

2020 Mid-Year Report

Water and Wetlands Specialist Group

Prepared by Specialist Group Chair Stefano Burchi

I. Activity Updates

The WCEL Water and Wetlands Specialist Group (WWSG) focused its work in the first half of 2020 on the preparation of a webinar on “Judges as guardians of water resources: the Brasilia Declaration of Judges on Water Justice” (see below).

II. Events

Under the umbrella of the WCEL Webinar Series, the webinar on “Judges as Guardians of Water Resources: the Brasilia Declaration of Judges on Water Justice” was held on 17 July 2020. The Webinar featured presentations by Justices B. Preston (Australia), Justice O. Angote (Kenya), and former Judge M. Hantke-Domas (Chile), each offering a reading of select Brasilia Declaration principles in the light of their work as judges, and a presentation by Prof. M. del Pilar García who illustrated the emerging rights of rivers as legal persons in the jurisprudence of Colombia’s courts. The webinar was moderated by WWSG chair S. Burchi. It attracted 282 registrations, and 236 attending participants. Several questions were filed online at the end of the presentations period, however only very few were allowed due to severe time restrictions. The remaining questions were compiled for action by the panellists post-webinar.

In January 2020, WWSG Chair Stefano Burchi attended the [13th meeting of the OECD Water Governance Initiative](#) where he presented on the Brasilia Declaration of Judges on Water Justice.

WWSG Member Mara Tignino organized an online course in “[International Water Law and the Law of Transboundary Aquifers](#)” with the Geneva Water Hub/University of University of Geneva in October 2020. The course will also take place in French in the Spring of 2021. Additionally, the Geneva Water Hub has started a collaboration with IUCN on dams including their impacts on the environment. This [project](#) includes the development of a compendium of the legal instruments and norms applicable to the construction and monitoring on dams.

WWSG Member Gabriel Eckstein gave a presentation (via videoconference) on “Texas and its Shared Water Resources: Legal Status and Issues” and “Overview of the Rule of Capture: Origins, U.S. History, and Efforts to Replace It,” Texas Water Leaders Workshop, Texas Water Foundation, in June 2020. He also presented on “The Value and Ethic of Water Pricing” at the 2020 State Bar Changing Face of Water Law Conference, in San Antonio, TX, in February 2020

and on “The Status of International Water Law – Research and Practice” at the IHE Delft Institute for Water Education, in Delft, The Netherlands, in February 2019.

III. Publications

WWSG Member Gayathri D. Naik published the following papers on topics of relevance to the WWSG:

- Gayathri D. Naik, ‘*Role of Courts in evolution, implementation and compliance of Environmental Law: A South Asian Perspective*’ presented at 5th UCL-KCL Environmental Law Symposium 2020 held on February 21 2020.
- Gayathri D. Naik, ‘*Right to Environment in India: From a Gender Perspective*’, (2020) 21 (3) Vermont Journal of Environmental Law.

Ms. Naik’s paper ‘*Brazilia Declaration And Beyond: Role of Courts in Ensuring Water Justice and Environmental Rule of Law In India*’ was also accepted for 2nd World Environmental Law Congress organized by IUCN World Commission on Environmental Law (postponed).

WWSG Member Ana di Pangracio co-authored an article in FARN’s Annual Environmental Report on a Wetlands Protection Act. She also contributed to a position document on the Integral Plan for the Sustainable Development of the Parana Delta and a position document on the Wetlands Protection Act in Argentina.

WWSG Member Gabriel Eckstein published the book [Groundwater Laws and Regulations: A Preliminary Survey of Thirteen U.S. States](#), Vol. I, 2nd Ed. (Texas A&M University Energy, Environmental, and Natural Resources Systems Law Program, 2017, 2020) (co-edited with Amy Hardberger, Texas Tech University School of Law). He also published a Chapter on “Texas,” in *Waters and Water Rights* 4th (Amy Kelley Ed., LexisNexis Matthew Bender, 2018-2020).

IV. Upcoming events, projects, or anticipated next steps

The Brasilia Declaration of Judges on Water Justice will continue to feature atop the WWSG agenda through the development of a commentary. The Specialist Group is also participating in fleshing out the agenda for the IUCN World Conservation Congress rescheduled to 7-15 January 2021 in Paris, whose lead theme will – for the first time in IUCN’s history – be “Conserving freshwater to sustain life”.