

" ADMINISTRATION OF WATER LAWS
IN
KENYA".

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P R E F A C E.

The administration of water laws in the Republic of Kenya is the subject of this dissertation. The law has been administered by people with much practical experience but without legal training. This dissertation tries to piece together the law relating to water resources management and control.

To-date, there is no form of research which has been done in this field of late. Yet water is amongst the most important of our resources. This paper is an endeavour to bridge this conspicuous gap.

The paper looks at the provisions of the law, that is the Water Act, Chapter 372 of the Laws of Kenya. Then comments would be made on these provisions, either as they stand or as they operate in practice. In the end, recommendations would be made after the shortcomings in the law and/or practice have been pointed out.

The need to study the law and its administration in relation to water resources has been added impetus by the creation of the new Ministry of Water Development in the last quarter of 1974. Thus the then Water Department of the Ministry of Agriculture was severed away and given an enhanced status. This was a manifestation of the realisation of the importance of water.

Frenzied efforts then began to fit into the present law the new creation: The Ministry of Water Development had to be substituted for the Minister of Agriculture who was hitherto responsible for water matters. Same fate had to befall the Permanent Secretary, Ministry of Agriculture who had to be replaced by the Permanent Secretary in the Ministry of Water Development. The latest development in this rather furious pace to amend the Water Act was the substitution of the High Court for the Water Appeal Board in cases of appeals by persons aggrieved by decisions of the "Apportionment Authorities" under the Water Act.

This was done by Act No. 8 of 1975 passed after this dissertation had been completed. As such, the necessary changes could not be effected in the body of the paper.

This kind of study is just beginning; and the field of study so vast and unexplored that the dissertation cannot satisfy all aspects of the law of resource management and control. However, the writer will continue to make a deeper study covering even a wider area when time is not an element to be considered in doing the research.