

A MANIFESTO FOR THE FRESHWATER RULE OF LAW

A CALL TO ACTION:

The purpose of this Manifesto is to call attention to and inspire action to achieve equitable, efficient and sustainable management of freshwater resources, through domestic legislation that reflects the freshwater rule of law principles set out below. These principles are intended to guide the review and, where necessary, the development or revision of domestic legislation governing freshwater resources to give effect to the freshwater rule of law.

This Manifesto emphasizes the central role of legislation as a foundational pillar of the enabling environment for achieving the freshwater rule of law. Domestic freshwater-related legislation, including regulations, comprises both freshwater legislation and legislation governing sectors that have an interdependency with, an impact on or are impacted by freshwater resources.

The freshwater rule of law calls for domestic legislation implemented by governmental and other institutions to be held accountable by all stakeholders, leading to a culture of compliance that embraces environmental and social values.

PRINCIPLES

Principle 1. Integration and coherence of domestic freshwater-related legislation

Domestic freshwater-related legislation should reflect the complex web of interactions between freshwater, watershed ecosystems, and the multiple uses that sustain life, human health, wellbeing, and development through sufficient and clear integration. Domestic water-related legislation should also be clear and coherent throughout the spectrum of regulated human actions that impact—directly or indirectly—on freshwater resources. This includes ensuring that domestic freshwater-related legislation supports effective intra- and inter-sectoral integration.

Principle 2. Water is a public resource

The State acts as the custodian of a nation's freshwater resources in the public interest of people and of the environment. It is responsible for ensuring, through domestic freshwater-related legislation and its implementation, the equitable, efficient, and sustainable allocation, use, management, and development of freshwater resources, including its conservation and protection from pollution.

Principle 3. Protection of all legitimate water tenure rights

Domestic freshwater-related legislation should recognize and provide accountable legal and administrative mechanisms to protect all legitimate water tenure rights, ensuring coherence across laws where there are legal interdependencies with land and other resource tenure rights. This should include meaningful recognition and protection of the collectively held and often customary rights of Indigenous Peoples, traditional and other local communities, as well as the water tenure rights of women.

Principle 4. Protection of the value of healthy ecosystems

Domestic freshwater-related legislation should recognize and protect the ecological value of healthy freshwater systems in sustaining water availability, biodiversity, environmental health and resilience.

Principle 5. Procedural rights

Domestic freshwater-related legislation should include legally enforceable mechanisms for ensuring equitable and meaningful inclusion of all concerned stakeholders in freshwater decision-making. At a minimum, this includes the rights of access to information, meaningful opportunities to participate in decision-making, and access to justice.

Principle 6. Access to justice

Domestic freshwater-related legislation should include mechanisms to ensure fair, transparent, fast and reliable access to effective administrative and judicial remedies, enforcement mechanisms as well as alternative dispute resolution mechanisms.

Principle 7. Compliance and enforcement

Domestic freshwater-related legislation should include mechanisms to ensure effective and just compliance with and fair enforcement of its provisions.

Principle 8. Data for evidenced based decision-making

Decision-making pursuant to domestic freshwater-related legislation should be evidence-based and informed by the best available data. Such data should be credible, relevant, and practical and should also be publicly available.

Principle 9. Clarity and coordination of institutional roles and responsibilities

Domestic freshwater-related legislation should clearly define the roles and responsibilities of freshwater-related and other relevant institutional mechanisms that are involved in its implementation and enforcement.

Principle 10. International freshwater obligations

Domestic freshwater legislation should include appropriate mechanisms to ensure the implementation of all international freshwater obligations, including customary international freshwater law.