Why Water Use Rights are Important

The Role and Significance of Water Rights in the Management and Development of Water Resources

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- See the FAO Policy Learning Website: http://www.fao.org/tc/policy-learning/en/
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The Role and Significance of Water Rights in the Orderly Management and Development of Water Resources

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About EASYPol

The EASYPol home page is available at: www.fao.org/easypol

This presentation belongs to a set of modules which are part of the EASYPol Resource package: FAO Policy Learning Programme : Specific policy issues: Natural resource management, Water

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Introduction

Legislation for water resources management is an indispensable adjunct to water sector policies in general

- A system of reliable and secure rights in water resources ("Water rights") is at the core of water resources policy and legislation, and
- is central to regulating access to an ever scarcer resource, and to minimizing conflict over same

This presentation will illustrate just what water rights are and how they function
Objectives

After reading this module, you should know more about:

- the purpose, nature and contents of water rights
- how water rights are created
- how water rights operate
What do water rights do for their holders and for Government?

**Holders:**
- security of title (freedom from interference) - enforceability in court against others
- reliability of title (to the extent permitted by available water flows)
- both necessary for investment

**Government:**
- manage competing allocations (Register)
What is the nature of water rights?

A legal entitlement

- It can be claimed before law courts against the claims of others, including the Government.
What do water rights consist of?

Rights
- abstraction (surface and groundwater) for a variety of purposes
- free from interference
- enforceable in courts if necessary

Obligations
- return of unused water
- treat wastewater
- pay water charges
- use water in compliance with license restrictions (terms and conditions of grant)
In practice, just “what” is a water right?

- Originate from grants by the Government

- Various forms – legally equal:
  - licences, authorizations, permits or concessions
  - rights and obligations contained therein
  - standard formats provided by law
How to know that a water right has been granted (and to whom)?

- Register of water rights:
  - changes recorded
  - transparent
  - sound business practice
Can water rights change during their lifetime?

Dynamic and can be changed either by the individual, or by the government

- **Individual**
  - transfers (sale, succession)

- **Government can vary, suspend, or terminate right/grant**
  - *force majeure*
  - public interest (subject to compensation)
  - penalty
Conclusions

The main feature of modern water rights systems are with a view to reconciling

- equity and efficiency of allocation and use of scarce water resources, and

- flexibility to adjust allocation patterns in response to changing circumstances and security of title sought by investors
Further readings


