



**Mediterranean Programme**  
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**Workshop 11**

***Law Of Water Management In The Mediterranean - Past, Present, Future***

**directed by**

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***Workshop abstract***

This Workshop will address the legal aspects of freshwater management in the region of the Mediterranean. The focus will be on customary water law, contemporary national water law systems, and bilateral and multilateral international law instruments applicable in the Mediterranean. The influence of the European Community acquis, as well as the roles and activities of UNECE, UN-ESCWA and other authoritative international organizations shall also be on the agenda of the participants.

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 changes and human activities. The workshop will finally look into the potential of these legal regimes to, peacefully resolve disputes and, be resilient to evolving water law development trends.

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The workshop will gather participants from the scientific community, national authorities, international organizations and NGOs dealing with water management and environmental protection issues in the Mediterranean.

### *Workshop description*

#### **Rationale**

Water management issues could be briefly defined as a topic of primary and vital importance in the contemporary world. It is indeed very often the focus of various international fora, an unavoidable element of every national policy, and an important topic on the agenda of national governments. However, the legal aspects of water management are not often given the attention they should have.

Water law and legislation issues are usually added (as less important) to other numerous issues in the programs of national and international events (conferences, workshops, seminars). It seems though that the importance of water law has been recognized during the second half of the 20<sup>th</sup> Century through the work of prominent international professional organizations (ILA, IIC) and the UN. This recognition led indeed to an exceptional development of that branch of the international law in the last 50 years. Contemporary development trends indicate changes in national systems of water law and further developments in the international water law, within the framework of a global effort to achieve sustainable development at communities and regional levels.

This Workshop has been designed to focus on, and draw attention to, the legal aspects of water management in the region of the Mediterranean. Water law, as an important element of the culture of every nation, is a means to provide a safe framework for, and guaranty, the recognition of various interests (private and public, including the needs of nature) and set equitable rules for their harmonization.

#### **Goals**

The main goals of the Workshop are to:

- Provide an in-depth insight into significant legal and policy (national and international) issues related to freshwater resources management (surface and underground) in the Mediterranean region, including both MENA and countries of South and South-East Europe;
- Reflect upon the growing demands for freshwater resources, the threatening pressures as well as their impact on these resources in the region, and globally; and
- Look into the efforts provided by the Mediterranean countries themselves, and those of international initiatives, to address the challenges related to water management mentioned above.

The Workshop will provide room for a series of comparative studies on the law of water management in different Mediterranean countries. These studies will reflect (sometimes very old) customary water laws, contemporary national water policies and laws, as well as a number of broader international initiatives, which aim at providing proactive approaches for the, protection of ecosystems, resilience

to changing natural environment in terms of unexpected flood occurrences, droughts, and the need to combat desertification, etc.

The Workshop will offer an opportunity to review and thoroughly discuss how the EU integrative processes (*i.e.* Community *Acquis*) impact water management in the Mediterranean region. Given its focus on the laws that regulate water management in this region specifically, the workshop will attempt to assess and provide a sharper and better insight into, certain aspects of the Mediterranean Union initiative.

From a regional standpoint, the Workshop will concentrate on the following questions:

- Why is it important for countries that share water resources, to regulate their relations through legal agreements? And how is it possible to guarantee that those countries feel ownership for such agreements and actually follow-up on agreed provisions?
- How important is the value of trust among the parties for the enforcement of international agreements?
- How necessary is cooperation in the joint management of shared water resources?
- Is hydro solidarity a *sine qua non* for the application of accepted rules? And how is it possible to reach it?

Through an intensively inter-active participation, and in an academic, professional and friendly climate, topics for future joint research projects and other activities will be identified. The Workshop will indeed provide the initial conditions for collaboration.

### ***Description***

The focus of the Workshop will be on legal (historical, contemporary and evolving) issues and policy commitments, reflected in formal instruments adopted at various levels (*i.e.* global, regional, sub-regional) as well as, in soft law instruments applicable in the Mediterranean region.

Customary law patterns of water management (*e.g.* in construction of water works and use of water) are very old in the Mediterranean. The Workshop shall be an opportunity to highlight (through one or two case studies) this kind of cultural heritage, the roots of which can probably be found in the ancient “hydraulic civilizations” of the Middle East. At the same time the workshop would provide a chance to, identify where -in the Mediterranean- such water laws still exist and, show similarities (and mutual impacts) in the models implemented in various countries.

Existing national legal systems and the complexity of neighboring relations in regards to shared waters are also expected to be a subject of investigation and presentation during the Workshop. This exercise will provide comparative indications on actual development trends in the legislations of various Mediterranean countries such as the, protection and use of water, protection from detrimental effects of water (in the context of natural disasters and human cause accidents), water disputes prevention and resolution. Changes in national water policies and legislations, aimed at coping with growing demands for water, impacts of human activities on waters and climate changes will also be tackled through empirical / case study papers. The Workshop will finally look into the participation processes related to the in development and implementation of broader (*i.e.* global and regional) policy and legal frameworks.

Evolving legal concepts that accept the right to water as a human right (on national and international scale), conservation, restoration and protection of aquatic ecosystems and dependant terrestrial ecosystems, integrative approaches, *i.e.* good water governance—could be the subjects of more theoretical papers.

The Workshop will be a good possibility to review and thoroughly discuss how EU integrative processes (*i.e.* Community *Acquis*) impact water management in the Mediterranean *e.g.*:

- Changes in national water management systems through transposition of water Community *Acquis* into the national law systems;
- Establishment of conditions for long-lasting transboundary cooperation concerning shared water/water resources;
- Shift of traditional water management paradigm towards the respect of the needs of nature (ecosystems, aquatic flora and fauna; wetlands, etc) through the development of sustainable water management concepts; and
- Observation of levels of synergy between those processes and other initiatives present in other Mediterranean countries besides the direct impact of the EU, and related to the implementation of other texts, *e.g.* Ramsar Waterfowl Convention—MedWet initiative; relevant segments of the Mediterranean Programme, etc.

UNECE and UN-ESCWA roles, as well as activities of other prominent international organizations in these contexts shall be given the right level of attention.

### ***Existing state-of-art***

The specific focus of the Workshop on the variety of law facets (customary, national, regional, local, bilateral and multilateral) governing the management of fresh waters resources in the Mediterranean region only, will provide a real added value as compared to the usual international events that often have a global scope and do not pay enough attention to legal issues, if any. Another added value of the workshop would be the possibility of young scholars, the scientific community, national authorities and other stakeholders, to get an overview of laws and policies that develop at the global and regional levels, and impact traditional patterns of water management in the Mediterranean. Consequently, such a glance at the law regulating water management in the Mediterranean will most probably be an initial move towards more complex research activities.

### **Expected results**

Workshop material will be compiled and published in a book.

The Workshop will be a high level academic, professional event. It will show the importance of law in all water management activities especially when related to transboundary resources and aquatic ecosystems. It will also show the importance of solid legal frameworks for the promotion of cooperation around shared water resources and the prevention and resolution of water disputes.

### **Potential participants**

Participants at the Workshop are expected to come from:

- Scientific community;
- National authorities competent for water management and environmental protection;
- International organizations dealing with water management and environmental protection issues;
- NGOs.

### **Papers**

Papers should be approximately 8.000 words, including abstract, key words, footnotes, references and credits.

### **Activities of the Workshop**

Each of the selected authors is expected to deliver a lecture, based on his/her paper. The lecture should last 40-45 min. Power Point Presentations would be welcome.

Focused thematic discussion will follow each lecture for 15— 20 min. Selected papers, authors' lectures and presentations will be the basis for an open dialog and an exchange of views between senior and junior, authors and participants. Such discussions will be a particularly good opportunity for the identification of new collaborative research topics.