



IUCN – The World Conservation Union

Water Law Series – Issue 11

Water and Indigenous Peoples

“We reaffirm the vital role of the indigenous people in sustainable development.”

Johannesburg Declaration on Sustainable Development

The relationship between water law and indigenous peoples

Indigenous peoples have a strong relationship to water. As a scarce resource, water has traditionally been subject to many rules and rituals that are mainly geared towards respecting its role in all aspects of life. As was enunciated in the Indigenous Declaration on Water, indigenous peoples *“recognize, honour and respect Water as a sacred and powerful gift from the creator.”*

Participatory Management and Representation

Law plays an important role in ensuring that water rights are recognized and protected. Legislating for participatory management can help in ensuring adequate representation of indigenous peoples, including through water management boards and other decision making bodies. The Participatory Management Clearinghouse (PMC), a joint initiative of IUCN, the Ramsar Bureau, and the World Wide Fund for Nature (WWF) aids in promoting indigenous peoples management by disseminating information on case studies and projects of successful participatory management schemes.

Indigenous Knowledge

Indigenous peoples have developed fairly complex rules when it comes to water conservation, management and alternative dispute resolution. Many examples exist that highlight the importance and value of this indigenous knowledge, which often contains very creative ways of dealing with complex issues. Including indigenous people in water policy and management is one way of gaining benefit from their knowledge, with the goal of ensuring conservation and the equitable allocation of water resources. The IUCN Commission on Environmental Law *Indigenous Peoples Specialist Group* is addressing, amongst other matters, the issue of indigenous peoples knowledge and perspectives on water management.

How have specific needs/contributions of indigenous peoples been included in multilateral environmental agreements?

Two major multilateral environmental agreements have considered indigenous peoples relationship to conservation and sustainable use of natural resources, including water. The Ramsar Convention on Wetlands passed Resolution VII.8 on local communities and indigenous people which set up guidelines for establishing and strengthening local

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communities' and indigenous peoples participation. The resolution explicitly calls for inclusion of indigenous peoples in National Ramsar Committees and co-operation between Contracting Parties, technical experts and indigenous peoples. In addition, Ramsar publishes case studies on Local and Indigenous Peoples involvement in Wetland Management. The aim of these case studies is to assist in the implementation of Resolution VII.8 by providing concrete examples of successful joint management projects.

Article 8(j) of the Convention on Biological Diversity also stresses the importance of respect and preservation of indigenous knowledge and practices as well as indigenous peoples' involvement in decision making. It also encourages national governments to remove perverse incentives, which foster the over exploitation of resources and the displacement of traditional practices.

In addition to specific mention in MEAs, the needs and potential contributions of indigenous peoples have been explicitly considered in most aspects of the World Summit on Sustainable Development's Plan of Implementation. The importance of indigenous peoples knowledge and their contribution to achieving sustainable development has been highlighted in many areas, including natural resource management and biodiversity.

All of these issues are inextricably linked in one way or another with water law.

Where do I go for further assistance?

The IUCN Environmental Law Programme: see below for contact details.

IUCN Environmental Law Centre for the IUCN Environmental Law Programme

Contact the IUCN Environmental Law Centre at: waterlaw@elc.iucn.org

Visit the IUCN Environmental Law Programme Website at: www.iucn.org/themes/law