B.; C.S. Sokile; N. Hatibu; B.A. Lankford; H. Mahoo and P.Z. Yanda 2004. Formal Water Rights in Rural Tanzania: Deepening the Dichotomy? International Water Management Institute Working paper 71.

Appendix 2: Field Research Tasks for Research Assistants

**1. Guidelines for Data Collection:**

These rough guidelines are designed to assist the research assistants know the type of information they should look out for and record.

The information/data sought is about water conflicts/disputes and how they relate to land use. Research will be interested to know:

- ◆ The nature of water conflicts/dispute
- ◆ What type of customary law regulates various users of water;
- ◆ Nature of conflicts/dispute e.g. is it about scarcity of water? Or water canals? Or irrigation water?
- ◆ Economic activities and types of water uses of people involved in the conflict- is it by people claiming source of water under customary law? Clan water? Family water? Is the conflict/dispute between farmers (what type of farmers), pastoralists, flower farmers? Commercial farmers? Investors?
- ◆ Ownership over water source- by water right? By clan? By family? By whom?
- ◆ Ownership over land involved in water conflict. Is it occupied under any granted title? Or customary land or family land

Write as much information as you possibly can. Collect documents/judgments relevant to the research. Do photocopy of documents/judgments. The cost of photocopy will be reimbursed.

**TASK 1: Peruse court records 1990-2004**

Peruse court records of the High Court (at Moshi); District Court (at Moshi) for general information on water related conflicts/disputes that were taken to court for resolution; For each conflict/dispute identify its case number, parties and court; Facts of each such case, testimony of witnesses and court decisions; If the case originated in the Primary Court to District or District Court to High Court or from Primary Court right through to High Court- indicate what was discussed and decided in the original court; Indicate whether there is any appeal pending on the case;

**TASK 2:**

Under the old Water Ordinance, there was Water Court at Moshi: Get as much information as possible how this Court worked. Identify contact persons involved and where the archives of this court are kept. This information will enable the main researchers to visit the court records later.

We are informed that there was in Moshi a Traditional Court trying cases on customary land and water: investigate on how this court worked and ended, identify contact persons involved and where the archives of this court are kept. This information will enable the main researchers to visit the court records later.

**TASK 3: Peruse court records 1990-2004 in Same District**

Peruse court records of the Same District Court (at Same) for general information on water related conflicts/disputes that were taken to court for resolution;  
For each conflict/dispute identify its case number, parties and court;  
Facts of each such case, testimony of witnesses and court decisions;  
If the case originated in the Primary Court to District or District Court to High Court or from Primary Court right through to High Court- indicate what was discussed and decided in the original court;  
Indicate whether there is any appeal pending on the case;  
Request the District Magistrate to give you the names of Primary Court handling many water related conflicts...

**TASK 4: Peruse court records 1990-2004 in Mwangi District**

Peruse court records of the Mwangi District Court (at Mwangi) for general information on water related conflicts/disputes that were taken to court for resolution;  
For each conflict/dispute identify its case number, parties and court;  
Facts of each such case, testimony of witnesses and court decisions;  
If the case originated in the Primary Court to District or District Court to High Court or from Primary Court right through to High Court- indicate what was discussed and decided in the original court;  
Indicate whether there is any appeal pending on the case;  
Request the District Magistrate to give you the names of Primary Court handling many water related conflicts...

18-05-2004

### **Appendix 3: Terms Of Reference**

Objectives: To obtain information on constraints of organisations and individuals involved in Water Management Regarding:

- Plural Legal Systems
- Integrated Water Resources Management
- Customary Water Rights

#### **OBJECTIVES OF THE ANALYSIS**

- Develop a focused understanding of the players' perception on legal plurality
- To find out technical knowledge on customary law (in the minds of key stakeholders)
- To find out lessons from the ground on the use of customary law
- To find the discrepancy between policy and practice ; and to identify opportunities on how formal statutory law might take into account customary norms and law

#### **TARGET**

- Technical Staff: Pangani Basi Office
- District Officials, councillors, MPs, etc
- Policy Advisers involved in Current Development of Water Law
- Grassroot para-legal structures
- Adjudication committees (ward tribunals
- Primary Courts, District Courts, etc
- Ministry of water and Livestock Development
- Ministry of Agriculture and Food Security
- Private Sector and Voluntary Organisations

#### **DATA TO BE OBTAINED FROM ORGANISATIONS**

- Core functions of the organisation
- Leadership
- Capacity (manpower, facilities, financial)
- Staff Development
- Staff Development
- Funding Base (public or private
- Its collaborators and networks
- Incentive structure for its employees

#### **DATA TO BE OBTAINED FROM KEY INFORMANTS FROM THE ORGANISATIONS**

- Tasks/Functions and Responsibilities
- Capabilities
- Motivation
- Incentives
- Training
- Education Levels
- Attitudes (to customary systems, etc)
- Needs
- Political Aspects
- Knowledge, experience and skills
- Constraints