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# Fresh Water in International Law

Laurence Boisson de Chazournes

# Fresh Water In International Law

**Joseph W. Dellapenna, Joyeeta Gupta**



## **Fresh Water In International Law:**

**Fresh Water in International Law** Laurence Boisson de Chazournes, 2013-01-01 This book provides a comprehensive overview of the legal regime governing fresh water its protection management and uses It looks at the status of water in international law taking into account its multi faceted nature whether environmental social cultural or economic It examines the universal and regional dimensions of the regulation of water including issues surrounding the treatment of water in environmental human rights trade and investment law It addresses links between international regional and national water regulatory frameworks and assesses the role of dispute settlement mechanisms and procedures in the area of water The role of the concerned institutions is analyzed as well as the contribution of non state actors Arguing that the protection and management of water has permeated and is linked to all sectors of human activity the book promotes an integrated perspective by not only taking account of the legal instruments that specifically deal with water issues but also of other legal principles and rules that have an impact on water management and protection [Fresh Water in International Law](#)

Laurence Boisson de Chazournes, 2013-09-19 This book addresses the diverse ways in which international law governs the uses management and protection of fresh water The international law of fresh water is most comprehensively understood in the light of the different bodies of norms applicable to these varied uses and functions The regulation of fresh water has primarily developed through the conclusion of treaties concerning international watercourses Yet a number of other legal regimes also apply to the governance of fresh water In particular there has been an increasing recognition of the importance of fresh water to environmental protection The development of international human rights law and international humanitarian law has also proven crucial for ensuring the sound and equitable management of this resource In addition the economic uses of fresh water feature prominently in the law applicable to watercourses while water itself has become an important element of the trade and investment regimes These bodies of rules and principles not only surface in an array of dispute settlement mechanisms but also stimulate wider trends of institutionalization The book investigates the origin and scope of these bodies of norms as they apply to fresh water and demonstrates how they connect and adapt to one another forming an integrated body of international principles This approach is accompanied by a detailed analysis of the practice of states and of international organizations taking into account the activities of the many non state actors involved in the treatment of fresh water *International Law and Freshwater* Laurence Boisson de Chazournes, Christina Leb, Mara

Tignino, 2013-01-01 Freshwater is an essential resource This book offers a comprehensive international look at diverse issues arising from water use for human consumption agriculture energy industry waste disposal and ecosystem conservation The contributions written primarily but not exclusively by legal experts are highly informed and insightful In addition to more traditional topics they address the WTO and natural resources Ethiopia s large scale commercial farms and aquifer management in the Geneva region and Latin America An important read for scholars policy makers and concerned citizens

Edith Brown Weiss Georgetown University US This excellent book covers the important legal and political perspectives on the world's freshwater resources The chapters written by distinguished experts from academia and practice systematically address issues of economics environment sovereignty over resources energy conflict resolution and in addition offer some in depth case studies A wonderful book and compulsory reading for who needs to have the full picture of the complex international dynamics of freshwater in our time Catherine Brilmann University of Amsterdam The Netherlands This volume provides a masterful investigation of the multiple points of interaction between freshwater and international law and compelling and insightful analyses of such interactions bearing out and substantiating the thrust of the volume mapping out the multiple challenges facing international law in its water governance role at different relevant scales global regional and sub regional The volume's focus on these multiple challenges is particularly welcome at a time when the planet's freshwater endowment is coming under increasing pressure from a multiplicity of factors forcing policymakers lawmakers government negotiators and private sector players on the water scene to challenge well established behavioural and regulatory patterns domestically and in relation to transboundary inter State relations In its stimulating multifarious approach the volume offers fresh and insightful perspectives of some tested facets of the water governance role of international law dealing with rivers lakes and groundwater aquifers shared by a multiplicity of States Some novel facets like notably the human right to water trans national trade in land and water resources the rights of local communities and State succession to water treaties are also canvassed masterfully adding to the value of the volume not only to international water law specialists but also to the vast and growing population of water professionals in general In sum the volume is a must for all those who know and practise international and domestic water law who influence the international water governance debate at the global regional and sub regional scales and who in general interact with water resources in the transboundary but also in the domestic setting of their respective countries Stefano Burchi Chairman of the International Association for Water Law AIDA Essential as it is to human life over one billion people currently lack access to safe drinking water and by 2025 this group could grow to three billion Nowhere is this situation more critical than in the over 260 international drainage basins shared by two or more states where more than half of the world's population will reside by the year 2050 International Law and Freshwater is an outstanding piece of legal and policy scholarship that poignantly thoughtfully and effectively addresses the who what where when and how of international waters governance and international law Richard Kyle Paisley University of British Columbia Canada The issues surrounding water embody some of the greatest challenges of the 21st century The editors of this timely book have brought together the leading authors in the field to explore the key questions involving international law and water governance International Law and Freshwater connects recent legal developments through the breadth and synergies of a multidisciplinary analysis It addresses such critical issues as water security the right to water international cooperation and dispute resolution State succession to transboundary watercourse treaties and facets of international

economic law including trade in virtual water and the impacts of land grabs Containing detailed analysis and thought provoking solutions this book will appeal to researchers and academics working in the legal field as well as international relations and natural sciences Water practitioners public officials diplomats and students will also find much to interest them in this insightful study

**International Law for Freshwater Protection** Agnes Chong, 2022-04-04 International Law for Freshwater Protection traces the development of international water law on fresh water protection and demonstrates how the regime focuses on the utilisation and rights of sovereign states over the protection and sustainable growth of shared water resources The evolving jurisprudence influenced by environmental law highlights the regime s insufficient focus on the environmental protection of watercourses This book argues that existing rules mechanisms and norms within international law can address the regime s imbalance and establish how these might be applied to improve freshwater protection

**Transboundary Freshwater Ecosystems in International Law** Ruby Moynihan, 2021-10-14 A global water crisis with far reaching and interconnected environmental social health and economic impacts threatens the world Healthy ecosystems and ecosystem services are degrading and access to a sustainable water supply is increasingly inequitable both within and between States This book demonstrates how to overcome the global freshwater ecosystem crisis by matching the scientific recommendations with an international legal framework fit for the task which re orientates international water law towards a stronger ecosystem approach that also protects vulnerable societies It illustrates how to understand the fragmented legally binding and non binding instruments of the United Nations Economic Commission for Europe environmental treaties as one coherent legal regime which contributes to strengthening general rules and principles of the law concerning transboundary freshwater ecosystems With the recent global opening of the UNECE regime this book explores its potential role within the European region Central Asia Caucasus Africa the Middle East and beyond

**Use of Experts in International Freshwater Disputes** Makane Moise Mbengue, Rukmini Das, 2019-10-29 In Use of Experts in International Freshwater Disputes Mbengue and Das offer a critical assessment of the involvement of experts in resolving international water disputes International disputes related to freshwater are increasing in number and complexity The rising complexity is necessarily accompanied and compounded by the involvement of experts in dispute resolution This monograph examines through a number of case studies decided by international tribunals the role and use or absence of experts in international freshwater disputes Through this examination the authors identify the lacunae as well as good practices in expert use in disputes of this nature The monograph goes on to suggest the best practices with respect to expert involvement and use for a more efficient and fair resolution of international water disputes

**Research Handbook on Freshwater Law and International Relations** Mara Tignino, Christian Br  thaut, Recent decades have seen pivotal changes in the management and protection of water resources with human rights environmental and water law each developing a strong interest in the conservation of fresh water This surge in interest has meant that dispute settlement mechanisms along with diplomatic tools are becoming

increasingly necessary for conflict resolution This Handbook offers an analysis of the interaction between law and various forms of knowledge and expertise ranging from economics to environmental and social sciences Leading scholars examine general and specific water legal regimes and analyse the interplay between various disciplines in order to establish the extent to which law is informed by each

**Freshwater Boundaries Revisited** María Querol, 2016-11-07 In *Freshwater Boundaries Revisited* Mar a Querol analyzes the different methods applied in the delimitation of international rivers and lakes and the recent developments in the field This monograph reassesses the diverse methods of boundary delimitation in view of the latest and abundant jurisprudence of the International Court of Justice and the tribunals under the aegis of the Permanent Court of Arbitration on the subject The author focuses on the influence of human considerations in the field under study and the legal consequences ensuing therefrom in addition to drawing some conclusions regarding freshwater boundaries

**Governance of Offshore Freshwater Resources** Renée Martin-Nagle, 2020-01-20 In *Governance of Offshore Freshwater Resources* Ren e Martin Nagle presents the scientific proof for vast quantities of freshwater in the seabeds explains the socio economic factors that will lead to development of the resource and examines the international law principles and regimes that would guide policymakers in designing a governance system for offshore freshwater Pursuant to the law of the sea coastal states have sovereign rights to seabed resources within their exclusive economic zones Offshore hydrocarbon development has produced customary practices for cooperation that were inspired by international water law and that could serve as a template for governing transboundary offshore freshwater Given the vital nature of freshwater equitable distribution of this new resource and its benefits should be considered

**The United Nations World Water Development Report - N° 3 - 2009 - Freshwater and International Law (the Interplay between Universal, Regional and Basin Perspectives)** Boisson de Chazournes Laurence, 2009 *Principles of International Environmental Law* Philippe Sands, 2003-10-09 This second edition of Philippe Sand s leading textbook on international environmental law provides a clear and authoritative introduction to the subject revised to December 2002 It considers relevant new topics including the Kyoto Protocol genetically modified organisms oil pollution chemicals etc and will remain the most comprehensive account of the principles and rules relating to environmental protection and the conservation of natural resources In addition to the key material from the 1992 Rio Declaration and subsequent developments Sands also covers topics including the legal and institutional framework the field s historic development and standards for general application This will continue to be an invaluable resource for both students and practitioners alike

*Public Participation in the Governance of International Freshwater Resources* Carl E. Bruch, 2005 Bruch a senior attorney of the Environmental Law Institute presents work from an April 2003 symposium co sponsored by the Environmental Law Institute the United Nations University and other institutions Papers from the symposium identify innovative approaches in watershed management and look at political linguistic legal cultural and geogr

**A Practitioner's Guide to Freshwater Biodiversity Conservation** Nicole Silk, Kristine

Ciruna,2013-04-10 A Practitioner s Guide to Freshwater Biodiversity Conservation brings together knowledge and experience from conservation practitioners and experts around the world to help readers understand the global challenge of conserving biodiversity in freshwater ecosystems More importantly it offers specific strategies and suggestions for managers to use in establishing new conservation initiatives or improving the effectiveness of existing initiatives The book offers an understanding of fundamental issues by explaining how ecosystems are structured and how they support biodiversity provides specific information and approaches for identifying areas most in need of protection examines promising strategies that can help reduce biodiversity loss and describes design considerations and methods for measuring success within an adaptive management framework The book draws on experience and knowledge gained during a five year project of The Nature Conservancy known as the Freshwater Initiative which brought together a range of practitioners to create a learning laboratory for testing ideas approaches tools strategies and methods For professionals involved with land or water management including state and federal agency staff scientists and researchers working with conservation organizations students and faculty involved with freshwater issues or biodiversity conservation and policymakers concerned with environmental issues the book represents an important new source of information ideas and approaches

**Freshwater Access from a Human Rights Perspective** Knut Bourquain,2008 Insufficient access to a basic water supply is not an unavoidable consequence of water scarcity In fact arid countries possess enough resources to fulfil the basic water needs of their populations and there are people in water rich countries suffering from water stress too Thus insufficient freshwater access mainly can be seen as a problem of allocation and mismanagement This book comprehensively analyses the appropriateness of a human rights based approach in safeguarding basic water supplies and determines its legal basis in international law Arriving at the conclusion that international water law does not adequately consider individual water needs the study identifies applicable human rights and examines the concrete standard of protection they provide In view of the deficits of current international water and human rights law the study discusses concepts deemed to strengthen a human rights based approach to freshwater access by considering both their formal legal appropriateness as well as their suitability in legal reality

Trade in Water Under International Law Fitzgerald Temmerman,2017-07-28 It is clear that more sustainable and efficient use of fresh water resources will become crucial in future global water management to avoid major threats to biological life Trade in Water Under International Law offers a careful and well reasoned introduction and analysis of this emerging and largely uncharted subject of international trade law which has hitherto been of key importance in domestic law and policy exploring the potential and limits of addressing the use of water resources in the context of World Trade Organization law

Fresh Water and International Economic Law Edith Brown Weiss,Laurence Boisson de Chazournes,Nathalie Bernasconi-Osterwalder,2005 This book addresses the key interdisciplinary issues that increasingly confront policy makers tribunals arbitration bodies and other institutions It focuses primarily on law but also includes

perspectives from economics political science and other disciplines      **Cross-border Water Trade: Legal and Interdisciplinary Perspectives** Piotr Szewdo, 2018-11-12 Cross border Water Trade Legal and Interdisciplinary Perspectives is a critical assessment of one of the growing problems faced by the international community the global water deficit Cross border water trade is a solution that generates ethical and economic but also legal challenges Economic humanitarian and environmental approaches each highlight different and sometimes conflicting aspects of the international commercialization of water Finding an equilibrium for all the dimensions required an interdisciplinary path incorporating certain perspectives of natural law The significance of such theoretical underpinnings is not merely academic but also quite practical with concrete consequences for the legal status of water and its fitness for international trade      **International Law and the Third World** Richard Falk, Balakrishnan Rajagopal, Jacqueline Stevens, 2008-03-31 This volume is devoted to critically exploring the past present and future relevance of international law to the priorities of the countries peoples and regions of the South Within the limits of space it has tried to be comprehensive in scope and representative in perspective and participation The contributions are grouped into three clusters to give some sense of coherence to the overall theme articles by Baxi Anghie Falk Stevens and Rajagopal on general issues bearing on the interplay between international law and world order articles highlighting regional experience by An Na im Okafor Obregon and Shalakany and articles on substantive perspectives by Mgbeoji Nesiah Said Elver King Irani Chinkin Charlesworth and Gathii This collective effort gives an illuminating account of the unifying themes while at the same time exhibiting the wide diversity of concerns and approaches

The UN Convention on the Law of the Non-navigational Uses of International Watercourses Laurence Boisson de Chazournes, Makane Moïse Mbengue, Mara Tignino, Komlan Sangbana, Jason Rudall, 2018 The UN Convention on the Law of the Non Navigational Uses of International Watercourses is crucial for protecting sources of fresh water Examining the settlement of water disputes relationships between legal instruments and the role of the courts in resolving disagreements this book is vital to all who seek a deep understanding of water law      Water Law Joseph W. Dellapenna, Joyeeta Gupta, 2021-08-31 This volume of the Elgar Encyclopedia of Environmental Law provides thorough and detailed coverage of the changing meanings and roles of water law from the local to the global It examines the rules of ownership rights of use and dispute resolution that address access allocation and protection of water resources Written by leading scholars and practitioners from across the globe this authoritative volume will be a vital resource for all scholars and students of environmental law



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