

# Declaration of the Rights of the La Tet Tet Viva River

## GENERAL CONTEXT

- **RECOGNIZING** that rivers and streams are essential for all life by supporting a wonderful diversity of species and ecosystems, sustaining or draining aquifers, wetlands and other aquatic habitats, providing vital nutrients to coastal estuaries and oceans, by transporting sediment to rivers and deltas, and fulfilling other essential ecological functions;
- **AWARE** that rivers thus play an essential role in the functioning of the Earth's hydrological cycle, and that the viability of rivers and streams to play this role depends on many factors, including the maintenance of hydrographic basins, plains of flooding and surrounding wetlands;
- **RECOGNIZING** the absolute dependence of human beings on the rivers and aquatic systems which support human life by providing clean and abundant water for drinking and sanitation, by fertilizing the soils of the alluvial plains, by providing food sources for billions of people, recreation and cultural uses, as they have done since the beginning of human civilization, resulting in a precious interdependence between humans and other forms of life;
- **ALARMED** that human societies have caused significant pollution to rivers and streams around the world, including organic matter from sewage and sewage, plastic waste, pathogens and nutrients from agriculture , and industrial contaminants, in addition to many other forms and sources of pollution and degradation of ecological continuity and sediment transport with dams, resulting in declining aquatic health and biodiversity , as well as significant negative effects on human health;
- **AWARE** that the degradation and exploitation of watercourses are not only environmental problems but also a matter of rights for local communities, since the destruction of watercourses threatens the very existence and way of life of those who depend on it for their well-being;
- **CONCERNED** about the growing contradiction between respect for the natural functioning of aquatic ecosystems and the development of human activities which require significant withdrawals of water resources which are only increasing due to climate change;
- **GUIDED** by the growing recognition around the world of inherent rights to rivers and streams, notably in Ecuador by constitutional means for Nature as a whole, in New Zealand by legislative means for the Whanganui River, in the United States by the way of municipal ordinances taken in ten States for aquatic ecosystems, in Canada by the adoption of two municipal resolutions concerning the Magpie river, in India, in Brazil and in Colombia by the jurisprudential way and in Corsica by the Bill of Rights for the Tavignanu River in July 2021;
- **NOTING** that a new paradigm is operating in the world in order to recognize Nature as a common good and subject of law which must be respected and preserved for its intrinsic value, but also for present and future generations as well as other species, thus rethinking the relationship between humans and non-humans;

# CONCERNING THE LA TET RIVER

- **WHEREAS** the Tet is the first river in Northern Catalonia, taking its source at the foot of the Carlit peak, at an altitude of 2,405 m, crossing the Pyrénées-Orientales department from west to east over 114.8 km, first of all the Conflent, then Roussillon, to its mouth in the Mediterranean Sea, in Canet-en-Roussillon, after having crossed the historic city of Perpignan;
- **WHEREAS** the Tet crosses the five communities of municipalities (i) of the Cerdagne Pyrenees, (ii) of the Catalan Pyrenees, (iii) of Conflent Canigò, (iv) of Roussillon Conflent and (v) of Perpignan Méditerranée Métropole in the lower valley up to 'at its mouth;
- **WHEREAS** the Tet constitutes an indivisible whole with its riparian forest, its accompanying groundwater and its ecosystems, its wetlands, its 43 tributaries and its lakes and ponds which are located all along its course, from its source to proximity to its mouth;
- **WHEREAS** the Tet constitutes one of the main water resources of the Pyrénées-Orientales and makes it possible to supply drinking water to nearly 50% of the population of the department, that is to say about fifty municipalities with nearly 300,000 inhabitants, thus guaranteeing the right of access to water for local populations;
- **WHEREAS** the Tet valley and its watershed include 18 natural sites which are part of the European Natura 2000 network with environments ranging from lagoon areas to high mountains. The basin also has 81 ZNIEFF (natural area of floristic and faunistic interest), 5 ZICO (important area for the conservation of birds), 7 nature reserves and one PNR (Regional Natural Park of the Catalan Pyrenees);
- **WHEREAS** the valley of the Tet thus shelters a remarkable biodiversity in terms of natural habitats, fauna and flora with rare plants and protected and threatened animal species such as the desman of the Pyrenees, the European otter, the Pyrenean euprocte, Miller's shrew, capercaillie or even the bearded vulture, the leprous emyde, the mercury's borer, Mediterranean strains of brown trout and rainbow trout, eel, barbel southern, thus bringing together many heritage species of scientific and ecological interest and intrinsic value;
- **WHEREAS** the Tet plays an essential role for agricultural activities, forestry and fishing, agriculture existing in this region since Antiquity and participating in making the Catalan country a fertile and productive garden, because the watershed of La Tet concentrates 2/3 of irrigated areas of the department which represents approximately 10,000 hectares, of which 80% of orchards with predominant production fishing. The basin has in fact an important network of more than one hundred canals, some built as early as the Middle Ages or even from the time of the Templars (13th century) to supply forges and mills;
- **WHEREAS** the Tet Valley plays an essential role for the practice of other economic and energy activities with the presence of a network of hydroelectric power stations serving in particular to operate the yellow train, but also human leisure activities, such as fishing, skiing, hydrotherapy, kayaking, swimming and hiking, which promote ecotourism, and which it participates as a real pillar of the cultural life of the region;
- **WHEREAS** apart from certain protected areas, Tet does not currently have any particular protection status for itself and in its entirety as a natural element structuring the ecosystem;

- **WHEREAS** the Tet currently only benefits from a simple river contract, not legally binding, and a water development and management plan (SAGE) which could be enforceable against public and private persons is slow to be implemented. place, while large-scale works requiring significant financial investment must be implemented quickly to preserve the river and prevent any harm to it;
- **WHEREAS** the good health and preservation of Tet are essential for the rights of present and future generations to a healthy environment and to water;
- **WHEREAS** the erosion of the bed of the Tet is worsening from year to year and the upper surface of the Pliocene aquifer reservoir, a non-renewable aquifer on the scale of a human life, is exposed in several places , there is a great risk of emptying the captive water table which is already beginning to flow into the bed of the Tet in places;
- **WHEREAS** the rupture of the roof of the surface water tables has the consequence that polluting elements contaminate them and risk making the water unfit for consumption within a few years;
- **WHEREAS** the drop in the level of the Pliocene water table leads to irreversible salt water penetration into coastal areas making the water unfit for consumption in these densely populated areas;
- **WHEREAS** the fundamental right of access to drinking water for the inhabitants of the Tet valley and the Roussillon plain, i.e. nearly 300,000 inhabitants, is thus threatened and that, without the establishment of rules of strict management, it will no longer be possible to draw water from the river and its accompanying aquifers within ten years;
- **WHEREAS** the Tet River is also threatened, in particular on its downstream part, by development and management policies, in particular with the RN116 and the excessive containment of the banks, which endanger its entire biological functioning and natural, through a lack of ecological engineering and support from local populations, endangering the preservation of the resource and the natural ecosystems attached to it;
- **WHEREAS** the Tet sees its course blocked, in its upstream part, at Bouillouses and at Vinça by a reservoir dam and flood limiter which modifies its flow and the transport of solid alluvium;
- **CONSIDERING THAT** the wooded part of the riparian vegetation is not maintained through proper forest management that allows to respect the trees and shrubs and fight well with natural solutions against flood threats, which no longer allows the role of cut fires of this natural barrier as evidenced by the recent fire of Néfiach in August 2021;
- **WHEREAS** the associations En Commun 66 and Notre Affaire à Tous, at the origin of this declaration, as well as many elected officials, citizens and other associations, are concerned about the threats hanging over Tet;

## DECLARE AS FOLLOWS:

1. The Tet river is a living and indivisible entity from its source to its mouth, delimited by its watershed, and has legal personality.
2. As a legal person, Tet has the following fundamental rights:
  - - the right to exist, to live and to flow;
  - - the right to respect for its natural cycles;

- - the right to perform its essential ecological functions;
- - the right not to be polluted;
- - the right to supply and be supplied by aquifers in a sustainable manner;
- - the right to maintain its biodiversity;
- - the right to natural regeneration and restoration;
- - the right to sue.

The rights of Tet may be defended in court through its custodians, acting as legal representatives on its behalf.

4. Guardians will be appointed later. They will include representatives of the signatories of this declaration, as well as of any community having a vocation to join forces to defend the interests of the river.
5. The guards will be able to claim compensation for the damage suffered by the Tet and receive compensation which will be used for the benefit of the river.
6. The interests of Tet will have to be assessed and taken into account by public and private entities for each action or decision concerning the river.
7. The implementation of this declaration will respect existing human activities, provided that they do not infringe the rights of the Tet River, as well as the property rights of riparians.
8. The public authorities will have to ensure a regular assessment of the health of Tet in collaboration with all the actors concerned, in particular its caretakers.
9. The public authorities will have to deploy sufficient financial means to allow the respect of the fundamental rights of the Tet, in particular the right to natural restoration.
10. The public authorities will have to take care to preserve the social and ecological interest along the Tet, and any new construction, any new work or any new activity that will be considered will have to be done by consulting beforehand the appointed custodians of the Tet and taking into account of the opinion they will have issued.
11. The decisions taken by the public authorities concerning Tet will have to be guided by the principles of precaution and ecological solidarity.
12. Local elected representatives and deliberative bodies are invited to support and adopt this declaration in session and to ensure its effectiveness.