

EDITORIAL

The possible adverse effects of climate change on water resources and, through them, on the world's population, are becoming a matter of increasing concern in numerous international *fora*. Thus, growing attention is being paid to the role that laws and institutions should be called upon to play in order to mitigate these effects.

Rather than being limited to the uses to which water resources may be put or to water pollution control, focus is now being placed on the risks and uncertainties to which these resources are exposed. This applies, in particular, to groundwater and has inspired the work of the International Law Commission (ILC) of the United Nations, which has led this month to the adoption of the ***Resolution on the Law of Transboundary Aquifers*** by the General Assembly.

In the light of the above, the need for clear-cut water resources policies and for updated legislation in order to enhance institutional arrangements for water resources management and planning and, at the level of transboundary watercourses and aquifers, for strengthened mechanisms for cooperation among states, is becoming blatant.

AIDA intends to contribute its vast experience in water law and administration to the discussion of current themes of concern, and to this end it is now exchanging ideas with a number of intergovernmental organizations and potential partners on the ways in which this could take place. We would also like to invite our members to express their opinions as to the role that the Association could play in the discussion of these themes.

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1. MEETINGS AND CONFERENCES

- A *Workshop on Adaptation to Climate Change in the Water Sector* was organized by the United Nations Economic Commission for Europe (UNECE) under the auspices of the Water Convention and its Protocol on Water and Health in Amsterdam, the Netherlands, on 1-2 July, 2008. The workshop addressed institutional, policy, legal, scientific and financial aspects of adaptation in the water sector. It aimed to (a) share experiences and thus assist governments in developing strategies for adaptation to climate change in the water sector and the related health aspects, (b) assess information needs for elaborating such adaptation strategies based on well-informed data and information, and (c) address the benefits of and mechanisms for transboundary cooperation in adaptation activities. For more information, visit the UNECE website at http://www.unece.org/env/water/meetings/water_climate_workshop.htm

- The *International Conference on Water Management in Federal and Federal Type Countries*, was organized in Zaragoza, Spain, on 9-11 July, 2008. AIDA was represented by its Chairman, Dominique Alh riti re, who chaired Session VI on *Horizontal Issues in Federal and Decentralised Countries*. Stefano Burchi, AIDA's Deputy-Chairman and Treasurer, was also in attendance and presented a paper on '*Water Resource Agreements among States and Provinces of Federal Countries - A Comparative Review*'. One of the two key organizers of the event was Prof. Antonio Embid Irujo, AIDA's Representative for Spain. AIDA members M. Mathus Escorihuela (Argentina), M. Solanes (Argentina), J.McKay (Australia), J.Goldface Irokalibe (Nigeria) and Imeru Tamrat (Ethiopia) also contributed to the conference. For more information, visit <http://www.expozaragoza2008.es/docs/repositorio/TribunaDeAgua>

- The *13th World Water Congress* was organised by the International Water Resources Association (IWRA) in Montpellier (France), on 1-4 September, 2008, with the support of the French Government, the Region of Languedoc Roussillon and the City of Montpellier. AIDA was represented by its Chairman, Dominique Alh riti re. Several AIDA members attended, including Lilian del Castillo (Argentina). The Chairman seized the opportunity to present the Association and illustrate its objectives to the audience.

- The 'Europe-INBO' *International Conference on the Implementation of the European Water Framework Directive (WFD)* was organized by the 'Group of European Basin Organizations for the Implementation of the Water Framework Directive – WFD' jointly with the National Administration of Romanian Waters (Apele Romane) and the National Institute of Hydrology and Water Management, under the aegis of the Romanian Ministry of Environment and Sustainable Development, at Sibiu, Romania, on 1-4 October, 2008. The meeting focused on the preparation of programmes of measures under the WFD, the implementation of the Flood Directive and the analysis of WFD implementation in transboundary river basins. Since the meeting took place in Romania, special attention was paid to water management in Central and Eastern Europe and in the Danube River Basin. For more information, visit <http://www.inbo-news.org>.

- The *IV International Symposium on Transboundary Waters Management* was jointly organized by the Aristotle University of Thessaloniki (Greece) and the UNESCO Chair on Sustainable Management of Water and Conflict Resolution at Thessaloniki, Greece, on **13-14 October, 2008**. Its main topic was 'Transboundary Surface Waters and Shared Aquifers'. Specific topics covered monitoring networks, data and information sharing, decision making and conflict resolution, stakeholder participation and legal and institutional issues. AIDA members B. Appelgren (Sweden), S. Bogdanovic (Serbia), S. Burchi (Italy), L. Del Castillo (Argentina), M. Nanni (Italy) and R. Stephan (France) attended and contributed to the Symposium and the side events. For further information, visit www.inweb.gr.

- Organized by the United Nations Economic Commission for Europe (UNECE), the Government of Germany, the Executive Committee for the International Fund for Saving the Aral Sea (EC-IFAS) and the United Nations Development Programme (UNDP), the *International Conference 'Water Unites Strengthening Regional Cooperation on Water Management in Central Asia'* took place in Almaty, Kazakhstan, on 17-18 November, 2008. Its main objective was to assess short- and long-term challenges in the field of cooperative water management in Central Asia in order to generate more coherent, efficient and better targeted action to address these challenges. The need to modernize the legal and institutional basis of cooperative water management in Central Asia was one of the conference topics. High-level representatives of the countries of the region, the UN, the European Union, regional organizations and other members of the

international development community attended. For more information, visit http://www.unece.org/env/water/meetings/Almaty_conference.htm

- The Foundation Institute Delmiro Gouveia for Development organized the *Ist Brazilian Congress of Water Law* in Fortaleza, Ceará, Brazil, on 20-22 November, 2008. The Congress was devoted to various topics of relevance to water law, including river basin management, water pollution and groundwater. Special attention was devoted to the legal framework for water resources management in Brazil. For further information, visit www.direitoce.com.br. AIDA was represented by Prof. Cid Tomanik Pompeu (Brazil).

2. DEVELOPMENTS AND PROGRAMMES CONCERNING WATER LAW

- **Australia** – The *Agreement on Murray-Darling Basin Reform* was signed by the Commonwealth of Australia, New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory on 3 July, 2008, to allow the basin to be managed nationally as one river system, put a scientifically-established cap on water use in the basin and lay the basis for a long-term basin plan that will balance environmental, economic and social needs, amongst other things. The agreement transfers the powers and functions of the Murray-Darling Basin Commission to the new Murray-Darling Basin Authority, which will be responsible for preparing the basin plan, with the Commonwealth Minister as the final decision-maker. For more information, visit http://www.coag.gov.au/coag_meeting_outcomes/2008-07-03

- **China** - In July, 2008, the State Council issued Directive 11/2008 to promote and direct cooperative working relations between water resources departments and environmental protection departments. In China, the Ministry of Water Resources is the premier water ministry in the country with provincial to local water departments implementing the 2002 China Water Law. Late last year the State Council elevated the State Environmental Protection Administration to ministry status - now the Ministry of Environmental Protection, which is in charge of water pollution control and implementation of the water pollution control permit system. Historically, where this same division of authority and responsibility over water exists, it is difficult to get the water and the environment agencies to cooperate, and generally the older water agency has more power. The 2002 Water Law attempted to make some practical delegations over water between quantity and quality management and control, but at the provincial and basin levels this poses real problems of overlaps and gaps in laws and regulations.

- **Ecuador** - The Ecuadorian government is designing a national water plan, which will involve carrying out a water use census during the first quarter of 2009, in order to determine how much, and how, water is being used in the country. The census will help determine the number of real and illegal water connections, as well as contamination sources. Water rates will be adjusted 'to make them fairer'. The 1972 water law will be replaced by a new law which is in the process of being drafted.

- **Guyana** – The Minister of Housing and Water officially launched the National Water Council, which was established under the Water and Sewerage Act 2002 and is expected to facilitate the promotion of integrated water resources management. The idea for its establishment emerged during consultations when it was suggested that there should be a merger of the former water companies - Guyana Sewerage and Water Commissioners (GS&WC) and Guyana Water Authority (GUYWA). The idea is to focus not only on delivery of potable water but on management of water resources. The Council will serve as an advisory forum to the Minister of Housing and Water in implementing, developing and amending the national water policy. In addition, the Council will make recommendations on the national water policy and other functions as stipulated under the Water and Sewerage Act 2002. Source: <http://washlac.wordpress.com/2008/05/23/guyana-national-water-council-launched/>

- **Malta** – The Borehole Drilling and Excavation Works within the Saturated Zone Regulations 2008, which have been in force since 7 October, 2008, aim at enabling the Malta Resources Authority to keep drilling in the saturated zone under control.

- **México** – An Agreement to determine the territorial scope of the basin organization of the National Water Commission was made on 6 November, 2007.

- **Peru** – By virtue of Legislative Decree N. 997 of 2008 (published in the Official Gazette on 13 March, 2008), approving the Law on the Organization and Functioning of the Ministry of Agriculture, a National Water Authority was created under this ministry. Among others, the Authority is responsible for the elaboration of the National Water Resources Policy, Strategy and Management Plan. Source: <http://www.minag.gob.pe/normas-legales/normas-legales.html>

- **Spain** - Murcia and Valencia have threatened to place an appeal before the Constitutional Court against the Government's plans to run a new 60km long pipeline from Tarragona to Barcelona to supply the city of Barcelona with drinking water. The planned pipe will be fed from an existing feed to Tarragona which takes water from the mouth of the Ebro river. Source: <http://www.emwis.net/thematicdirs/news/spain-murcia-and-valencia-threaten-challenge>

- **United Nations** - At its 60th session (May-July 2008) the UN International Law Commission (ILC) adopted at second reading a full set of draft articles on the law of transboundary aquifers, including a preamble and commentaries. The draft articles are intended to offer states a framework for agreements on transboundary aquifers. They are divided into five parts: 'Introduction', 'General principles', 'Protection, preservation and management', 'Activities affecting other States' and 'Miscellaneous provisions'. The text is available at <http://untreaty.un.org/ilc/reports/2008/2008report.htm> (Chapter 'Shared Natural Resources').

The ILC transmitted the draft articles to the UN General Assembly (GA) with the following recommendations: (a) to adopt a resolution taking note of the draft articles on the law of transboundary aquifers and to annex these articles to the resolution; (b) to recommend to the states concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers on the basis of the principles enunciated in the articles; and (c) to consider, at a later stage, the elaboration of a convention on the basis of the draft articles. At its last session (6 October - 14 November, 2008), the 6th Committee (Legal) of the GA commented the achievements of the ILC on the law of transboundary aquifers, and expressed willingness to support the two-step approach recommended by the ILC. On 11 December, 2008, *the GA adopted by consensus the Resolution on the Law of Transboundary Aquifers*. For further information, contact AIDA member Raya Stephan (France), at r.stephan@unesco.org.

- **Vietnam** – The Asian Development Bank (ADB) will award a 13 month Technical Assistance contract for the Viet Nam Second Red River Basin Project to Review the Law on Water Resources, with the Department of Water Management of the Ministry of Natural Resources and Environment as implementing agency. Six firms were shortlisted for the 3 international expert-post project and local team of experts.

3. TRAINING AND RESEARCH CONCERNING WATER LAW

- A short *pilot course on Transboundary Groundwater Integrated Management* was organized by UNESCO at Thessaloniki, Greece, on 12-13 October, 2008, back to back with the *IV International Symposium on Transboundary Waters Management*. Its objective was to teach hydrogeologists, lawyers and policy-makers how to work together as a team, provide them with a common knowledge and help them familiarize with the methods of reasoning of their partners in order to facilitate dialogue. A module was devoted to international law in general and international (ground)water law in particular, and to the actual practice of states sharing transboundary aquifer systems. AIDA members Marcella Nanni (Italy) and Raya Stephan (France) lectured at the course.

- The [UNESCO PCCP \(From Potential Conflict to Potential for Cooperation\) Programme](#), whose aim is to facilitate multi-level and interdisciplinary dialogues in order to foster peace, cooperation and development related to the management of shared water resources, organized a 4-day advanced training for trainers in cooperation building skills relating to the use of water resources in the Middle East. The training took place from 28 to 31 October 2008 in the premises of the WWAP (World Water Assessment Programme) Secretariat, in Perugia (Italy). Through its Research and Capacity building/enhancement activities, the PCCP programme brings players engaged in transboundary water management together and helps them improve their skills in cooperation building. The course was the basis for enhancing the teaching ability of each participant to act effectively among his/her constituencies. It provided additional insights into the art of cooperation and trust building related to the use of shared water resources. Participants exchanged

their respective skills while enhancing their comparative advantages and experiences. For more information, visit http://www.unesco.org/water/news/newsletter/207.shtml#news_3

4. PUBLICATIONS AND SOURCES OF INFORMATION OF INTEREST TO AIDA MEMBERS

- *El Derecho de Aguas en Brasil y España - Un estudio de Derecho Comparado*, by AIDA member A. Embid Irujo (Spain), Cizur Menor, Navarra, Editorial Aranzadi SA, 2008. This book, which is the result of a collective effort, contains a comparative analysis of the legal framework for water resources management in Brazil and Spain.

- *Gestión del Agua en Aragón*, by AIDA member A. Embid Irujo (Spain), Cizur Menor, Navarra, Editorial Aranzadi SA, 2007. Also the result of collective work, this book is devoted to water management in Aragón.

- *Derecho y Administración de Aguas*, ed. by AIDA member M. Mathus Escorihuela (Argentina), Ed. Zeta, Mendoza, Argentina, 2007. This book is dedicated to the late Joaquín López, founding Member of AIDA.

- *Management of Transboundary Rivers and Lakes*, edited by Olli Varis, Cecilia Tortajada, and Asit K. Biswas, Springer-Verlag, Berlin, 2008. This book analyses the magnitude of transboundary water problems in different parts of the world, the constraints faced to resolve these problems, and successes and shortcomings. It looks into the present situation, both globally and with reference to specific basins, reviews the management alternatives which have proved satisfactory and the shortcomings, if any, and the reason for them. Case studies cover the transboundary water bodies of Southern Africa, the Okavango river, the Jordan river, the Ganges-Brahmaputra-Meghna basins, the Indus basin, the Mekong basin, the Great Lakes, the Rio de la Plata, the situation of Finland and neighbouring countries and transboundary rivers of China.

- *Le Code de l'eau*, by AIDA members B. Drobenko and J. Sironneau (France), Editions Johanet, France, 2008. This publication aims at grouping together all the legislation relating to water resources, which until present times was to be found scattered in different books. It covers both domestic and European Community law, as well as the texts of the relevant international agreements. In addition, it contains commentaries, jurisprudence, scholarly opinion and the texts of ministerial and administrative circulars and instructions on the subject. The information provided through the publication may be accessed online at, and downloaded from, www.code-eau.com.

- *Les Agences de l'eau – Quarante ans de politique de l'eau*, by J-L. Nicolazo & J-L. Redaud, Editions Johanet, France, 2008.

- *International Watercourses/River Basins including Law, Negotiation, Conflict Resolution and Simulation Training Exercises, Teacher's Manual*, by AIDA member Richard K. Paisley (Canada), FAO, Rome, October, 2008. This manual features exercises and activities that can help to create a comfortable environment for the study of international water law and conflict resolution in which participants can explore their behaviours. It addresses issues like trust, encourages learning and improves performance and interaction between group members. The manual may be downloaded at http://www.fao.org/NR/wman/abst/wman_081001_en.htm

- *Presente y futuro del Derecho de aguas en España*, by Catalina Escuin Palop, published by Tirant lo Blanc, Spain, 2008. This monograph provides an analysis of water law in Spain in the light of recent European law, and offers some considerations as to future developments. To order the book, visit <http://www.librerialexnova.com/fichalibro.php?isbn=978-84-9876-014-9>

- *Le renouveau du droit public fluvial*, by G. Arzul, Editions Johanet, Paris, 2008. Being the result of many years of analysis of legislation, jurisprudence and doctrine, this book contains a synthesis of the law of public river law, together with an analysis of possible future trends. The book may be ordered at <http://www.editions-johanet.net/ouvrage/?id=43>.

- ***SHARE, Managing water across boundaries***, edited by C. Sadoff, T. Greiber, M. Smith & G. Bergkamp, IUCN publication, Gland, Switzerland, 2008. This publication on transboundary water management is the result of a joint effort of the IUCN Water and Nature Initiative (WANI) and the IUCN Environmental Law Center. It was developed within the framework of IUCN capacity-building activities for the Lake Tanganyika Management Authority which were implemented by the IUCN-WANI and the IUCN Eastern African Regional Office. The publication is available online at <http://data.iucn.org/dbtw-wpd/edocs/2008-016.pdf>.

- ***La prise en charge des dettes d'eau des usagers démunis en France***, by H. Smets, Editions Johanet, Paris, 2008. This book focuses on the official recognition of the right to water in France through the 2006 Law on Water and the Aquatic Media and the 2004 Law on Local Responsibilities, which have empowered the *départements* to grant financial aids to those who cannot afford to pay for domestic water supply and sanitation. The book describes the shortcomings that the system presents, particularly in some *departments*, and calls for its improvement. The book may be ordered at <http://www.editions-johanet.net/ouvrage/?id=42>.

- ***Water as a Human Right for the Middle East and North Africa***, edited by Asit Biswas, Eglal Rached and Cecilia Tortajada, published by Routledge, Oxon, UK, 2008. No need for presenting Dr. Asit Biswas, one of the most creative and productive thinkers in environmental matters since the Stockholm Conference of 1972 which was the starting point of many paramount initiatives in human development and environmental management. Eglal Rached is Regional Director of the International Development Research Centre in Cairo. Cecilia Tortajada is, *inter alia*, the current President of the International Water Resources Association with which AIDA has always had close ties. It is therefore not surprising that this new publication brings a high value contribution to the understanding of the most complex aspects of water as a human right in the MENA countries. The book can be ordered from Routledge UK or from the International Development Research Centre in Ottawa, Canada www.idrc.ca

5. FUTURE EVENTS

- In the context of the 10th Mediterranean Research Meeting, which will take place on 25-28 March, 2009, in Florence and Montecatini Terme, Italy, the UNESCO's PCCP Programme will organize the ***Workshop 'Law of Water Management in the Mediterranean – Past, Present, Future'*** jointly with the University of Novi Sad, Serbia. The workshop will address the legal aspects of freshwater management in the Mediterranean region. The focus will be on customary water law, contemporary national water law systems and bilateral and multilateral international law instruments. The influence of the European Community *acquis*, as well as the roles and activities of UNECE, UN-ESCWA and other authoritative international organizations will also be on the agenda. The workshop will provide an in-depth insight into the complex and varied legal regimes that govern water management in the Mediterranean. It will assess the potential of such legal regimes to address actual challenges, such as the growing demand for water, increasing pressures on water quality and unexpected water-related occurrences (e.g. large-scale floods or droughts) caused by climate change and human activities. The workshop will look into the potential of these legal regimes for peaceful dispute resolution. For information on the workshop, visit <http://www.unesco.org/water/news/pdf/3.MRM2009-InfoParticipants.pdf>

- The ***5th World Water Forum*** will be organized by the World Water Council, jointly with the Municipality of Istanbul and the General Directorate of State Hydraulic Works of Turkey, at Istanbul, Turkey, on 16-22 March, 2009. One of the stated aims of the Forum is to improve the understanding by participants of diverging points of view and facilitate the sharing of solutions. The programme is in the process of being formulated. UNESCO and the International Network of Basin Organizations will jointly coordinate the session on Topic 3.1 'Basin management and transboundary cooperation'. For information, visit <http://www.worldwaterforum5.org/index.php?id=1870&L=1> in the coming months.

6. 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.

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www.aida-waterlaw.org

7. PAYMENT OF ASSOCIATION DUES

THE ANNUAL ASSOCIATION DUES, AMOUNTING TO 30 EURO (OR US DOLLAR EQUIVALENT) ARE PAYABLE

either by personal cheque, net of commission charges, to:
Dr. Stefano Burchi, Vice-Chairman and Treasurer of AIDA,
Via E. Faà di Bruno 52
00195 Rome, Italy
Stefano.burchi@gmail.com

or by direct bank transfer Bank coordinates available at: “[HOW TO PAY THE DUES](#)”

To ensure better record keeping for the Secretariat, please note that the Chairman of the Executive Council should be informed of any payment, possibly by e-mail, at: dominique.alheritiere@gmail.com, as well as the Treasurer, at: stefano.burchi@gmail.com

A REQUEST FOR PARTIAL OR TOTAL EXEMPTION OF THE ANNUAL DUES MAY BE SENT TO THE CHAIRMAN AND TREASURER TO THE E-MAIL ADDRESSES ABOVE, MENTIONING THE REASONS FOR THE REQUEST