



INTERNATIONAL COLLOQUIUM "SHARING WATER"

Preparatory Event of the
"Judges and Prosecutors Subprocess"
of the 8th World Water Forum

Friday, 8th December 2017
Rio de Janeiro, Brazil

High-Level Discussion (for invited specialists only)
9:00-13:15 - Museu do Amanhã ("Museum of Tomorrow")
Address: Praça Mauá, 1 - Centro, Rio de Janeiro "Observatory Room"

Introduction

The International Colloquium on Water Law, on December 8 in Rio de Janeiro, is intended to promote the work of the "Subprocess of Judges and Prosecutors" at the 8th World Water Forum to be held in the Southern Hemisphere for the first time (in Brasília, from March 19-23, 2018).

The event is divided into two parts: first, during the morning, at the Museum of Tomorrow (participation limited to invited specialists); and second, in the afternoon, at the Supreme Court of the State of Rio de Janeiro (open to the public). Bringing together judges, prosecutors, diplomats, scientists, professors, and another leaders in the field, the high-level debates will address, from a variety of perspectives, current challenges and innovative legal solutions for problems involving water and water use, in order to provide inputs that will guide the *Brasília Declaration of Judges on Water and the Environmental Rule of Law*, to be pronounced at the 8th World Water Forum.

Today, no one can deny that securing access to clean water has become a serious global question. Estimates suggest that, by 2030, worldwide demand for water will nearly double as compared to 2005, and will extend to 40% above available levels. As a result, a greater number of countries, including Brazil, will suffer from severe hydrological stress, especially in an era of climate change. This will affect agricultural production patterns and the economy in general, negatively impacting ecosystems and the quality of life for many different populations, leading to poverty, forced migration and conflicts. In this troubling scenario, water quantity and quality are recognized as "the new 21st century environmental crisis." Thus, it is no surprise that perceptions about water as a valuable, finite natural resource influence all manner of institutions in their decision-making, including the judiciary and prosecutors. New and effective legal frameworks are needed, and the law on water resources needs urgent rethinking. After all, "water is at the core of sustainable development," according to the final outcome document from Rio+20 (2012), *The Future We Want*.

Sustainable Development Goal No. 6, adopted in 2015, lists as a duty of the international community and each country to "ensure availability and sustainable management of water and sanitation for all." SDG 6 includes eight detailed targets and a set of indicators to measure progress in its implementation. Although the SDGs are not "hard" international law and thus are not legally binding, they nonetheless carry strong persuasive weight for judges, on the theory that the judiciary, while focused on domestic law, is responsible for guaranteeing the universal values expressed therein. In this sense, the SDGs influence and should guide judicial and administrative interpretation of national legal and constitutional frameworks, to the extent that they express fundamental values of the *Environmental Rule of Law*, particularly in light of the cross-cutting SDG 16, which calls on States to "promote peaceful and inclusive societies for sustainable development, provide access to justice, and build effective, accountable and inclusive institutions at all levels."

Among the key questions for debate at the Colloquium are access to water (and sanitation) as a fundamental human right, the protection of aquatic ecosystems, the relationship between water and forests, transboundary cooperation with regard to international waters, litigation on water and access to justice, and the ruoe of judges and prosecutors in implementing water law.

Objectives

- Facilitate a robust dialogue among judges, prosecutors, and other stakeholders involved in the discussion and development of innovative legal mechanisms for ecologically sustainable and socially just management of water resources
- Present the most recent advances in academia, legislation, jurisprudence, and public policy on water law issues
- Develop the program for the "Subprocess of Judges and Prosecutors" at the 8th World Water Forum
- Solicit contributions for drafting the Brasília Declaration of Judges on Water and the Environmental Rule of Law

9:00-9:30 Welcoming Remarks

- Ricardo Piquet (President, Museum of Tomorrow, Brazil)
- Ricardo Medeiros de Andrade (Executive Director, 8th World Water Forum and Director, Brazilian National Water Agency – ANA, Brazil)
- Justice Antônio Herman Benjamin (National High Court of Brazil – STJ, Chair, IUCN World Commission on Environmental Law, and Coordinator, 8th World Water Forum Judges and Prosecutors Subprocess, Brazil)
- Ambassador José Antônio Marcondes de Carvalho (Chief Environmental Negotiator of Brazil and Under-Secretary-General of the Environment, Energy, Science and Technology, Ministry of Foreign Affairs, Brazil)

9:30-10:30 A Global Overview on Water Science, Law and Policy

- (15 minutes per speaker)
- Chair:** Judge Cristina Crespo (Honorary President, International Association of Judges, Uruguay)
- Stefano Burchi (Executive Chairman, International Association for Water Law – AIDA, Italy)
 - Paulo Salles (President, Water and Energy Agency of the Federal District of Brasília, and Co-Chair, International Committee of the 8th World Water Forum, Brazil)
 - Maria Luiza Granziera (Professor, Catholic University of Santos, Brazil)

10:30-11:00 Introduction of the Draft "Brasilia Declaration of Judges on Water and the Environmental Rule of Law"

- Chair:** Minister Reinaldo Salgado (Coordinator, 8th World Water Forum Political Process and Director, Department for Environmental Sustainability at the Ministry of Foreign Affairs, Brazil)
- Speaker**
- Owen McIntyre (Senior Lecturer, Faculty of Law at University College Cork, Ireland)
- Scientific Drafting Committee**
- Prof. Owen McIntyre (Chair), Prof. Denise Antolini, Mr. Stefano Burchi, Justice Michael Hantke Domas, and Dr. Arnold Kreilhuber

11:00-11:15 Coffee break

11:15-12:00 Roundtable 1: Discussion of Draft "Brasilia Declaration of Judges on Water and the Environmental Rule of Law"

- (5 minutes per speaker)
- Chair:** Justice Elton Leme (Supreme Court of the State of Rio de Janeiro)
- Participants**
- Angela Andrade (Environmental Policy Director, Conservation International Colombia)
 - Denise Antolini (Professor of Law and Associate Dean for Academic Affairs, William S. Richardson School of Law, University of Hawai'i, USA)
 - Justice Rafael Asenjo (Justice, Environmental Court, Santiago, Chile)
 - Nicholas Bryner (Professor, Emmett Institute on Climate Change and the Environment, University of California Rio Angeles, USA)
 - Kathryn Gwiazdon (Executive Director, Center for Environmental Ethics and Law, USA)
 - Ian Hannam (Adjunct Professor, Australian Centre for Agriculture and Law, School of Law, University of New England)
 - Alejandro Iza (Director, IUCN Environmental Law Centre)
 - Claudia de Windt (Senior Legal Specialist and Chief, Environmental Law, Policy and Good Governance, Department of Sustainable Development, Organization of American States – OAS, Dominican Republic)

12:00-13:00 Roundtable 2: Draft "Brasilia Declaration of Judges on Water and the Environmental Rule of Law"

- (5 minutes per speaker)
- Chair:** Luiz Alberto Oliveira (Curator-General, Museum of Tomorrow, Brazil)
- Participants**
- Roberto Carlos Batista (Public Prosecutor, Federal District, and International Director, Brazilian Association of Environmental Prosecutors – ABRAMPA)
 - Justice Michael Hantke Domas (Third Environmental Court, Valdivia, Chile)
 - Cristina Seixas Graça (Environmental Public Prosecutor, State of Bahia, and Coordinator, Permanent Commission on the Environment – COPEMA)
 - Estela Neves (Professor, Federal University of Rio de Janeiro, Brazil)
 - Nilufer Oral (Professor, Bilgi University, and Member, United Nations International Law Commission, Turkey)
 - Ayman Rabi (Executive Director, Palestinian Hydrology Group, Palestine)
 - Jean-Philippe Rivaud (Judicial Liaison Officer to Brazil, Guyana and Suriname, French Embassy Brasília, France)
 - Kanyinke Sena (Faculty of Law, Egerton University, Kenya)
 - Ambassador Spencer Thomas (Special Envoy for Multilateral Environmental Agreements, Government of Grenada)
 - Raul Telles do Valle (Chief Legal Counsel, Ministry of the Environment of the Federal District of Brasília, Brazil)

13:00-13:10 Closing Remarks

13:10-14:30 Lunch at Restaurant Fazenda Culinária, Museu do Amanhã



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