

MANAGING WATER SCARCITY : AN ISLAMIC LEGAL PERSPECTIVE

Raya Marina Stephan

ABSTRACT

In Islam, water has a special value. Born in an arid region, Islam has set precise and sophisticated rules for the access and supply of water, with the concern of allowing the use of water by all and permitting private ownership. Two main characteristics are linked to water : water is a common good and cannot be the object of any transaction. However, water can also be subject to private appropriation. Water being a common good, in the charia everyone has the right to a free access to water. The charia acknowledges two rights: the right of thirst, and the right to irrigate. The right of thirst is open to everyone and from all waters of the public domain, but also from private waters under certain conditions. On the contrary, the right of irrigation is limited to the waters from the public domain.

PALAVRA-CHAVE: Islamic water law, common good, right to access, private appropriation