

WATER LAW
IN
SELECTED AFRICAN COUNTRIES

(Benin, Burundi, Ethiopia, Gabon, Kenya, Mauritius,
Sierra Leone, Swaziland, Upper Volta, Zambia)

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FOREWORD

This study is intended as a further contribution toward a global inventory of national experiences in the field of water law and administration. In view of its interest in promoting agricultural production, which requires a major consumptive use of water resources, FAO has always been concerned with the legal and institutional aspects of water management. As early as 1950, it initiated the publication of a variety of documents on water law and administration, including country studies on the United States (1950), Italy (1953), Moslem countries (1954/1973), Latin America (1956), ground-water legislation in Europe (1964), Central America, Caribbean and Mexico (1975) and in selected European countries (1975). Similar studies were later contributed by the United Nations Economic and Social Commission for Asia and the Pacific (formerly ECAFE) for most of its member countries (1967-1968) and by the United Nations Secretariat on the legal regime of the abstraction and use of water (1972) and on national systems of water administration (1974).

Through the preparation of such studies and with the benefit of extensive field experience, an Outline was eventually developed for the systematic inventory of national water resources legislative and institutional frameworks. This Outline based on the hydrologic cycle, considers water resources conservation, development and utilization as an integrated whole and treats corresponding legal and institutional aspects accordingly. The Outline, which is given as an Appendix, has been used by FAO for some years and served as a basis for the preparation of the present publication.

In recent years, water laws and institutions have undergone a fundamental process of modification in many countries of Africa. The selection of the country studies in this volume has been made, first of all, on the availability of data in FAO's Legislation Branch and on the basis of geophysical characteristics, juridico-political history or institutional organization. It is to be noted that - at present - in many African countries, the situation is in a state of transition and often rapid changes occur in their legal-institutional framework.

The original research of some country monographs or the final preparation of some others have been contributed by individual lawyers in their personal capacity. The following lawyers have prepared the country monographs or completed the essential legal materials (country monographs indicated in brackets): Dr. D. Alh riti re (Burundi, Swaziland), Ms. T. Aptekman (Gabon), Dr. S. Burchi (Zambia), Dr. S. Burchi and Dr. P.W.J. Odera (Kenya), Dr. C.L. d'Arifat, Q.C. (Mauritius), and Dr. B. Wohlwend (Sierra Leone); the remaining parts of the study (Part One - General Part, as well as Benin, Ethiopia and Upper Volta), have been prepared by Dr. Dante A. Caponera. Mr. R. Darroll has helped with the preliminary preparation of some country monographs and assisted in the editing of all the studies. We would like to record here our appreciation for their contribution and collaboration.

The ten country monographs included in this study may possibly contain omissions or statements based on such incomplete information as was available in some cases. The Legislation Branch will accordingly be grateful to any reader who would point out such deficiencies so that they may be taken into account in any future edition.

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