



Newsletter No. 25

October 2002

EDITORIAL

The Johannesburg Summit on Sustainable Development has provided a forum for the assessment of the results obtained with respect to the objectives set forth in Agenda 21, and it has emerged that more efforts are needed to ensure that in the years (and centuries) to come the world population continues to have access to water resources to satisfy its basic and economic development needs. Coherent policies, strategies, laws and institutions are a must if this major goal is to be attained.

Given the growing scarcity of surface water, the world's development efforts are increasingly concentrating on groundwater, especially in, but not limited to, arid and semi-arid regions. Lowering water tables, the drying-up of springs and salinization are some of the consequences of uncontrolled groundwater extraction, so that water resources planners and managers are becoming concerned about the status of the resource. Thus, measures are being devised to counterbalance increasing deterioration of aquifers, even if groundwater and its behaviour are not fully understood, groundwater being a hidden resource.

If issues relating to the management of underground water flows ('renewable' groundwater resources) are of relatively easy solution, deep fossil aquifers and their reserves may pose serious problems, because, if their development and use over time are not adequately planned, they may gradually disappear.

As the number of meetings announced or described in this issue of AQUAFORUM, the above concerns are being incessantly debated, with a view to finding solutions on the basis of experience. It is now recognized that the law plays a leading role in supporting management measures with regard both to domestic groundwaters and transboundary aquifers. Enhanced abstraction licencing systems and institutional arrangements for groundwater management are being gradually introduced in a number of countries.

Finally, governments are increasingly aware of the fact that cooperation in the development, protection and management of transboundary water resources is a must if the needs of all are to be satisfied. New initiatives in this direction are being taken.

Dante A. Caponera

Chairman of the Executive Council

1. NEWS OF AIDA AND OF AIDA MEMBERS

For his high merits, AIDA member **Surya Nath Upadhyay** (Nepal) has been appointed Chief Commissioner of the Commission on Investigation of Abuse of Authority (CIAA) of Nepal, but he is still the chief promoter of water law in his country.

Thanks go to AIDA member Lilian Del Castillo (Argentina) who has graciously translated AQUAFORUM into Spanish for many years to the benefit of Spanish speaking members.

2. MEETINGS AND CONFERENCES

- An International Workshop on '**Managing Shared Aquifer Resources in Africa**' was held in Tripoli, Libya, on 2-4 June 2002. The Workshop was hosted and supported by the General Water Authority of Libya and UNESCO under the Internationally Shared Aquifer Resources Management (ISARM) initiative, and was jointly sponsored by FAO, the International Atomic Energy Agency (IAEA), the International Association of Hydrogeologists (IAH), the United Nations Economic Commission for Europe (UNECE), the Southern Africa Development Community (SADC) and the Observatoire du Sahara et du Sahel (OSS). More than 200 experts from 30 countries and a number of regional and international organizations participated and shared their experiences and views as to the management of transboundary aquifers in Africa. Amongst other things, it was recognized that the framing of international agreements and institutional arrangements among countries sharing international aquifers is instrumental to the continuity and stability of cooperation. For more information, consult www.unesco.org/water/ihp/tripoli_report.shtm.

- A Seminar on '**The EU Water Framework Directive: Implementation, Implications and Impact**' was held at Cranfield University, Silsoe, Bedfordshire, UK, on 18 June 2002. The Seminar aimed at raising more awareness about the implications of implementing the Directive and generating a better understanding of the issues involved. For more information, visit <http://www.silsoe.cranfield.ac.uk/iwe/wfd/seminar.htm>.

- The **World Conservation Union** held a '**Water Day**' at the International Union for the Conservation of Nature (IUCN) Environment Centre, NEDCOR Bank Headquarters, Sandton Johannesburg, South Africa, on 1 September 2002. The programme included brainstorming sessions on environment flows, poverty alleviation, wetlands and security issues. For more information, contact AIDA member John Scanlon, JScanlon@elc.iucn.org.

- An **Expert Group Meeting** on the '**Socially-Sustainable Mining of Groundwater in Aquifer Storage**' was held at UNESCO Headquarters in Paris, France, 4-6 September 2002. The meeting, which was organized by the World Bank Groundwater Management Team (GW-MATE) and UNESCO, aimed at reviewing water management issues with regard to deep fossil aquifers in arid areas of the world, with a view to devising a set of guidelines and principles that countries could adopt within their national context. The meeting focused on hydrogeological, management, legal and economic issues. A series of case studies were presented and discussed.

3. DEVELOPMENTS AND PROGRAMMES CONCERNING WATER LAW

- **Armenia** - Water Code of the Republic of Armenia, 4 June 2002. This Code provides for water resources planning by river basin, the development of a national water policy and a national water programme, the establishment of a state water cadaster and an improved system for the issuance and administration of water use permits. Water rights under a permit are transferable. Water quality concerns are handled through water use permits, and the setting of water quality and effluent standards. The Code further envisages the possibility of entrusting the management of state owned infrastructure to private sector entities or entities other than the state, through trust management contracts, concession agreements, the creation of commercial organizations and lease agreements. Permits, contracts and agreements, as well as their modification, transfer, etc., are to be recorded in the state water cadaster. Specific chapters of the Code are devoted to financial aspects, including water charges and economic incentives, the safety of hydraulic infrastructure, water-associated risk management and special protection measures. The following institutions are mandated to implement the Code: the National Water Council, which is the highest advisory body in water matters, the Dispute Resolution Commission, the Water Resources Management and Protection Body, the Water Systems Management Body (for the management of hydraulic structures and water services), the Regulatory Commission (to regulate the provision of water services and develop charging policies) and the Regulatory Body for Water User Associations and Federations. Basin Management Authorities are expected to develop and implement basin management plans.

- **Lebanon/Israel** - A delegation of US experts, including a water lawyer, is touring the Hasbani river and its tributary, the Wazzani, to assess rising tensions over Lebanese plans to divert water from the Wazzani to local villages. Ariel Sharon stated that Israel 'cannot agree to this', and an Israeli defence ministry spokeswoman reported that ministry water adviser Noah Kinarti had joined Foreign Minister Shimon Peres in Washington 'in order to make clear (to the US) that Israel will not agree to the (Hasbani) water being diverted'. Lebanon has asked permanent members of the UN Security Council to persuade Israel to stop its 'threats' over the Hasbani, which flows from Lebanon to the Jordan river and the Sea of Galilee.

- **Mali** - Law No. 02-006 of 31 January 2002, Water Code. This Law defines integrated water resources management strategies and lays the foundations for resource management by hydrological/hydrogeological units. It creates a National Water Council, regional and local water councils and basin (or sub-basin) committees.

- **Mekong river** - The 3rd Meeting of the Technical Working Group (TWG) on the Implementation of the Agreement on Commercial Navigation on the Lancang-Mekong river among the Governments of China, Laos, Myanmar and Thailand (signed on 20 April 2000) was held in Beijing, China, on 12-13 March 2001. The aim of the meeting was to review the six technical rules, regulations and guidelines endorsed by the TWG in September 2000, and to agree on the establishment of a quadripartite coordination mechanism, the Joint Committee on Coordination of Commercial Navigation (JCCCN) on the Lancang-Mekong river.

- **Mekong River Commission** - On 1 April 2002 the Chinese government signed a historic agreement with the Mekong River Commission (MRC) to provide information on Mekong river flow and water levels to the four downstream countries members of MRC, i.e., Cambodia, Lao PDR, Thailand and Vietnam. China has been a regular dialogue partner with the Mekong River Commission at thrice-yearly meetings since 1996, and the signing of this data-sharing agreement gives a further boost to the dialogue process. The agreement concludes over a year of active negotiations and visits between the MRC and the People's Republic of China. Under the agreement, the Chinese Ministry of Water Resources in Beijing will provide data on river levels to the MRC Secretariat in Phnom Penh by computer link-up every 24 hours. The

information will come from water measuring stations located in Yunnan province at Yunjinghong and Man'an on the Upper Mekong, called the Lancang river in China. The MRC will provide assistance to the Chinese government to upgrade the water measuring stations which are transmitting the data. The MRC manages a complete network of hydrological monitoring stations on the Lower Mekong, which transmits information directly to the Secretariat in Phnom Penh. During the flood season, the Mekong River Commission broadcasts daily flood forecasts on its website, www.mrcmekong.org.

- **Northern Territory (Australia)** - Water Act, 15 July 2001. The Act provides for water allocation planning within designated water control districts. The plan formulation exercise is to take place in consultation between the Controller of Water Resources and the Water Advisory Committee established for a water control district. A Water Resources Review Panel is responsible for advising the Minister on matters relating to water resources management. The Act regulates the issuance of water use and wastewater discharge licences, and the granting of drilling licences, amongst other things.

- **Sava Basin** - The Governments of Bosnia and Herzegovina, Croatia, Slovenia and Yugoslavia are currently negotiating an international agreement for the management of the water resources of the Sava river basin. The draft agreement reflects the latest developments of international law on the subject. For further details, contact AIDA member Slavko Bogdanovic at slavkob@Eunet.yu.

- **Turkey/Israel** - The two countries have reached a deal under which Ankara will sell the Israelis 50 million cubic meters of water annually for the next two decades. The countries had been discussing the issue for several years as part of efforts to alleviate Israel's serious water shortage. Nevertheless, some Israelis would prefer to desalinate more sea water rather than depend on Turkey, even if only for a small proportion of its water. Press release of 6 August 2002, in <http://news.bbc.com>

- **Victoria (Australia)** - The Water (Irrigation Farm Dams) Act No. 5 of 2002 was assented to on 3 April 2002. The Act requires the use of water in private dams or from springs or soaks for commercial and irrigation purposes to be licenced, provides for the declaration of water supply protection areas and the preparation and implementation of management plans for those areas, requires certain dams to be licenced, requires licenced drillers to comply with the conditions of bore construction licences and, in general, amends the Water Act of 1989.

4. TRAINING AND RESEARCH CONCERNING WATER LAW

- The Association of Engineers of Rio de Janeiro, Brazil, organizes courses on hydrology, water and sanitation and water and environmental law. For more information, contact the course coordinator, Prof. Jorge Rios, at Clube de Engenharia, Av. Rio Branco, 124/18⁰ andar – Metrô Carioca / Rio de Janeiro, Brazil. E-mail: jorgerios@alternex.com.br, or simonegeane@ig.com.br.

- A IX Course on Water Law was organized and delivered by AIDA member Cid Tomanik Pompeu (Brazil) at the University of Sao Paulo, Brazil, Bauru, State of Sao Paulo, on 6-9 August 2002. For information, contact Mr Tomanik at ctpompeu@mandic.com.br.

5. PUBLICATIONS OF INTEREST TO AIDA MEMBERS

- Issue 1, 2002 of the [IUCN Environmental Law Programme Newsletter](#) has a 'Focus on Water', and includes interesting contributions on Interstate Trade in Water Entitlements in the Australian Murray Darling Basin, International Law and Environment Flows, Synergies Between Freshwater Conservation and the Law of the Sea and Water Problems and Solutions in Central Asia. The Newsletter can be obtained from the IUCN ELP web site at: www.iucn.org/themes/law.

- FAO, [Law and Sustainable Development Since Rio](#), FAO Legislative Study No.73, Rome, 2002. The book illustrates the legal reforms relating to the management of natural resources intervened since the United Nations Conference on Environment and Development (UNCED), Rio de Janeiro, 1992. It includes a chapter on water authored by AIDA member Stefano Burchi.

- OECD, [Implementing Domestic Tradeable Permits: Recent Developments and Future Challenges](#), 2002. This book presents the proceedings of an OECD workshop on domestic tradeable permits, which was held in Paris in September 2001. It provides an analysis on recent developments in the use of domestic tradeable permits in areas such as water resources management, solid waste management, renewable energy and transport, and attempts to link the current experience to further research needs. Further information may be found at <http://oecdpublications.gfi-nb.com/cgi-bin/OECDBookShop.storefront/EN/product/972002121P1>.

- H. Smets, [Le droit à l'eau](#), Académie de l'eau, 2002. This report, which was published with the support of the French Water Agency Seine-Normandie, reaches the conclusion that the "right to water", i.e., the right to a limited quantity of drinking water to satisfy basic human needs, is officially recognized under international law and is implemented in national laws. The report may be downloaded from the web site of the water academy: <http://www.oieau.fr/academie>.

6. FUTURE EVENTS

- A **Conference on 'Mountains: Sources of Water, Sources of Knowledge'** is being organized by the Alps, Environment and Society Group in cooperation with the Haute Ecole Valaisanne at Sion, Switzerland, on 8-10 October 2002. The Conference is based on the thought that a crucial vulnerability faced by the international community in the near future will be access to fresh water in sufficient quantity and of adequate quality to meet increasing and more diverse needs of a growing world population. Mountains have always held a privileged relationship with water, as the sources of the world's greatest rivers and as the home of the great reserves of water held in glaciers. The primary focus of the conference is on competitive uses of water. Themes relevant to this issue will include: (a) water as a public good: property rights management structures, past and present; (b) future uses of water for hydroelectricity, agriculture, industry, tourism, domestic use, etc.; (c) evolving international legal regimes for water management: compatibility with national policy and other international agreements (trade, environment, etc.); (d) water pricing and water markets; (e) water use and international conflict; (f) efficiency and equity issues. More information may be obtained on: <http://www.montagne2002.ch/AIMFR/Projets/iukb1.htm>.

- An **International Congress of Hydrogeology** (VI Congreso ALHSUD) will be organized at Mar del Plata, Argentina, on 21-25 October 2002. Topics for discussion will include

groundwater management and transboundary aquifers. For information, consult <http://alhsud.got.to>.

- The French Institute for International Relations (Institut français des relations internationales - IFRI), in cooperation with the Department of External Economic Relations, is organizing in 2002/2003 a cycle of conferences on the subject '**Water at Stake in the 21st Century**'. The first conference, on '**Water & Conflict**', has been planned on 21 October 2002, after the World Summit on Sustainable Development (Johannesburg, 26 August - 4 September 2002) and in preparation for the Third World Water Forum, which will be held in Kyoto, Japan, on 16-23 March 2003. The audience will be composed of companies executives, academics, defence executives, government and administration staff and diplomats. For information, consult IFRI's web site at www.ifri.org.

- Organized by the Water Academy and UNESCO, the **International Colloquium on the Legal Aspects of Water Services within the Framework of a Sustainable Development Policy** will be held in Paris, at UNESCO Headquarters, on 29 October 2002. The colloquium is a follow-up to nine sessions on water law which were held in the past two years, and aims at contributing to the preparatory work for the Third World Water Forum (Kyoto, Japan, March 2003). For further information, contact Académie de l'eau, 51, rue Salvador Allende, 92027 Nanterre cedex. Tel: +33(1) 41201856; Fax: +33(1) 41201609; e-mail: academie@oieau.fr.

- A **meeting of the Water Resources Committee** (WRC) of the International Law Association (ILA) will be held at Novi Sad, Yugoslavia, on 1-3 November 2002, to discuss a proposal for a revision of the Helsinki Rules. The proposal does not seem to meet the unanimous approval of WRC members, as was mentioned in previous issues of AQUAFORUM. For information on the meeting, contact AIDA member Slavko Bogdanovic at slavkob@Eunet.yu.

- The Balkan Environmental Association (BENA) will hold the **Fifth International Balkan Conference on Transboundary Pollution** in Belgrade on 7-10 November 2002. The conference will bring together scientists, politicians and public administrators from south-eastern European countries with the aim of improving relations, enhancing scientific cooperation and maintaining and improving the region's environmental conditions. Topics for discussion include water management, pollution monitoring and control, environmental legislation, clean technologies, recycling and risk assessment. For further information, please contact Dr P. Polic, ppolic@helix.chem.bg.ac.yu; Tel: +381 11 635004; Fax: +381 11 636061.

- The International Commission for the Protection of the Geneva Lake (France-Switzerland) and the French Rhone-Mediterranean-Corsica Water Agency are jointly organizing the **First Constitutive Meeting of the Network of Transboundary Basin Organizations** at Thonon-les-Bains, France, on 25-26 November 2002. The objectives of such a network are to enable executives and technicians of such organizations to exchange experiences, compare approaches and methods and thus facilitate the creation and strengthening of new organizations and foster cooperation among countries sharing international river basins. Any information regarding this event is available on the web at www.riob.org.

- **Symposium on Groundwater Intensive Use: Challenges and Opportunities**, 10-14 December 2002, Valencia, Spain. The symposium, which is organized by the Geological Survey of Spain, the Marcelino Botín Foundation and the Generalitat Valenciana, aims at convening and gathering a world-wide forum of scientists, stakeholders, sociologists, lawyers and decision makers with experience on groundwater intensive use issues. These experts will study, discuss, and evaluate the challenges and opportunities of intensive use of groundwater from a wide-scope point of view in order to show the real benefits and costs, and to deflate

myths that prevent the sustainable use of such an essential resource. For more information, visit <http://www.fcihs.org/SINEX.HTM>.

- The Economic and Social Commission for Western Asia (ESCWA) will hold a **Workshop on Legal Framework for Shared Groundwater Development and Management in the ESCWA Region** at a Dead Sea Resort in Jordan on 16-20 December 2002. The workshop is organized in cooperation with Jordan's Ministry of Water and Irrigation and with financial support from the Federal Institute For Geosciences and Natural Resources (BGR), Germany, and the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH. It is co-sponsored by the United Nations Environment Programme/ Regional Office for West Asia (UNEP/ ROWA) and the Centre for Environment and Development for the Arab Region and Europe (CEDARE). The workshop will: debate experiences in the joint management of shared groundwater aquifers in the Arab and other regions; highlight the principles of international water law applying to shared groundwater resources with a view to assessing their adequacy with respect to the development and pollution control of shared aquifers and possible modalities for enhanced inter-state cooperation; examine the extent to which fossil aquifers could be subjected to flexible management guidelines; and present and discuss a Draft Groundwater Management Charter for the Western Asia countries, which aims at promoting best practices and the harmonization of national legislation relating to the management of groundwater. Participants will include water experts, managers and policy makers from ESCWA Member States and from other Arab countries, in addition to representatives from interested agencies and relevant international and/or regional organizations, and invited speakers. For further information, contact Mr. Hasan Charif, Chief, SDPD, ESCWA, P.O. Box 11-8576, Beirut, Lebanon. Tel: 961-1-981-301; Fax: 961-1-981-510; e-mail: hcharif@escwa.org.lb.

- The European Water Association (EWA) will organize a **Conference on Water Environment Directives and EU Enlargement** in Warsaw, Poland, on 14 February 2003. The conference will provide an overview of EU water legislation and its national implementation and will discuss first-hand experiences of countries in Central and Eastern Europe. Topics for discussion are the Urban Wastewater Treatment Directive, the Sewage Sludge Directive, the Drinking Water Directive, the Water Framework Directive, the Bathing Water Directive, and the Nitrate Directive. For further information, contact: European Water Association (Ms Kirsten Overmann), Theodor-Heuss-Allee 17, D-53773 Hennef. Tel. +49 (0)2242 872-189; Fax: + 49 (0)2242 872-135; e-mail: overmann@atv.de. The EWA homepage (<http://www.EWAonline.de>) contains regularly updated information about the conference.

- Organized by the International Water Association (IWA), The **Second International Conference on Efficient Use and Management of Water in Urban Areas** will be held in Tenerife, Spain, on 2-4 April 2003. The objective of the conference will be to provide a forum for the exchange of ideas, techniques and experience in all areas of water resources management that could lead to more efficient water use. Technical, legal, environmental, economic and service quality perspectives will be comprehensively examined in order to identify the main driving factors, problems and solutions. The conference will be the principal international 'water use efficiency' event of 2003, and it is expected that leading experts and professionals from around the world will participate. More information may be obtained on <http://www.iwatenerife2003.org/>.

- Lawyers for a Green Planet Institute, will be holding the **7th International Conference on Environmental Law** in Sao Paulo, Brazil, on 2-5 June 2003. The conference will focus on water law, and is titled '**Water and the Web of Life**'. For more information, contact AIDA member John Scanlon, JScanlon@elc.iucn.org.

7. COMMUNICATION OF CHANGE OF ADDRESS AND E-MAIL

Please communicate any change of address and e-mail address to the Association and, possibly, provide us with information on what is happening in your part of the world in the field of water law and administration. AquaForum should continue to be a product of the Association as a whole. AIDA is reachable via e-mail at: [**dominique.alheritiere@gmail.com**](mailto:dominique.alheritiere@gmail.com)

7. PAYMENT OF ASSOCIATION DUES

The annual Association dues, amounting to Euro 30 or the equivalent in US\$, are payable either by personal cheque, net of commission charges, to:

Dr. Stefano Burchi, Treasurer of AIDA
Via E. Faà di Bruno 52
00195 Rome, Italy

Or by direct bank transfer, bank coordinates available at "[How to pay the dues](#)"

To ensure better record keeping for the Secretariat, please notify the Treasurer of AIDA (Stefano Burchi) via e-mail at : stefano.burchi@gmail.com