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# National and International Water Law and Administration

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*Selected Writings*

*Dante A. Caponera*

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# National And International Water Law And Administration Selected Writings

**Salman M. A. Salman**



## **National And International Water Law And Administration Selected Writings:**

*National and International Water Law and Administration* Dante Augusto Caponera, 2003 Selected Writings is a collection of articles and studies which reflect different stages of the author's experience as a scholar and a provider of technical legal assistance in the field of water law and administration both national and international. Its purpose is to provide mostly through practical examples an insight into the manner in which studies and research on various topics relevant to water law and administration may be conducted and water management issues are to be considered from the legal and institutional viewpoint. The book also highlights possible legal solutions to water management problems thereby showing the important role that the lawyer may be called upon to play in this connection. This book complements with practical experience the previous major work of the author *Principles of Water Law and Administration National and International* which is a basic textbook for reference. Selected Writings will be very useful to students wishing to specialize in water law, scholars and future water resources managers and planners.

*National and International Water Law and Administration: Selected Writings* Dante Caponera, 2021-10-25 Selected Writings is a collection of articles and studies which reflect different stages of the author's experience as a scholar and a provider of technical legal assistance in the field of water law and administration both national and international. Its purpose is to provide mostly through practical examples an insight into the manner in which studies and research on various topics relevant to water law and administration may be conducted and water management issues are to be considered from the legal and institutional viewpoint. The book also highlights possible legal solutions to water management problems thereby showing the important role that the lawyer may be called upon to play in this connection. This book complements with practical experience the previous major work of the author *Principles of Water Law and Administration National and International* which is a basic textbook for reference. Selected Writings will be very useful to students wishing to specialize in water law, scholars and future water resources managers and planners.

**Principles of Water Law and Administration** Dante A. Caponera, Marcella Nanni, 2019-05-03 This book which was first published in 1992 and then updated in 2007 provides a tool for dealing with the legal and institutional aspects of water resources management within national contexts and at the level of transboundary water resources. Like its two previous editions it seeks to cover all aspects that need to be known in order to attain good water governance but it provides updates concerning developments since 2007. These relate inter alia to the following: the greening of water law which calls for the progressive integration of environmental law principles into domestic and international water law; the adoption by the International Law Commission in 2008 of the Draft Articles on the Law of Transboundary Aquifers and subsequent developments; the emergence of the right to water as a self-standing human right; the adoption of domestic water laws supporting integrated water resources management (IWRM) and enhanced public participation in planning and decision making; the integration into these laws of tools facilitating adaptive water management as a response to climate variability and change; progress in the implementation

of EU law recent international agreements and judicial decisions efforts of regional organizations other than the EU to steer cooperation in the management of transboundary water resources and the harmonization of national laws institutional mechanisms for the management of transboundary water resources surface and underground Unique in its scope and nature the book identifies the legal and institutional issues arising in connection with water resources management and provides guidelines for possible solutions in a manner accessible to a wide range of readers Thus it is a useful reference for lawyers and non lawyers engineers hydrologists hydrogeologists economists sociologists dealing with water resources within government institutions river basin commissions international organizations financing institutions and academic institutions among other things and also for students of disciplines related to water resources

Collected Courses of the Xiamen Academy of International Law, Volume 3 (2010) The Xiamen Academy of International Law, 2011-06-22 The Collected Courses of the Xiamen Academy of International Law contain the Summer Courses taught at the Xiamen Academy of International Law by highly qualified international legal professionals The Third Volume of the Series contains the following articles New Trends of International Law in the Era of Globalization Stephan Hobe Tradition versus Harmonization in the Recent Reforms of Contract Law Ole Lando Constitutional Functions and Constitutional Problems of International Economic Law in the 21st Century Ernst Ulrich Petersmann International Law A System of Relationships Malcolm N Shaw QC The International Law of Watercourses New Dimensions Patricia Wouters The Xiamen Academy of International Law aims to promote academic exchanges among legal communities across the globe encourage examination of major international issues and by so doing seek ways to improve the possibilities for world peace and international cooperation It seeks to achieve this aim by providing the highest level of education to individuals particularly those from Asian countries interested in the development and use of international law persons such as young lecturers in international law diplomats practitioners of transnational law government officials in charge of foreign affairs and officials of international organizations

A History of Water, Series III, Volume 2: Sovereignty and International Water Law Terje Tvedt, Tadesse Kasse Woldetsadik, Owen McIntyre, 2015-05-30 As global climate change threatens to change radically both the political and physical climate with regard to water issues so a reassessment of some of the fundamental principles of international water law is emerging One of the most important principles being reassessed is the sovereign equality of states This volume brings together more than thirty leading international water and legal specialists to explore the development and changing relationship between water state sovereignty and international law Offering fresh insights into one of the most pressing issues in global water policy Sovereignty and International Water Law will form an essential reference for water professionals legal specialists and policy makers alike

Water Law, Poverty, and Development Philippe Cullet, 2009-07-16 This monograph comprehensively examines water law regulations and reform in the present decade going beyond a simple analysis of existing water law and regulations to encompass environmental social economic and human rights aspects of water as a natural resource Using the

specific case of India and on the related international law and policy framework that directly influences water regulatory developments in India this book offers what will be the first and only analysis of water law reforms taking place at the national level in many developing countries in their domestic and international context On the one hand international freshwater law remains under developed and existing legal instruments such as the 1997 UN Convention only address a limited set of relevant issues Yet the international law and policy framework concerning freshwater is increasingly important in shaping up law reforms taking place at the national level in particular in developing countries Indeed non binding resolutions such as the Dublin Statement on Water and Sustainable Development 1992 have had an immense influence on water law reforms in most developing countries This book seeks to conceive of and analyse freshwater regulation in a broader context and go beyond a literature that either lauds or criticises ongoing water sector reforms to provide an analytical basis for the reforms which all countries will have to adopt in the near or medium term future

*Nile Water Rights* Philine Wehling, 2020-06-25 The book provides a comprehensive assessment of the law governing the use and management of the Nile and considers more broadly how international water law can guide the development of a legal and institutional framework for cooperation over shared freshwater resources It defines the current state of international water law and discusses the content of the United Nations Convention on the Law of the Non Navigational Uses of International Watercourses On this basis it assesses the Nile water treaties and the 2010 Cooperative Framework Agreement for the Nile and examines their compliance with international law with a specific focus on the legal consequences of South Sudan s secession from Sudan Moreover the book recommends important amendments to the 2010 Agreement Building on these recommendations it addresses the implementation of the principle of equitable and reasonable use regarding the Nile illustrating the extent to which the principle can provide a conceptual framework for regulating water use The book is a valuable resource for academics and practitioners alike as it combines legal assessment with a discussion of how international water law principles can be implemented in practice

Legal Mechanisms for Water Resources in the Third Millennium Marcella Nanni, Stefano Burchi, Ariella D'Andrea, Gabriel Eckstein, 2018-10-08 Legal mechanisms for the management development and protection of water resources have evolved over the years and have reached unprecedented levels of complexity and sophistication This phenomenon is largely in response to the global community s sustainable development agenda to the challenges and limitations imposed by climate variability and to scientific and technological advances Bringing together diverse experiences from across the world this book analyses existing water law and governance solutions their shortcomings as well as developments and trends in the light of changing circumstances The legal mechanisms examined range from international treaties agreements and arrangements on cooperation over transboundary water resources to the onset of novel issues arising out of technological advances and from domestic regulation of water abstraction and groundwater management to domestic regulation of the water industry The articles in this book were

originally published in the journal *Water International* following the XIV and the XV World Water Congresses of the International Water Resources Association IWRA which were held in 2011 and in 2015 respectively The chapters originally published in *Water International*      *Notification concerning Planned Measures on Shared Watercourses* Salman M.A. Salman,2019-06-17 Notification of co riparian states of planned measures on shared watercourses has been widely accepted as an established principle of international water law and is codified and elaborated in the United Nations Watercourses Convention However despite this wide acceptance differences have arisen on operationalizing notification including on which riparians are required to undertake notification and which riparians are entitled to it Issues have also arisen on how to deal with the different types of responses that may ensue following notification The World Bank has been financing projects on international watercourses since its inception in 1946 and has built an extensive wealth of policies and experience in this field This monograph discusses the historical and legal foundations of notification under international law analyzes the policies and implementation experience of the World Bank thereon and identifies comparators and synergies between the provisions of the Watercourses Convention and the Bank policies and practice      **Transferable Groundwater Rights** Andreas N. Charalambous,2013-10-28 The principle of transferable groundwater rights is that by making water rights capable of being traded in the market water resources can be used more sustainably and efficiently Groundwater would achieve its economic value by switching from the high volume low value irrigation which is prevalent with many farmers particularly in South Asia to low volume high value urban supply or the growing of intensive horticultural or cash crops This book discusses transferable groundwater rights in their broader context It starts with a detailed description of the physical aspects of groundwater which non technical readers should find useful followed by a discussion of legal and economic aspects Water transfers and the international experiences in transferable groundwater rights are dealt with in detail in two subsequent chapters A model is presented to guide those involved in water resources management and planning in their decision process to introduce transferable groundwater rights and water rights trading The author concludes that transferable groundwater rights potentially offer a better alternative to land based water rights systems However he casts serious doubt on whether groundwater rights trading on its own can achieve water resources sustainability environmental protection and social equity Government intervention seems to be almost always needed to assist the water rights market and take responsibility for any of its adverse consequences      **Encyclopedia of Global Studies** Helmut K. Anheier,Mark Juergensmeyer,2012-03-09 With all entries followed by cross references and further reading lists this current resource is ideal for high school and college students looking for connecting ideas and additional sources on them The work brings together the many facets of global studies into a solid reference tool and will help those developing and articulating an ideological perspective Library Journal The Encyclopedia of Global Studies is the reference work for the emerging field of global studies It covers both transnational topics and intellectual approaches to the study of global themes including the

globalization of economies and technologies the diaspora of cultures and dispersion of peoples the transnational aspects of social and political change the global impact of environmental technological and health changes and the organizations and issues related to global civil society Key Themes Global civil society Global communications transportation technology Global conflict and security Global culture media Global demographic change Global economic issues Global environmental and energy issues Global governance and world order Global health and nutrition Global historical antecedents Global justice and legal issues Global religions beliefs ideologies Global studies Identities in global society Readership Students and academics in the fields of politics and international relations international business geography and environmental studies sociology and cultural studies and health

*Land Law in Middle Eastern Countries* Oleg Igorevich Krassov, 2022 The monograph focuses on the basic features of the legal systems of the Middle Eastern countries land law in force in these countries Islamic land and water law Bedouin tribal land ownership customary water rights The monograph contains a description of the regime of property and land in Jewish law The author analyzes the current state of land law in the Middle Eastern countries including title to land title to other natural resources types of rights to land correlation of formal law and conventional land tenure systems For students graduate students and teachers of law schools employees of legislative executive and judicial authorities as well as for all those interested in issues of land civil law and comparative jurisprudence

The World Bank Policy for Projects on International Waterways Salman M. A. Salman, 2009 This book deals with the evolution and context of the Bank policy for projects on international waterways It starts with a brief description of how the Bank faced the challenges stemming from such projects and the different approaches deliberated by the Bank that led to the issuance of the first policy in 1956 The Book then reviews the implementation experience and analyzes the principles and procedures as well as the main features of each of the policies issued in 1956 1965 and 1985 The principles of international water law prevailing at each stage of the policy updates are examined and

*Water, Sustainable Development and the Nexus* Velma I. Grover, Amani Alfarra, 2019-08-30 Water is intricately linked with food security energy security and sustainable development As the world is moving towards sustainable development goals it is critical to recognize the role of water in attaining these goals The Water Energy Food Nexus draws attention to the complex and interrelated nature of global resource systems and forces us to think about how a decision in one sector impacts other interlinked sectors as well This book looks at the three dimensions of sustainable development environment economics and society and how water is linked with them and explores the nexus approach as a framework to look at the issues and identify solutions

**Land Ownership Right in European Countries** Oleg Igorevich Krassov, 2022 The monograph presents the legal regulation system of land ownership relations in the law of continental European countries English common law and Russian law The concepts of ownership right and land ownership right existing in civil law common law and Russian land law are analyzed The land ownership right is considered as a complex legal institution regulated by the constitutional civil and land law norms as well as legislation on planning the

use of land on environmental protection water forestry on the subsoil on the protection of historical and cultural sites etc The monograph is targeted to students graduate students and teachers of law schools employees of legislative executive and judicial authorities as well as for all those interested in land ownership issues *Modern Water Rights* Stephen Hodgson, Food and Agriculture Organization of the United Nations, 2006-01-01 The vital importance of water to human activity is such that most societies and cultures have sought to establish legal rules over its use and allocation In most jurisdictions legal rights to water have been linked to land tenure and ownership rights A number of countries have recently undertaken substantive water law reforms usually involving the introduction of formal and explicit water rights that clearly specify the volume of water that is subject to each right modern water rights together with institutional arrangements for their allocation registration monitoring and enforcement Modern water rights are not intrinsically tied to specific land plots are often transferable and available to be traded on a temporary or permanent basis This book reviews international experiences of the introduction and use of modern water rights It is based on a survey of relevant primary and secondary legislation published literature internet sources and practical experience **Principles of Water Law and Administration**

Dante A Caponera, Marcella Nanni, 1992-01-01 A multidisciplinary text considering both general issues and principles of water law and administration at national and international level dealing with current legal and institutional aspects of water resources management New information has been added in this latest edition including the situation in countries previously a part of the former Soviet Union Added emphasis is given to areas of growing topical importance such as stakeholders influence on decisions the need to maintain a minimum flow in water bodies and the necessity for legislation in support of water resource monitoring There is new material on the European Union Water Framework Directive which is referenced heavily in the work The book is aimed at those who carry out functions in water resources administration and those who deal with legal issues raised by water management The book will be particularly useful to academics and graduate students of law engineering hydrology hydrogeology sanitary engineering and planners as well as national and international water resources managers **Land and Water--the Rights Interface** Stephen Hodgson, 2004-01-01 This paper seeks to answer a number of basic questions First of all just what are land tenure rights and water rights Second how do the respective regimes compare Third what linkages if any are there between land tenure rights and water rights and if there are none does this matter either in general or as regards specific aspects of the interface A key objective of the paper is to examine which aspects of the rights interface merit further research In comparing the two regimes a final subsidiary objective of this paper is to try and identify which areas if any in one sector can shed light on areas for future research in the other

**International Water Law and the Human Right to Water** Imad Antoine Ibrahim, 2024-11-19 This book examines the development of international law applicable to Transboundary Aquifers TBAs considering the Human Right to Water and Sanitation HRWS The purpose is to determine how International Water Law IWL and the HRWS can be harmonized in the



context of TBAs This is important given rules and instruments adopted to address this topic are relatively nascent and the field itself is still in the process of developing regulatory frameworks Taking the application of the HRWS to shared aquifers as a case study the work discusses whether IWL and International Human Rights Law complement each other The response to this question requires an analysis of the development of International Groundwater Law and its challenges the evolution of the HRWS the nature of transboundary groundwaters and the interplay between these two fields The author argues that IWL agreements should contain a provision related to the HRWS to ensure the protection of this right with a stipulation included in the nonbinding instrument that tackles shared groundwaters the Draft Articles on the Law of Transboundary Aquifers adopted in 2008 through the United Nations General Assembly Resolution The book will be of interest to international lawyers water and human right experts geologists and anyone interested in water and human rights issues

**Planning By Law and Property Rights Reconsidered** Barrie Needham, Thomas Hartmann, 2016-04-22 Countries which take spatial planning seriously should take planning law and property rights also seriously There is an unavoidable logical relationship between planning law and property rights However planning by law and property rights is so familiar and taken for granted that we do not think about the theory behind it As a result we do not think abstractly about its strengths and weaknesses about what can be achieved with it and what not how it can be improved how it could be complemented Such reflections are essential to cope with current and future challenges to spatial planning This book makes the often implicit theory behind planning by law and property rights explicit and relates it to those challenges It starts by setting out what is understood by planning by law and property rights and investigates theoretically and by game simulation the relationships between planning law and property rights It then places planning law and property rights within their institutional setting at three different scales when a country undergoes enormous social and political change when there is fundamental political debate about the power of the state within a country and when a country changes its legislation in response to European policy Not only changing institutions but also global environmental change pose huge challenges for spatial planning The book discusses how planning by law and property rights can respond to those challenges by adaptive planning by adaptable property rights and by public policies at the appropriate geographical level Planning by law and property rights can fix a local regime of property rights which turns out to be inappropriate but difficult to change It questions whether such regimes can be changed and whether planning agencies can make such undesirable lock ins less likely by reducing market uncertainty and if so by what means

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