

Abstract

The need to develop sustainable systems for water resource governance in an environment of increasing scarcity and climatic variability has led to the re-evaluation of institutional frameworks. There has been a growing appreciation of the need to coordinate institutions involved in order to achieve sustainable water resource governance. Law and regulatory frameworks for water governance in some countries face the challenge of integrating parallel institutional arrangements such as community-based or customary institutions with statutory institutions. The provision for water users associations (WUAs) in the water statutes of several developing countries is an example of the attempt to bring these parallel institutions into the statutory framework. By recognizing WUAs, the statutes provide pre-existing institutions with the opportunity, upon registration, to participate in water resource governance issues. It is argued that this makes them a potential tool for integrating pre-existing customary institutions into the statutory system and in some way providing an interface between statutory and customary law systems. In Kenya's Water Act, the concept of WUAs is embodied in Water Resources Users Associations (WRUAs) and to some extent in Water Service Providers (WSPs). This article analyses the extent to which WRUAs and WSPs are effective in integrating customary institutions into statutory frameworks using a case study of the customary water resource governance system of the Marakwet.