

**Newsletter of the International Association for Water Law
Boletín de la Asociación Internacional de Derecho de Aguas
Bulletin de l'Association Internationale du Droit des Eaux**

International Association for Water Law
Asociación Internacional de Derecho de Aguas
ASSOCIATION INTERNATIONALE DU DROIT DES EAUX



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EDITORIAL

Once again we are pleased to offer you news on initiatives and events in the field of water law and administration. It goes without saying that we would like to provide you with even more news, but this may only happen if you participate in the production of AquaForum by contributing information of interest to AIDA members.

As you will notice, there is no month without a conference or other event being organized on water management issues having legal implications. These implications, however, are often overlooked and most of the time do not receive the attention they deserve. More understanding should be built around the fact that laws and institutions in support of water resources management, and international agreements in the case of shared water resources, are fundamental, and that in the absence of adequate legal and institutional frameworks, resource management measures might be unsustainable in the long run. More efforts should therefore be devoted to the study and discussion of water law and administration issues.

More than three years have elapsed since we last met at Teslic, Bosnia and Herzegovina, to discuss water law and administration issues and to exchange knowledge and experiences within the framework of an AIDA Conference. We are now in the early planning stages of another AIDA Conference to provide a forum for the assessment of the current situation and an opportunity to look into the future. All this, keeping in mind that coherent water resources policies, strategies, laws, international agreements and institutions are a must if sustainability in resource management is to be attained. AIDA will keep you posted on developments in this respect.

Bernard J. Wohlwend

Chairman of the Executive Council

1 NEWS OF THE ASSOCIATION AND ITS MEMBERS

Those among AIDA members who have not logged into the Association's website yet are reminded that they may do so by visiting www.aida-waterlaw.org and following the instructions. AquaForum is only accessible to those members who are in good standing with the payment of their Association dues, and access will be discontinued to those who have not paid these dues for two consecutive years.

2 MEETINGS AND CONFERENCES

- **Pan-African Conference on Water** - More than 1,000 people, including 45 African water and environment ministers, representatives of intergovernmental organizations and NGOs, and other stakeholders, met in the first Pan-African Implementation and Partnership Conference on Water (PANAFCON), which was held at Addis Ababa, Ethiopia, on 8-13 December 2003. The Conference ended with an agreed action plan to meet Africa's World Summit for Sustainable Development targets, the African Water Vision and the Millennium Development goals on safe drinking water and sanitation. Participants met in an open plenary, followed by thematic sessions on integrated water resources management, water allocation, the financing of hydraulic infrastructure and water governance, amongst other things. A summary of the proceedings is available online, at www.iisd.ca/csd/rim/eca. Source: Go Between No. 101, December-January 2004, Newsletter of the UN NGO Liaison Service.

- The **International Network of Basin Organizations (INBO/RIOB)** held its **Sixth General World Meeting** at Fort-de-France, Martinique, in January 2004. INBO has 158 member organizations or permanent observers in about 50 countries at present, and works towards the establishment or strengthening of basin organizations with a view to achieving a better integration in the management of water resources of rivers, lakes and aquifers. The General World Meeting convenes every two years and is open to representatives of basin organizations, water resources administrations, cooperation agencies and NGOs interested in integrated water resources management. The subjects discussed during this session included an evaluation of progress in the establishment of basin organizations, the implementation of the EU Water Framework Directive, and the role of international basin institutions in water resources management, amongst other topics. AIDA member and Regional Representative J. Sironneau (France) participated in the event. For more information, visit the INBO website at www.riob.org.

- The government of Mexico, the World Water Council and the Secretariat of the 3rd World Water Forum held the **4th World Water Forum Kick-off Meeting** and the **3rd World Water Forum Global Follow-up Meeting** in Mexico City on 22-23 March 2004. These meetings aimed at setting down the bases along which the 4th World Water Forum, to be held in March 2006, will be organized. For more information, contact : region@water-forum3.com, or worldwaterforum4@cna.gob.mx.

- Organized by INPIM, the **Seventh International Seminar on Participatory Irrigation Management** was held at Tirana, Albania, on 13-18 June 2004. The theme of the Seminar was 'Enabling Environment for Productive and Sustainable Water User Associations'. It highlighted the diverse experiences of Albania and other nations in the Eastern European and Central Asian region, and those of selected nations with best practices with regard to water users' association sustainability throughout the world. For more information contact : info@inpim.org.

- The **71st Conference of the International Law Association (ILA)** was held in Berlin, Germany, on 16-21 August 2004. One of its outcomes was the adoption by the ILA, by Resolution No. 2/2004, of the rules proposed by the ILA Water Resources Committee (WRC), which are styled in the report of the Conference as 'Berlin Rules on Water Resources'. These

Rules, which state the international law applicable to transboundary and to domestic freshwater resources, were debated for a number of years and were the subject of substantive criticism by a number of WRC members and consultants on the grounds that they do not reflect prevailing international law, amongst other things. Hence, the decision made by the WRC to adopt them was not unanimous. The dissenting opinion of some WRC members was published in Special Issue of AquaForum No. 30/1. ILA Resolution No. 2/2004 also recommends to the Executive Committee (of the ILA) the dissolution of the WRC. For more information, and for the text of the 'Berlin Rules', visit the ILA's website at www.ila.org.

3 DEVELOPMENTS AND PROGRAMMES CONCERNING WATER LAW

- **Arab Water Council (AWC)** - A non-profit organization dedicated to water issues in the Arab States, the Arab Water Council (AWC) was founded in Cairo, Egypt, on 14 April 2004. Its mission is to promote better understanding and management of water resources in the Arab region, disseminate knowledge, and enhance the sharing of experience and information. The main objectives of the Arab Water Council are to influence decision-making, policy formulation and strategic orientation, and to represent the regional views at international fora dealing with political, institutional, legal and financial issues, and the development of policies, strategies and action plans related to water resources, amongst other things. For further information, contact: secretariat@arabwatercouncil.org

- **Bulgaria** - As of 28 July 2004, new legislation came into effect setting a limit of 25 per cent to the costs of water losses that water companies can pass on to consumers. The adoption of this legislation was delayed for a year because of fears that water companies, whose water losses are about 60%, would go bankrupt and discontinue services. The government also plans to set up a water regulator. For more information, visit : <http://www.irc.nl/page/12939>

- **Ecuador** - The Water Law of 1972 has been amended by Law No. 2004-31/R.O.271 of 11 February 2004, to provide for the recovery of the costs associated with the construction, operation and maintenance of irrigation schemes in connection with the process of transferring irrigation management to water users' associations.

- **Ethiopia** - A meeting was held in Addis Ababa, Ethiopia, on 27 March 2004, to inaugurate a national water resources association. The association has members of a multidisciplinary nature, including several water resources lawyers. For information, contact AIDA member and Regional Representative for English speaking Africa, Imeru Tamrat at imerut@yahoo.com.

- **European Union** - Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage has been published in the Official Journal L 143 of 30 April 2004. The Directive is based on the 'polluter pays principle'. It aims at ensuring that environmental damage in the EU is prevented or remedied and that those who cause it are held responsible. 'Environmental damage' includes damage to animals, plants, natural habitats and water resources, as well as contamination of land which causes significant harm to human health. The text of the Directive may be downloaded at http://europa.eu.int/eur-lex/en/archive/2004/l_14320040430en.htm.

- **India (Punjab)** - On 13 July 2004, a special session of the Punjab Vidhan Sabha passed the Punjab Termination of Agreements Act, 2004. The Act terminates all agreements with the states of Haryana and Rajasthan, and all judicial decisions which are to be given effect, with regard to the sharing of the waters of the Ravi, Beas and Sutlej rivers. Under the Constitution of India, water is a state subject. The Act is a response to a Supreme Court judgment of 4 June 2004 on the issue of construction of the Sutlej-Yamuna Link Canal, based on which Punjab had to hand over all Canal construction records and the land earmarked for construction to the Central Public Works Department. On 23 July the Central Government filed a Presidential Reference to the Supreme Court to seek the Court's opinion as to whether the Act really discharges the State

Government from the agreements (and in particular from the agreement of 1981 with Haryana and Rajasthan). For more information and updates, visit www.water-mgmt.com/en/news.

- **Mexico** - The amended text of the Law on National Waters (1992) was published in the Official Gazette of the Federation on 29 April 2004. The Law provides for the transformation of the National Water Commission, an organization attached to the Secretariat of the Environment and Natural Resources, into a decentralized legal entity with its own assets. Further, it provides for the transformation of the Regional Directorates of the Commission into Basin Organizations. Water resources planning at the national and basin level is to rely on a national network for data and information on water and water-related matters, which is to be administered by the National Water Commission and the Basin Organizations.

- **Russian Federation** - The Water Code of 1995 is currently undergoing revision, and an amended version thereof was endorsed by the Cabinet of Ministers on 19 February 2004. According to the revised Code, small water bodies which are not hydrologically connected to other water resources may be privately owned. The size of these small water bodies was initially proposed to be 2,000 sq.m., but this limit is likely to be raised. Under the revised Code, the territory of the Russian Federation is to be divided into ten river basin districts which will be administered by a 'new single federal body' with a branch in each district. Further, the Code envisages the abolition of the current water taxes, which are paid into the *oblast* (regional) budgets, and the introduction of national taxes. Tax rates are to be set by the government depending on the basin from which the water is taken. Finally, the Code simplifies access to water by replacing the present system according to which five applications are needed to obtain a water use permit with a system that requires one application only. The Code also introduces stricter guidelines for wastewater discharges. For more information, read www.gateway2russia.com/st/art213625.php.

- **United Kingdom** - An internet text version of the Water Act 2003 is now available on the web, at <http://www.legislation.hmso.gov.uk/acts/acts2003/20030037.htm>.

- **WHO** - The World Health Organization (WHO) will launch new Guidelines for Drinking Water Quality during the 4th IWA World Water Congress (19-24 September 2004, Marrakech, Morocco). Read more at www.iwa2004marrakech.com/Templates/Conferences/marrakech.

4 TRAINING AND RESEARCH CONCERNING WATER LAW

- **Course on Water and Environmental Law and Institutions** - UNESCO-IHE (Institute of Hydraulic Engineering) will organize a three-week course on the above subject at the organization's location in Delft, The Netherlands. The course will start on 17 May and will end on 5 June, 2005. Its purpose is to introduce students to theoretical and practical aspects of water resources and environmental management from a legal and institutional perspective, and to enhance the skills needed for resource management. The subjects covered include the evolution of international water law, an analysis of present international legal instruments, the negotiation of international water agreements, the resolution of water disputes, national water law systems and water institutions. The target participants are decision-makers, technical experts, trainers and researchers. For more information, visit the UNESCO-IHE website at www.unesco-ihe.org.

- The **Cranfield University** at Silsoe, UK, will organize a short **Course on Water Law** on 10-21 January 2005. The Course is meant to review and analyze key water management issues that are addressed through water legislation (resource allocation, pollution control, etc.), and to provide an in-depth understanding of how this legislation is implemented in the UK and within the European Union context. Upon course completion, the participants will be able to assess the effectiveness of the legislation and to identify the legal implications of various water management scenarios. For more information and to register, call +44 (0)1525 863327, or email silsoecpd@cranfield.ac.uk. Bookings may be made using the online registration form, which is to be found at www.silsoe.cranfield.ac.uk.

5 PUBLICATIONS AND SOURCES OF INFORMATION OF INTEREST TO AIDA MEMBERS

- **Le droit international des ressources en eau douce: solidarité contre souveraineté**, by J. Sohnle, CERIC - Université d'Aix-Marseille III, La documentation Française, 2002 (606 pages).

- **List of the Leading Cases and Judgements of the European Court of Justice on Environment** - The European Commission has published a list of cases and judgements on five environmental sectors: EIA, air, water, waste, nature. The document may be consulted on the web at http://europa.eu.int/comm/environment/law/leading_cases_en.pdf

- **Water as a Human Right?**, by AIDA member John Scanlon, Angela Cassar, and Nomi Nemes, IUCN Environmental Policy and Law Paper No. 51, IUCN, the World Conservation Union, 2004. This publication was produced by the IUCN Environmental Law Programme in collaboration with FAO and UNDP. Based on the consideration that the content and scope of a right to water has not been clearly defined in international law and has not been explicitly recognized as a fundamental human right, it seeks to address a human right to water in a wider context, which views water as both a social and environmental resource. The publication may be downloaded at www.iucn.org/themes/law/pdfdocuments/EPLP51EN.pdf

- **Water Problems of Central Asia**, by K.L. Valentini, E.E. Orolbaev & A.K. Abylgazieva, MISI, Socinformburo, Friedrich-Ebert Stiftung, Bishkek, 2004. This publication offers a review of the emergence and evolution of water-related issues in Central Asia, along with a description of the political, economic, legal and technical problems arising in connection with water use. It targets professionals in the field of water resources management, and all those interested in water-related problems within the Central Asian region. The publication may be downloaded in pdf format from www.fes.uz.

- A new **Water Framework Directive website** provides governments and organizations with information regarding the Water Framework Directive (WFD) and its implementation at the regional and local level. The site includes links to various related web pages and extracts from the EU-CIS guidance documents. Visitors are welcomed to ask questions about the WFD implementation and a team of professionals will answer these questions at www.wfd-service.com.

6 FUTURE EVENTS

- The **International Conference on Water: A Catalyst for Peace** will be organized by the UNESCO PCCP project (from Potential Conflict to Co-operation Potential) in Zaragoza, Spain, on 6-8 October 2004. The Conference will provide interactive sessions enabling participants to increase their knowledge of a specific basin and improve their conflict management skills. Different conflict resolution techniques will be presented to the participants. For more information, contact : Saskia Castelein at s.castelein@unesco.org, or consult www.unesco.org/water/wwap/pccp/pdf/zaragoza_programme_en.pdf.

- The International Commission on Irrigation and Drainage (ICID) is organizing a **Seminar on Tools for Public Participation, Conflict Resolution and Decision-Making in Water Resources Management** in London, UK, on 13 October 2004. During the Seminar, research and work on experience and methodologies to facilitate public involvement in water management will be presented and discussed. The main objective is to pool experience and compile a reference document. For information, visit <http://www.icid.org.uk/intheuk.htm>. To register your interest, email Brian McIntosh, [mailto: b.mcintosh@cranfield.ac.uk](mailto:b.mcintosh@cranfield.ac.uk).

- The **Second Israel-Palestinian-International Conference on 'Water for Life in the Middle East'** will be organized in Antalya, Turkey - and not in Rome, Italy - on 10-14 October

2004 under the sponsorship of the Israel/Palestine Center for Research and Information (IPCRI), the International Water Resources Association (IWRA), the United States Agency for International Development (USAID) and UNESCO. Amongst other things, the Conference aims at providing a forum for fruitful dialogue, development of mutual understanding and respect among Israeli, Palestinian and other Middle Eastern and international water specialists, and at facilitating discussion between water specialists, academics, representatives of the water authorities of the countries of the region and international community on issues relevant to improved cooperation in water resources development and management. The Conference will tackle subjects of interest for water scientists, engineers, economists, lawyers, administrators, managers and policy makers. Ms R.M. Stephan, AIDA Regional Representative for the Middle East, will participate in, and represent AIDA at the Conference. For information, contact Mr Robyn Twite at Robin@ipcricri.org.

- The **Second International Symposium on Transboundary Waters Management** will be convened by the National Science Foundation Science and Technology Center for Sustainability of semi-Arid Hydrology and Riparian Areas (SAHRA) in Tucson, Arizona, USA, on 16-19 November 2004. Building on the discussion of transboundary basins and aquifer management issues initiated at the first symposium held in Monterrey, Mexico, in November 2002, this Symposium will address a range of topics critical to improving transboundary water management (crossing national, state, tribal, and other borders). Technical sessions are scheduled on the following topics, amongst other things: planning, decision-making, and policy in boundary regions; public participation in border affairs; in-stream flow protection; sharing data and information; salinity and other water quality issues; groundwater, surface water and their interaction; policy and joint planning; the role of institutions and markets; transboundary water issues and indigenous peoples; and U.S.-Mexico Border Programmes. The Symposium is sponsored by SAHRA, the UNESCO Hydrology for the Environment, Life, and Policy programme (HELP), the Sandia National Laboratories, the Instituto Mexicano de Tecnología del Agua (IMTA) and the Environmental and Water Resources Institute (EWRI) of the American Society of Civil Engineers (ASCE). For more information, visit www.sahra.arizona.edu/twm/

- **Fourth Congress on Water Planning and Management**, 8-12 December 2004, Tortosa, Spain. The Foundation New Water Culture (Fundación Nueva Cultura del Agua) is organizing its 'IV Congreso Ibérico sobre Gestión y Planificación del Agua - Ciencia, técnica y ciudadanía claves para una gestión sostenible del agua' (Fourth Iberic Congress on Water Management and Planning - Science, Technology and Participation as Keys for Sustainable Water Management). Official Congress languages are Spanish, Portuguese and Catalan. For further information, consult http://www.us.es/ciberico/archivos_html/index.htm

- An international workshop on **African Water Laws: Plural Legislative Frameworks for Rural Water Management in Africa** will be held in Gauteng, South Africa, on 26-28 January 2005. The workshop is convened by the International Water Management Institute (IWMI), the International Food Policy Research Institute (IFPRI), the Natural Resources Institute (NRI), the Global Water Partnership (GWP), the Faculty of Law and the Institute of Resources Assessment (IRA), University of Dar-es-Salaam, Tanzania. The sponsors are the IWMI, the UK Department for International Development, the Comprehensive Assessment - Agricultural Water Management, and the GWP. The workshop aims at reviewing the impact of recent legal and institutional reforms in African countries on small-scale water development, use and management in rural areas, and at exploring the options for a more enabling and favourable legislative environment. Recognizing the contributions that can be gained from examining experiences further afield, the workshop will also draw upon the lessons on water legislation that may be learnt from Latin America and Asia. The outputs of the workshop will include (a) a comparison of ongoing national policy and legal reforms in Africa, and their direct and indirect impacts on small-scale rural water development, use, and management; (b) case studies on the impact of statutory and customary arrangements on community water development, use and management; (c) general and site-specific recommendations and guidelines for water management and legislation fostering sustainable development for the poor; and (d) a peer-reviewed publication of the papers presented. Hector Garduño of Mexico will participate and represent AIDA at this workshop. For more information, contact Dr. Barbara van Koppen, Principal Researcher,

International Water Management Institute, Africa Regional Program (b.vankoppen@cgiar.org), or visit the workshop's web page at www.nri.org/waterlaw/workshop.htm.

- The **East African Integrated River Basin Management Conference** will be jointly organized by the Sokoine University of Agriculture (SUA), the Soil Water Management network (SWMnet), the International Water Management Institute and the Overseas Development Group in Morogoro, Tanzania, on 7-9 March 2005. Topics for discussion will include water productivity (methodologies and management), the assessment of environmental flows, rainwater harvesting and micro irrigation, water economics and decision support systems. Special attention will be devoted to water governance issues, institutions, legal frameworks and community level resource management. For more information, contact Henry F. Mahoo, email hmahoo@suanet.ac.tz, or visit the Conference's website at <http://www.cig.ensmp.fr/~iahs/conferences/2005-Morogoro.pdf>

- An **International Conference Water=Life** will be jointly organized by the Palestine Academy for Science and Technology and the Palestinian Water Authority in Ramallah, Palestine, on 2-4 May 2005. The objective of the Conference is to bring together scholars, scientists, experts and researchers, decision-makers and other stakeholders to discuss issues relating to water resources management. International water law figures among the core Conference topics. For information, visit www.palestineacademy.org/wconf/main.htm.

- A **Conference on River Basin Management** will be organized by the Institutions of Civil Engineers in Budapest, Hungary, on 19-20 May 2005. The Conference will focus on the EU Water Framework Directive in order to review progress to date, share experience and identify issues which may arise in the future as the Directive is progressively implemented. For more information, contact Ms Sue Frye, Institution of Civil Engineers, e-mail sue.frye@ice.org.uk, or visit <http://www.riverbasinmanagement2005.com/>

- A **Conference on Water for Sustainable Development in the Mediterranean Basin** will be organized by the Ecole nationale politechnique in Alger, Algeria, 21-23 May 2005. Main conference topics will include water strategies and policies and water legislation. Source: http://www.unesco.org/water/water_events.

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

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