

IELRC

Workshop on Legal Aspects of Water Sector Reforms
Geneva, 20 – 21 April 2007

**BALANCING DEVELOPMENT AND
ENVIRONMENTAL CONSERVATION
AND PROTECTION OF THE WATER RESOURCE
BASE – THE “GREENING” OF WATER LAWS.**

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RATIONALE AND SCOPE

- Balancing resource development and environmental protection is at the heart of much contemporary water legislation.
- The paper illustrates how environmental protection is mainstreamed in water resources laws.

MECHANISMS EVIDENCING THE GREENING OF WATER LAWS

- minimum environmental flows of rivers
- environmental impact assessment (EIA) requirements
- the national 'Reserve'
- protected areas and zones
- environmental water trades and water trusts,
- ecosystem service payment schemes
- specific safeguard of aquifers in recognition of their ecosystem support function

OTHER GENERALLY ENVIRONMENTALLY-CONSCIOUS FEATURES OF WATER LAWS

- Environmental criteria for licensing water abstraction and for permitting wastewater disposal.
- Factoring environmental protection in water resources planning.
- Priority allocation of water to meet environmental requirements.
- Environmental protection to stand on par with resource development in the reading and implementation of water laws.

SPECIFIC MECHANISMS

- Minimum environmental flow requirements of rivers
 - Rationale
 - Effects:
 - Capping new (and existing?) abstractions
 - Limiting the operating rules of dams

SPECIFIC MECHANISMS

- EIA of proposed water abstraction and wastewater disposal projects.
- The national reserve
- Designation of protected areas

SPECIFIC MECHANISMS

- Environmental limitations to water rights trading (prevention and mitigation of third-party effects of water trades).
- The environment as a market player: the Oregon Water Trust.

SPECIFIC MECHANISMS

- Payments for ecosystem services.
- Reflecting the ecosystem support function of groundwater in the regulation of resource exploitation.

CONCLUSIONS

- Difficulties with some “greening” approaches
 - environmental efficiency of PES questioned
 - non-retrospective effect and limited scope of minimum flow requirements
 - environmentally-conscious water law provisions frustrated by other environment-friendly legislation (eg biofuels waste charge exemption)
- “Greening” of water laws gives meaning and substance to the elusive goal of sustainability of resource development and use.



THANK YOU...



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