



### EDITORIAL

The XIV World Water Congress of the International Water Resources Association (IWRA) has been officially announced at [www.worldwatercongress.com](http://www.worldwatercongress.com), and the first call for papers has also been issued. The Congress will be held in porto de Galinhas, Pernambuco, Brazil, 25-29 September 2011. As heralded in the previous issue of AquaForum, AIDA features as co-convenor of the Governance and Water Law theme of the Congress. In particular, AIDA will play a lead intellectual and organizational role in the five dedicated Water Law sessions featured in the theme. While the structure of the Congress is, at the time of writing, work in progress, your chairman has been given to understand that the Congress sessions in general should accommodate up to five speakers. Moderators for the five Water Law sessions have been identified from among prominent AIDA members, and AIDA member prof. Helen Ingram of the University of Arizona has accepted the organizers' invitation to be the keynote speaker on Governance and Water Law. In that capacity, she will address the Congress in plenary session. Your chairman will be among the invited keynote speakers who will address the Congress in the opening session.

The IWRA Congress machinery is thus in full swing, and AIDA is fully committed to deliver on its partnership role with IWRA in connection with the Governance and Water Law theme of the Congress. Your intellectual contribution and your direct participation will be vital to AIDA's honouring its commitment. I strongly encourage therefore AIDA members to consider contributing a paper and participating in the Congress. I very much hope that the Congress will serve as a catalyst of renewed enthusiasm amongst the AIDA membership, and as a catalyst of renewed attention and interest for water law in the world community of water leaders.

Progress towards attracting financial sponsorships for the AIDA Congress session shows no appreciable change since I first reported to you in the previous issue of AquaForum. Alternative courses of action are being explored, however it is too early to make predictions. I welcome all suggestions in this regard.

In this connection, please remember that our ability to attract sponsorships is directly proportionate to the number of members up-to-date with the payment of their dues. Your support by paying your €30 (or US\$ 45 equivalent) dues for 2011 (and, for those who have not done so yet, for 2010) would no doubt be a booster to our efforts (for payment modalities see [www.aida-waterlaw.org](http://www.aida-waterlaw.org)).

Stefano Burchi  
Chairman of the Executive Council

## 1. NEWS OF THE ASSOCIATION AND OF ITS MEMBERS

AIDA has been granted partner status with UN-Water, in recognition of its expertise in water law and of its network in the international community. The decision was taken by UN-Water when it met during the World Water Week at Stockholm, in September, 2010. AIDA also has consultative status with the UN Economic and Social Council (ECOSOC) and with the Food and Agriculture Organization (FAO) of the UN.

UN-Water was established by the United Nations High Level Committee on Programmes in 2003 to coordinate the water-related programmes and activities of UN agencies. It has 26 members from the UN System and external partners representing various organizations and the civil society. A brochure with information on UN-Water may be downloaded from <http://www.unwater.org/downloads>.

## 2. MEETINGS AND CONFERENCES

- The University of Houston Law Center and the Environmental & Energy Law & Policy Journal held a *Symposium on Climate Change, Water, and Adaptive Law* on 26 February, 2010, at Houston, Texas (USA). Leading experts from diverse universities, disciplines, professional backgrounds, and policy making roles addressed the capacity of water law to adapt to the changing, uncertain, and potentially extreme demands and stresses that climate change - and the responses to climate change - will put on water resources. In order to learn more on this event, visit in <http://www.law.uh.edu/eelpj/symposium.html>.

- The *Conference on Integrated River Basin Management under the Water Framework Directive* was jointly organized by the French *Office national de l'eau et des milieux aquatiques* (ONEMA), the Institute of Water, the International Network of Basin Organizations (INBO) and several other partners on 26-28 April, 2010 at Lille, France. The conference reviewed technical challenges faced by European Union (EU) member states, stakeholder organisations and scientists while developing the first river basin management plans under the Water Framework Directive (WFD). It focused on the way in which cross-sectoral and multidisciplinary co-operation has developed, and on how emerging issues such as adaptation to climate changes will be considered in the future. The event aimed to be a forum of exchanges between policy-makers, stakeholders, and scientists on issues related to the implementation of EU water policies. Discussions were not limited to the WFD, but covered related policies concerning priority substances, groundwater, floods, climate change adaptation, etc. For more information, explore <http://www.wfdlille2010.org/>

- The World Justice Project (WJP) held its first major *Conference in the Middle East and North Africa (MENA) region* in Ifrane, Morocco, on 25-26 June, 2010, in order to address rule-of-law issues relevant to the MENA region. A session was devoted to the topic 'Equal Access to Water Rights,' which is an issue of immediate relevance for the region. The session brought together stakeholders - including businesses, government, academics, and civil society - in concerted efforts to strengthen regulatory systems, share best practices and ensure effective service delivery. Key rule-of-law identified issues were: 1) harmonization of MENA water laws; 2) water resource governance; 3) training in water law; 4) raising awareness and promoting access to water as a human right; and 5) negotiation skills to address transboundary water issues. To read more on this event, go to <http://www.worldjusticeproject.org/>

- A *Seminar on 'Transboundary Aquifers and International Law: The Experience of the Guarani Aquifer System'* was convened by the Environmental Regulatory Research Group (ERRG) of the University of Surrey at the University campus at Guildford, UK, on 31 August, 2010. The seminar was part of the Group project 'The Environmental Protection of the Guarani Aquifer: A Legal Perspective'. It contributed to the UNESCO-IHP ISARM (Internationally Shared Aquifers Resource Management) Programme, and constituted the official launch of the Surrey Centre for the Regulation of Transboundary Aquifers (SCERTA). The seminar brought together an interdisciplinary group of international water experts to discuss the experience gained by the Guarani Aquifer System states in the light of the current developments on international law of transboundary aquifers. Speakers included experts who have collaborated with the United Nations International Law Commission in the work that has led to the adoption by the UN General Assembly of the draft articles on the law

of transboundary aquifers, and experts whose work focuses on the Guaraní Aquifer System. Details may be obtained at <http://www2.surrey.ac.uk/errg/>

- AIDA was represented by S. Burchi, Chairman of the Executive Council, at the *World Water Week*, which was organized by the Stockholm International Water Institute (SIWI) in Stockholm, Sweden, on, 5-11 September, 2010. Together with AIDA member G. Eckstein (USA), Mr Burchi was invited to the launch of the United Nations Environment Programme (UNEP) publication ‘The Greening of Water Law: Managing Freshwater Resources for People and the Environment.’

- A colloquium on *The right to water and water rights in a changing world* was held on 22 September, 2010, at Delft, the Netherlands. The colloquium, which took place within the framework of the celebrations for the 30th anniversary of the University for Peace, was devoted to the role that law can play in safeguarding basic needs and rights, including the right to water. Emphasis was placed on the manner in which the law may be more effectively mobilized to better protect vulnerable communities against droughts, floods and other climate-related disasters, and on the extent to which it may contribute to world peace. To know more on this event click on <http://www.hydrology.nl/ihpevents/202-the-right-to-water-and-water-rights-in-a-changing-world.html>

- The *International Conference ‘Europe-INBO 2010’ for the implementation of the European Water Framework Directive* was organized by the ‘Group of European Basin Organizations for the implementation of the European Water Framework Directive’ at Megève, France, on 22-24 September, 2010. Emphasis was placed on the progress made on the implementation of the directive and in particular on the preparation of the river basin management plans and programmes of measures 2010-2015. Attention was also devoted to the combined implementation of the ‘groundwater,’ ‘flood’ and ‘marine strategy’ directives, and to the implementation of measures for the adaptation to the effects of climate change. More information on this event may be obtained at <http://www.inbo-news.org/>

- The *Annual Conference on European Water Management Law 2010* took place at Brussels, Belgium, on 23-24 September, 2010, at the initiative of the Academy of European Law. Its focus was on the political and legal framework for public services in Europe, the legal provisions applicable to water service delivery, the practice and experiences from EU member states, competition law and public services, water protection and the future perspectives for European water management law and case law. For more information, go to [www.era.int](http://www.era.int)

- The *4<sup>th</sup> European Water and Wastewater Management Conference* was organized by Aqua Enviro, in cooperation with the European Water Association (EWA), the Institute of Water, British Water and other organizations, on 27-28 September, 2010, at Leeds, UK. The focus was on the water industry in the UK, and on the manner in which it strives to meet the objectives set by the EU Water Framework Directive. ‘Legislation & the Low Carbon Agenda,’ and ‘Regulation, Competition and Financing of Water Companies’ featured among the topics discussed. Further details may be retrieved from <http://www.ewwmconference.com>.

### 3. DEVELOPMENTS AND PROGRAMMES CONCERNING WATER LAW

- **European Union** - Catherine Ashton, High Representative of the Council of the European Union, announced in an official statement of 22 March, 2010, that the 27 EU member states recognize the right to water and sanitation. The statement recalled that all states have obligations regarding human rights of access to drinking water, which must be available, physically accessible, affordable and of acceptable quality. Thus, states are encouraged to pass laws and adopt regulations that establish the right to water and sanitation. Further information may be retrieved at [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/cfsp/113472.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/cfsp/113472.pdf)

- **Guaraní Aquifer System** – On 2 August, 2010, in San Juan (Argentina), Argentina, Brazil, Paraguay and Uruguay signed the Agreement on the Guaraní Aquifer. While affirming the sovereign right of each country over the portion of the aquifer underlying its territory, the Agreement stresses the commitment

of the four signatory countries to apply international water law, i.e., to respect the principle of equitable and reasonable utilization and the duty not to cause significant harm. The countries also undertake to cooperate in the identification of critical areas (hot spots), to exchange hydrogeological and other aquifer-related information and to implement joint projects. They further undertake to notify each other of any planned aquifer-related activity that might have an adverse transboundary impact. The Agreement provides for the establishment of a commission within the framework of the Rio de la Plata basin Treaty. The original text of the Agreement may be found on the website of the Ministry of Foreign Affairs of Brazil, at <http://www.itamaraty.gov.br/sala-de-imprensa/notas-a-imprensa/acordo-sobre-o-aquifero-guarani>

- **Nile Basin** – On 14 May, 2010, Ethiopia, Rwanda, Tanzania and Uganda, upstream riparians of the Nile river basin, signed the Agreement on the Nile Basin Cooperative Framework, the focus of which is on equitable water sharing. The agreement is meant to replace the 1959 bilateral agreement between Egypt and the Sudan, which gave these two countries, lower riparians, control over 90% of the Nile's water flow and empowered them to exercise a power of veto against resource developments upstream. It goes without saying that both Egypt and Sudan oppose this new agreement, on the grounds that it does not protect their current water use. The agreement, which formalizes the transformation of the Nile Basin Initiative into a permanent Nile River Basin Commission, is open for signature by the other riparians for a period of one year.

- **Spain** - Royal Decree 1514/2/2009 of 2 October, 2009, which was adopted in order to implement the EU 'daughter' Directive on groundwater (No. 2006/118/CE of 2 December, 2006), regulates groundwater protection from contamination and deterioration. To read the text (in Spanish), visit [http://www.mma.es/portal/secciones/biblioteca\\_publicacion/biblioteca/busqueda\\_biblio/contenedoraspa.html?ma2spa.html](http://www.mma.es/portal/secciones/biblioteca_publicacion/biblioteca/busqueda_biblio/contenedoraspa.html?ma2spa.html)

- **International Court of Justice** – On 20 April, 2010, the International Court of Justice (ICJ) announced its judgment in the dispute between Argentina and Uruguay, concerning Uruguay's authorization, in 2005, for the construction of two pulp mills on the banks of the Uruguay River, which forms the boundary between the two countries. The Court ruled that the Orion (Botnia) mill may continue to be operated, since Uruguay did not breach its substantive obligation under the 1975 Statute of the Uruguay River to protect the environment. In parallel with this, it declared that Uruguay breached its procedural obligation under the Statute to notify Argentina and consult with the Uruguay River Administrative Commission (Comisión Administradora del Río Uruguay) before authorizing the project and allowing construction to begin, but pointed out that such declaration by the Court constitutes appropriate satisfaction for Argentina. The Court recognized that shutting down the plant or ordering damages would not be an appropriate remedy. The text of the judgment may be found at <http://www.icj-cij.org/docket/>

- **United Kingdom** - The Flood and Water Management Act 2010, which received Royal Assent on 8 April, 2010, aims at improving both flood risk management and water resources management. It defines clearer roles and responsibilities and introduces a fully-fledged risk-based approach. This includes a new lead role for local authorities in managing local flood risk and a strategic overview role for all flood risk for the Environment Agency. The first commencement order came into force on 1 October, 2010. It concerns the implementation of several provisions of the Act, including definitions, the activation of statutory instruments relating to powers, and provisions requiring the Environment Agency and the 'Lead Local Flood Authorities' to develop risk management strategies. The text of the Act may be downloaded at <http://www.lga.gov.uk/lga/core/page.do?pageId=10693997>

- **United Nations General Assembly** - On 28 July, 2010, the 3rd Commission of the 64th General Assembly of the United Nations adopted a resolution proclaiming the Human Right to Safe Drinking Water and Sanitation. The resolution received 122 votes in favour with no votes against and 41 abstentions. For more information, click on <http://www.un.org/apps/news/story.asp?NewsID=35456&Cr=SANITATION&Cr1=>

- **UN Watercourses Convention** - On 27 September, 2010, Nigeria became the 20th country to have ratified the convention, reducing to 15 the number of additional ratifications needed for entry into force. For updates on the status of ratification of the convention, visit

#### 4. TRAINING AND RESEARCH CONCERNING WATER LAW

- On 14-18 June 2010, the Oregon State University (OSU)'s Department of Geosciences, one of the partners of UNESCO's programme From Potential Conflict to Cooperation Potential (PCCP), offered a ***Course in Water Governance and Conflict Management*** at OSU's campus at Corvallis, Oregon, USA. This course provided an opportunity for water resources professionals and graduate students to learn about current and leading-edge ways to work effectively in contentious water situations. It explored conflict tolerance, prevention, management and transformation through collaborative structures, as well as through models of negotiation and dialogue. For more information, visit [www.transboundarywaters@orst.edu](http://www.transboundarywaters@orst.edu)

- The UNESCO Centre for Water Law, Policy & Science of the University of Dundee, Scotland, organised a symposium and workshop on '***International Law and Transboundary Freshwaters***' on 21-24 June, 2010, as a part of the Water Law Water Leaders Summer Programme. The symposium illustrated three functions of international law, i.e., (a) to identify and define rights and obligations with regard to water use; (b) to provide a framework for ensuring the integrity of the regime through monitoring, regulation, stakeholder participation, the prevention and settlement of disputes and other means; and (c) to allow for adaptation to changing needs and circumstances. It explored these functions within the context of existing and potential challenges faced by transboundary basins (rivers, lakes and aquifers) throughout the world. For more information, visit <http://www.dundee.ac.uk/water/courses/international-water-law-symposium.htm>

- A training course on '***Water Conflict Management***' for trainers coming from African countries was jointly organized by the World Water Assessment Program (WWAP) and UNESCO-PCCP on 20-24 September, 2010, at the WWAP Secretariat in Perugia, Italy. The course aimed at providing insights into the art of cooperation and trust-building related to the use of transboundary water resources. It provided a forum for the exchange of skills and experiences and a basis for enhancing the teaching ability of each participant. Ten trainers coming from African countries, among which Botswana, Ethiopia, Gambia, Ghana, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Sierra Leone, South Africa, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe, were selected to attend the course. Read more on this course at <http://www.unesco.org/water/wwap/pccp/>

- A seminar on '***International Law and Transboundary Pollution of River and Coastal Waters – Recent International and Latin American Practice***' was organized by the Faculty of Law of the University of Buenos Aires in Buenos Aires, Argentina, on 14 October, 2010. It reviewed and analyzed the current legal framework of transboundary water pollution control, developments and trends, and selected cases. Particular emphasis was placed on the recent decision of the International Court of Justice regarding the pulp mills on the Uruguay River (dispute between Argentina and Uruguay). For further information on this and other similar events in Argentina, contact AIDA member Lilian del Castillo at [delcastillo.laborde@gmail.com](mailto:delcastillo.laborde@gmail.com).

- A course on ***Water Law and Administration in Brazil*** will be guided by AIDA member Cid T. Pompeu (Brazil) on 19-21 October 2010 in Sao Paulo, Brazil. Details are available at [www.aquacon.com.br/direitodeguas](http://www.aquacon.com.br/direitodeguas).

- The UNESCO-IHE Institute for Water Education (UNESCO-IHE), jointly with UNESCO-PCCP, announces two short courses, each of a three-week duration, on '***Negotiation and Mediation for Water Conflict Management***,' to be held at UNESCO-IHE in Delft, The Netherlands, in February and March, 2011. The deadlines for application to UNESCO-IHE are 7 January and 28 January, 2011, respectively. Information on these courses is available at <http://www.unesco-ihe.org/Education/Short-courses/Regular-short-courses/Negotiation-and-Mediation-for-Water-Conflict-Management-I> and <http://www.unesco-ihe.org/Education/Short-courses/Regular-short-courses/Negotiation-and-Mediation-for-Water-Conflict-Management-II>

- UNESCO-IHE also offers a three-week course on *Water and Environmental Law and Institutions*, the purpose of which is to introduce the students to theoretical and practical aspects of water and environmental resources management from a legal and policy perspective. The course will focus on multi-level governance from global through to local levels and will teach skills needed in order to improve the institutions needed for water and environmental management. The course will take place from 26 April to 13 May, 2011, at UNESCO-IHE, Delft, The Netherlands. Details may be retrieved at <http://www.unesco-ihe.org/Education/Short-courses/Regular-short-courses/Water-and-Environmental-Law-and-Institutions>.

## 5. PUBLICATIONS AND SOURCES OF INFORMATION OF INTEREST TO AIDA MEMBERS

- The 2<sup>nd</sup> edition of *Le Code de l'eau*, by V. Drobenko and AIDA member J. Sironneau, published by Editions Johanet, Paris, 2010, may be ordered online at <http://www.editions-johanet.net/nos-ouvrages/>. The book contains an updated collection of French and European legislation on water resources, as well as commentaries and case law.

- *The Greening of Water Law: Managing Freshwater Resources for People and the Environment*, by AIDA member G. Eckstein, with contributions by S. Burchi, Chairman of the Executive Council of AIDA, M. Curlier and AIDA member R. K. Paisley, UNEP publication, UNON Publishing Services Section, Nairobi, Kenya, 2010. This book contains an analysis of the manner in which the 'greening' of water law, i.e., the integration of environmental concerns into policies, legislation and procedures – and companion institutional mechanisms - at both the national and international levels, produces benefits for people, living species and their habitats. It places focus on existing examples of 'green' policies, legislation and procedures, and assesses their merits. The book may be downloaded from <http://www.internationalwaterlaw.org/blog/?p=297>

- *Negotiate: Reaching Agreements over Water*, by J. Dore, J. Robinson & M. Smith (eds.), IUCN, Water and Nature Initiative, Gland, Switzerland, 2010. This guide aims to provide practical tools for government officials, NGOs and local communities to create platforms for negotiations that are balanced and open, in order to arrive at collaborative action to improve water resources management. The book contains a brief overview of theory in this field, followed by practical tools and steps to change power relations. It describes how to analyse the issues and political play involved, set up campaigns, set in place participatory methods, enter negotiations and move towards a multi-stakeholder platform for action. It may be downloaded at [www.iucn.org/about/work/programmes/water/resources/toolkits/?4912/Negotiate--reaching-agreements-over-water](http://www.iucn.org/about/work/programmes/water/resources/toolkits/?4912/Negotiate--reaching-agreements-over-water)

- *Water Governance in Motion: Towards Socially and Environmentally Sustainable Water Laws*, by P. Cullet, A. Gowlland-Gualtieri, R. Madhav & U. Ramanathan (eds), Cambridge University Press, 2010. The book focuses on the work undertaken by the International Environmental Law Research Centre (IELRC) on water law reforms in India. It seeks to provide an overview of the issues arising in respect to changing policy context for water use and aims, and a broader understanding of the conceptual framework informing existing water law and ongoing reforms. It assembles in one volume the contributions made by a broad range of scholars working on some of the most important law and policy issues arising in the context of water sector reforms in India. Particular attention is devoted to the legal regime for the allocation of water, which covers a number of areas, including water distribution to households, irrigation, industrial use and wastewater treatment. The book is divided into two parts, the first part containing a critical analysis of the international law context for water reforms and the second part providing the national-level focus, with the selected contributions describing in detail the multifaceted aspects of water sector reforms in India. S. Burchi, Chairman of the Executive Council of AIDA, and AIDA member Poh-Ling Tan contributed chapters to the book. To order the book, visit <http://www.cambridgeindia.org/newarrivals.asp?isbn=9788175966345>

- *Water and Water Law*, publication of the French State Council, Paris, 2010. This report illustrates the present status of the law of water resources paying attention to both water services and water resources management in general. It further analyzes successes and failures with regard to law implementation with a view

to formulating ideas as to the way ahead. The report may be downloaded from <http://www.conseil-etat.fr/cde/fr/rapports-et-etudes/l-eau-et-son-droit.html>

## 6. FUTURE EVENTS

- The Natural Resources and Infrastructure Division of the Economic Commission for Latin America and the Caribbean (ECLAC) is organizing, in cooperation with the Faculty of Law, University of Palermo, a ***Workshop on International Investment Treaties and Regulation of Public Utility Services***, with emphasis on drinking water supply and sanitation, to be held in Buenos Aires, Argentina, 19 November, 2010 (working language: Spanish). Its objective is to analyze the implications and challenges that investment protection treaties present for the work of regulatory, supervision and control authorities in the drinking water supply and sanitation sector, and the protection of related human rights. Additional information (in Spanish) is available at: <http://www.eclac.cl/dnmi/>; <http://www.palermo.edu/content/derecho/eventos/cepal.html>

- The Global Water System Project (GWSP) will hold the ***Conference of the Global Catchment Initiative (GCI) 2010*** by the title: ‘The Global Dimensions of Change in River Basins - Threats, Linkages and Adaptation’ on 6-8 December, 2010, at the University Club in Bonn, Germany. The aim of the conference is to review the state-of-the-art research, advance understanding and foster dialogue with professionals and policy makers concerning global aspects of river basins and their management. For further information, visit <http://www.gwsp.org/66.html>

- As announced in the last issue of AquaForum, AIDA is a co-sponsor of the ***International Conference on ‘Transboundary Aquifers – Challenges and new directions,’*** which has been scheduled by UNESCO in Paris for 6-8 December 2010. The United Nations General Assembly Resolution 63/124 of 11 December 2008, on ‘The law of transboundary aquifers’ (see AquaForum No.41) will be the central theme of the Conference. Details are available at [www.isarm.net](http://www.isarm.net).

- The Willamette University College of Law, together with the school's certificate programs in Law and Government and Sustainability Law, the *Willamette Law Review* and the Center for Sustainable Communities, will hold a ***Conference on the Implementation of the Human Right to Water in the West*** at Willamette's law school in Salem, Oregon, USA, on 3-5 February, 2011. Read more at [http://www.willamette.edu/wucl/news/2010/spring/water\\_conf\\_papers.php](http://www.willamette.edu/wucl/news/2010/spring/water_conf_papers.php)

## 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: [aida-waterlaw@gmail.com](mailto:aida-waterlaw@gmail.com).**

## 8. PAYMENT OF ASSOCIATION DUES

To pay the annual association dues, which now amount to 30 EURO or the equivalent in US\$, follow the instructions provided on the Association's website, at <http://www.aida-waterlaw.org/payments.php>. To ensure better record keeping by the Secretariat, please inform the Chairman of the Executive Council of payments made, by e-mailing to [stefano.burchi@gmail.com](mailto:stefano.burchi@gmail.com).