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The Inclusion of Indigenous Juridical Systems to Frame the Concept of Sustainable Management of Groundwater

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1. General Statement about Indigenous Juridical Systems

- There are socio-political and cultural contexts, e.g.: in Africa, where the <u>legal regime of</u> groundwaters is multiple: State Public Property & «Divine Public Property»
- → Next to the State that owns and manages the aquifers, there are superior invisible entities that control the same waters and enable the local communities to have access to and manage these waters
- →To use groundwaters, people must obtain permission from the State services. However, those who attach a religious and divine character to waters, also perform special ceremonies to pay tribute to the water geniuses in order to get access to water. This ancestral system is part of oral rights – and not written rights.

- In Sub-Saharan Africa, when groundwater is discovered by a 'seeker', 'spring-digger', or 'shaman', it's considered miraculous.
- This double way of managing groundwaters, <u>material on the one hand</u> and <u>sacred on the</u> <u>other</u>, can create conflicts of uses between the national hydrological management system and local ancestral practices especially in rural areas.
- These conflicts will be exacerbated by climate change, with increasingly intense and frequent heatwaves and droughts.
- Groundwater, if protected also considering previous legal frameworks, is a crucial resource.

2. Acknowledging the Indigenous Juridical Systems to target the SDGs

To avoid increasing rivalries, it is important to formally recognize:
the Ancestral Techniques of Groundwaters Management and
the existence of an Intangible Ancestral Legal Heritage

MAKE VISIBLE THIS INVISIBLE CONCEPTUAL LEGAL FRAMEWORK RELATED TO WATER

A framework that is often hidden by the weight of history and colonialism

Indeed, indigenous legal systems are aiming to:

- foster better protection and reasonable use of these valuable but limited resources
- promote far-sighted and reasonable management of local waters in a context of scarcity and global climate change
- naturally contribute to the achievement of the UN SDGs

Thus, the recognition of these ancestral legal systems would make it possible to reconcile: environmental concerns, the challenges of keeping peace and consolidating democracy, and respect for different forms of juridical expression other than those of the Western world.

3. The Role of the Global Network of Water Museums in supporting the process of recognition of traditional indigenous legal systems related to water

- Promote scientific research to acknowledge local water rights
- Elaborate an inventory of ancestral legal practices
- Foster the development of national action plans to recognize and combine both ancient and modern knowledge as regards groundwaters management