Water Rights and Community Management

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Why Community Management?

- Limits of government ability to build, operate, maintain water systems
- Scale of water systems is beyond what one individual can manage
- Need for community involvement
Potential Advantages of Community Management

- Local people most directly affected, highest stakes in good operation
- Tap into local knowledge
- Tap into local resources
- Empower local communities
Examples of Community Water Management

- Community water supply and sanitation (WSS) programs
- Farmer-built irrigation systems
- Irrigation management transfer
- Community animal watering points
- Water harvesting/watershed management
- Fisheries co-management
Why Water Rights?

- Water rights give communities:
  - Authority
  - Incentive
  - Ability to accommodate multiple interests
  - Sense of identity
Water Rights and Authority

- Water rights give communities authority to manage water
  - To build systems
  - To make decisions
  - To change flows
  - To exclude some users
  - To enforce rules
Water Rights and Incentive

- Water rights give incentive to build systems, manage water
  - Long-term investments pay off
  - Careful water use is rewarded
Water Rights Accommodating Multiple Uses

- Most water systems involve many uses, users
- Water rights clarify the rights, responsibilities of different water users
- Potential to reduce, resolve conflicts
Water Rights and Community Identity

- Holding rights in common as a bond among community members
- Focal point for mobilizing labor, resources
- Ensuring the survival of communities
Pani Panchayats in India

- Community investment in water harvesting structures
- All community members can participate, even landless
- Water rights allocated to those that build the system, to households not to land
- Limits on sugarcane, rice, water-intensive crops
- Leasing fishing rights
Beyond “Sense of Ownership”

- Responsibility needs to be balanced with rights
- Real rights, not just “sense of ownership”
- More to rights than “ownership”
Water Rights Definition

*Claims* to *use* or *control* water by an individual or group that are recognized as *legitimate* by a larger collectivity than the claimants and protected through *law*.
Types of Water Rights

- Use rights
  - Access
  - Withdrawal

- Control/decision-making rights
  - Management
  - Exclusion
  - Transfer

- Rights to earn income from the resource
Sources of Water Rights

- Government law
- Local, customary law
- Religious law
- Project regulations
Strengthening Community Management and Water Rights

- Recognizing community water rights to strengthen community management
- Participation in water users’ associations strengthens water rights
Conclusions

- Balance state and local involvement
- Balance rights and responsibilities
- Rights to water resources are empowering, so be careful who is empowered
- Government-recognized water rights are important, but not the only source of rights
- Water rights need to be adapted to local conditions