

Memorial on Behalf of the European Union (EU)

INTERNATIONAL COURT OF JUSTICE
REQUEST FOR AN ADVISORY OPINION CONCERNING FRESHWATER RIGHTS
UNDER INTERNATIONAL LAW IN RELATION TO THE POTENTIAL LEGAL
PERSONALITY OF RIVERS AND THE CLIMATE CRISIS



MEMORIAL FOR THE EUROPEAN UNION
THE 1st WCEL INTERNATIONAL WATER JUSTICE MOOT COURT AT THE
CONFERENCE OF JUDGES AND PROSECUTORS ON WATER JUSTICE DURING THE
8th WORLD WATER FORUM IN BRASÍLIA, BRAZIL
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II. STATEMENT OF JURISDICTION

The United Nations General Assembly adopted resolution A/RES/72/Water, requesting an advisory opinion from the International Court of Justice (“The Court”) pursuant to Article 65 of the Statute of the Court. In accordance with Article 66, the Court invited all interested State parties entitled to appear before the Court to submit memorials through regional intergovernmental organizations as an efficient way to represent the multiplicity of State interests in the proceedings. Therefore, the European Union submits this memorial in answer to the questions submitted.

III. PROBLEM PRESENTED

Contemporary management of freshwater rights, and ensuing challenges are complex, interconnected and constantly changing. Sharing of water resources, water scarcity, water pollution, the risk of floods and increased risks caused by the climate crisis coupled with financial difficulties and other externalities all complicate both regional and international policy approaches to water resources.¹

The existence of these complex and interconnected problems calls for a common strategy to carry out effective management of freshwater resources in light of the negative impacts of the climate crisis. Recent news, literature and research all lead to the same conclusion: water-related risks affect economic, social, environmental security and citizen well-being without concern for regional and national borders.² No region is without affliction, and no region is without fault. Furthermore, all societies are dependent upon readily available freshwater for domestic needs, cultural practices, food production, livelihoods, power generation and industry.³

This is true for most of the European Union and its partners, who participate in water initiatives like the European Union Water Initiative (EUWI).⁴ The European region benefits from an abundant water resource management framework, including both Europe-wide directives on water management and the presence of various river basin organizations across the continent, including most predominantly those of the Danube and Rhine rivers. Despite this, Europe still has serious challenges to tackle, both at home and in projects abroad. These include

¹ Rijswick, Marleen van, and Patricia Wouters. "Introduction: achieving sustainable and adaptive fresh water management: Selective studies of international, European, Dutch and Chinese water law." *Journal of Water Law* 24.3/4 (2015): 85-91.

² *Idem*, 85.

³ Petersen-Perlman, Jacob D., Jennifer C. Veilleux, and Aaron T. Wolf. "International water conflict and cooperation: challenges and opportunities." *Water International* 42, no. 2 (2017): 105-120.

⁴ National Committee for the 7th World Water Forum (Republic of Korea) World Water Council, *Final Report of the 7th World Water Forum*, 2015.

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the increase in the frequency of extreme weather events to outdated patterns of food production and insufficient wastewater treatment capacities.⁵

As such, the objective of the European Union in this respect is to answer The Court's questions on the recognition of river's legal personality, as well as international water law conflict resolution as potentially adequate responses to the global climate crisis.

⁵ Idem, 2015.

IV. IN CONTEXT: EUROPEAN UNION

The UNECE Convention on the *Protection and Use of Transboundary Watercourses and International Lakes* aims to protect and ensure the quantity, quality and sustainable use of transboundary water resources by facilitating cooperation, beyond that of European Union or ECE Member States.⁶ Initially negotiated as a regional instrument, it turned into a universally available legal framework for transboundary water cooperation on March 1, 2016. Since then, countries outside the ECE region have been able to accede to the Convention.⁷

At the European Union level, water Directives such as the *Water Framework Directive* or other European instruments such as *Protocol on Water and Health*, have set ambitious environmental objectives at the basin level and find that water should be affordable to all, as it is no ordinary good.⁸ The development of these legal instruments instills the importance of water conservation, increasing the emphasis on water issues in the public eye.

⁶ United Nations Economic Commission for Europe, *Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)*, 1992.

⁷ *Final Report of the 7th World Water Forum*, 2015.

⁸ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy; United Nations Economic Commission for Europe, *Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes*, 1992.

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V. QUESTION 1: UNDER WHAT CIRCUMSTANCES DOES INTERNATIONAL LAW RECOGNIZE THE RIGHTS OF RIVERS AS HAVING LEGAL PERSONALITY?

I. *Locus Standi* of Rivers in International Law

Legal standing (which is often employed synonymously with legal personality), is a concept present in international law.⁹ It is principally employed to distinguish between those social entities relevant to the international legal system and those excluded from it.¹⁰ International law conventions currently do not place a large emphasis on Rivers as having *locus standi*. Instead, conventions such as the *Convention on the Law of Non-navigational Uses of International Watercourses* mainly address the issues of water management in international watercourses through the perspective of states, or “Watercourse States” as they are referred to in the convention.¹¹

This trend in legal personality is also apparent in European legislation on freshwater resources, such as the Water Framework Directive (the WFD)¹² and the Floods Directive.¹³ These directives recognize the importance of water bodies and the importance of protecting them but view them entirely as property of the Community and the Member States.

II. Legal Personality of Natural Elements in Other Legal Systems

The perspective on rivers in International and European Legal Frameworks is entirely different to that of several other domestic frameworks around the world. One of the most well-

⁹ Portmann, R. (2010). *Legal personality in international law* (Vol. 70). Cambridge University Press.

¹⁰ *Idem*.

¹¹ United Nations Economic Commission for Europe, *Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)*, 1992.

¹² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

¹³ Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks.

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known examples of a river given *locus standi* is the Whanganui River, in New Zealand. The river's transformation from property to a legal person has conceptualized the principle of legal personality.¹⁴ The river has been the subject of a long-standing native title claim by the Whanganui Iwi who claim possession of the river's resources and chieftainship over the river itself.¹⁵ The act of granting legal personhood to the river seeks to compensate the Whanganui Iwi for grievances against them by the settlement of Europeans in New Zealand but also derives from concern for the river's health and the desire to preserve the resource for future generations of Whanganui Iwi and the New Zealand community in general.¹⁶

The granting of legal personality to the river is not the first example of extending this legal category to a non-human. Legal personality has been granted to corporations, which are artificial entities. A corporation, with legal personality, has the ability to own property, enter into contracts, and sue and be sued in its own name.¹⁷

The difficulty in granting legal personality to elements in nature is that it is often unclear exactly which individuals' rights will be used as a basis for granting this legal standing. In past examples, such as the example of the corporation being given legal personality, the corporation is granted this higher legal standing due to the individuals that constitute the corporation, using the corporate personality as a means of protecting those individual rights. A similar approach was taken in New Zealand's Framework Document on the issue, which stresses that the 'human-ness' of the river is rooted in the Whanganui Iwi people's interconnectedness it.¹⁸ As such, the river gains its legal personality, not from an abstract legal entity, but from the people that are

¹⁴ Hutchison, A. (2014). The Whanganui river as a legal person. *Alternative Law Journal*, 39(3), 179-182.

¹⁵ *Idem*, 179.

¹⁶ *Idem*, 180.

¹⁷ *Idem*, 180.

¹⁸ Morris, J. D., & Ruru, J. (2010). Giving Voice to Rivers: Legal Personality as a Vehicle for Recognising Indigenous Peoples' Relationships to Water. *AILR*, 14, 49.

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connected with the river.

III. The Philosophy behind the Legal Personality of Rivers

The philosophical notion for giving rivers legal standing, comes from the Whanganui Iwi's understanding of their surrounding environments. Namely, the Iwi's relationship to the river is characterized by their belief that they are interconnected with the river – stating “I am the river. The river is me.”¹⁹ In various parts of the world, elements in nature are viewed differently; thus, the extent to which this kind of legal philosophy can be extended in European or International frameworks will vary greatly from region to region. In the European context, the law views rivers simply as objects over which one can claim and enforce property rights.²⁰ This viewpoint, shared by most of the population, could prove difficult to align with the proposal granting rivers legal personality.

Approaches to legal standing of natural elements, similar to those of New Zealand's Whanganui Iwi, have been developing in different parts of the world. For instance, in the United States as early as 1972 Justice Douglas wrote a dissenting judgement for the case of *Sierra Club v. Morton*,²¹ in which he asserted that natural resources ought to have standing to sue for their own protection.

Furthermore, the Ecuadorian government has added a new Chapter to their country's Constitution entitled “Rights For Nature,” in order to, at least in part, provide some measure of sanction against the international corporations that have wreaked social and environmental havoc in many regions of Ecuador.²² Following suit in 2011, Bolivia passed its own law *Ley de*

¹⁹ *Idem*, 15.

²⁰ Hutchinson (2014), 180.

²¹ *Sierra Club v. Morton*, 405 U.S. 727 (1972)

²² Buczynski, Beth. “Bolivian Law Grants Nature Equal Rights” (2011). Care2, retrieved 28th February, 2018.

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Derechos de la Madre Tierra – The Law of Mother Earth.²³ This was the first piece of legislation to grant the planet absolute protection against those who would seek to exploit or destroy its resources or ecosystem, by establishing eleven new rights for nature.²⁴

IV. The Link with Human Rights

The European Union, with its developed framework of legal protection for rivers might not explicitly benefit from its rivers being given legal standing. However, the European Union whole-heartedly supports the movement towards such legal philosophy in areas where added protection for rivers, and the communities directly connected to them (especially indigenous communities), is necessary. The European Union is firm in this stance, as an actor on the forefront of the Human Rights movement, as it believes in the inherent connection between the climate crisis and human rights. This connection is becoming more and more apparent in legal literature.²⁵ For example, in 2005 an Inuit petition to the Inter-American Commission on Human Rights (IACHR) sought relief “from human rights violations resulting from the impacts of global warming and climate change caused by acts and omissions of the United States.” As an affirmative response, the Human Rights Council issued a number of resolutions noting the threat that climate change poses to human rights.²⁶ These resolutions noted how the climate crisis is an enormous threat to the human rights of people all over the planet. The climate crisis threatens the lives and livelihoods of members of affected communities, in addition to food security, public health, water supplies, property, and culture.²⁷ The European Union believes that the environment and the livelihoods connected to it ought to be protected under the umbrella of

²³ Buczynski, (2011).

²⁴ Idem.

²⁵ Knox, J. H. (2009). Linking human rights and climate change at the United Nations. *Harv. Envtl. L. Rev.*, 33, 477.

²⁶ Idem, 481.

²⁷ Kysar, Douglas A. Climate change and the International Court of Justice. *Yale Law School* (2013).

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environmental human rights.

At the EU level, the Charter of Fundamental Rights of the European Union codifies a “high level of environmental protection” and “improvement of the quality of the environment.”²⁸ Even though the European Convention on Human Rights does not enshrine a specific right to a healthy environment, the European Court of Human Rights has been called upon to develop its case law on environmental matters.²⁹ This case-law development is hugely important because the exercise of certain Convention rights could be undermined by the existence of harm to the environment and exposure to environmental risks.³⁰ Case law in this area includes *Guerra and Others v. Italy*,³¹ *McGinley et Egan v. the United Kingdom*,³² and *Vilnes and Others v. Norway and others*.³³

Environmental protection in the EU is further evolved by the EU’s broad use of regulatory competence in the creation and maintenance of a common market, over which it can legislate on matters of environmental maintenance.³⁴ It is through this respect of human rights values that the European Union sees a movement towards granting rivers *locus standi* as a beneficial and necessary step in minimizing the climate crisis in some regions of the world. The current environmental protections and benefits, which have been catered for in environmental legal regimes, are simply not enough to ensure the level of environmental protection called for by the United Nations Framework Convention on Climate Change (UNFCCC).³⁵ The granting of

²⁸ Article 37 of the Charter of Fundamental Rights of the European Union, [2010] OJ C 83/389

²⁹ Bogojević, Sanja. "EU human rights law and environmental protection: the beginning of a beautiful friendship?." (2014).

³⁰ *Idem*, 2014.

³¹ *Guerra and Others v. Italy*, ECHR 1998.

³² *McGinley et Egan v. the United Kingdom*, ECHR 1998.

³³ *Vilnes and Others v. Norway and others*, ECtHR 2013.

³⁴ *Idem*, 2014.

³⁵ UNFCCC, United Nations Framework Convention on Climate Change, 2004.

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legal personality to rivers would reaffirm the principles in Article 3 of the convention.³⁶ This article emphasizes the precautionary principle and reaffirms the no-harm principle which has become, through its inclusion in ICJ case law and international declarations, a core part of the general principles of international law and customary international law.³⁷ Looking into the possibility of giving rivers in certain regions of the world legal standing, would grant a much greater legal right to protection for those specific rivers, their health and the maintenance of their resources for future generations.

The European Union encourages further constructive debate with representatives of fellow world regions, and legislative propositions with clear aims and definitions on which regions in the world ought to grant their river's legal personality, and which entities would represent the rights of rivers in a legal setting.

³⁶ UNFCCC, United Nations Framework Convention on Climate Change, 2004, Article 3.

³⁷ Yale Center for Environmental Law and Policy, Climate Change and the International Court of Justice. *Yale Law School*, (2012), 31.

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I. **QUESTION 2: IS INTERNATIONAL WATER LAW ADEQUATE TO RESPOND TO THE GLOBAL CLIMATE CRISIS, WHICH CAUSES SIGNIFICANT DISRUPTION IN THE HYDROLOGIC CYCLE, BY PROVIDING A FRAMEWORK FOR PREVENTING AND RESOLVING DISPUTES AMONG STATES OVER THE PROTECTION FROM POLLUTION AND SHARING OF WATER QUANTITIES FROM TRANSBOUNDARY RIVERS, LAKES, AND AQUIFERS?**

The global climate crisis, which causes significant disruption in the hydrologic cycle, is a complex, multi-level issue, that could prove difficult to resolve if approached only from the perspective of International or European law. It is without hesitation that the European Union commends the work of the United Nations in the adoption of international documents such as the 1997 *Convention on the Law of the Non-navigational Uses of a Watercourses*, the 1972 *Declaration of the United Nations Conference on the Human Environment*, the astounding accomplishment of the 2015 *Paris Agreement*, and the 2008 *Resolution on the Law of Transboundary Aquifers*. However, it finds water issues relating to the climate crisis to be of such monumental importance at this point in time, that they require a double-sided approach. This approach would include the elaboration of an international harmonization framework on protection, pollution and sharing of freshwater sources, in combination with increased facilitation of local and community initiatives in the realm of river-basin conservation.

Previous bilateral agreements on water issues between states have typically focused on issues such as improving navigation, flood control, hydropower, and commerce along the region's waterways.³⁸ However, with the increase in global climate crisis issues a need has arisen for agreements which also tackle issues such as uniform monitoring systems, laws on liability for cross-border pollution, rules for the protection of wetland environments, guidelines for the conservation of areas of ecological importance and the creation of adequate mechanisms to bring

³⁸ Linnerooth-Bayer, Joanne and Murcott, Susan. Danube River Basin: International Cooperation or Sustainable Development, 36 NAT. RESOURCES J. 521 (1996).

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forth liability claims in transboundary issues.³⁹ There is currently no international framework in place that harmonizes settlement disputes in these areas.

I. Water Dispute Resolution and Prevention at the European Level

Due to many water-conservation and dispute resolution initiatives of European organizations such as the European Union Water Initiative (EUWI), taking place in non-European regions of the world, one could assume that the European Union has resolved many of its own water-related issues.

However, this is not necessarily the case as Europe's water crisis issues are on the rise and the legal frameworks in place are under some internal criticism for not approaching the issue from all the necessary angles.⁴⁰ More than 325 major river floods have been reported in Europe since 1980, of which more than 200 have been reported since the year 2000.⁴¹ While the intensification of disruptions in the hydrological cycle is expected to cause major changes over the entire globe, in respect to Europe it is expected that there will be an increase in the occurrence and frequency of flood events throughout its territory.⁴² These concerns are at the root of why most of the European treaty framework on water issues is focused on flood prevention and control.⁴³

To manage dispute resolution and prevention in respect to the sharing of these valuable water sources the European Union has set up several river basin treaties and organizations, which

³⁹ *Idem*, 521.

⁴⁰ *Idem*, 521.

⁴¹ Baranyai, Gábor. "Transboundary water cooperation in the European Union: a hydro-political gap assessment". Danube Region Strategy Water Quality Group, 4.

⁴² *Idem*, 4.

⁴³ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy; Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks.

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manage water quantity, allocation, environmental quality, risk, variability and/or infrastructure development. These include the International Commission for the Protection of the River Danube (ICPDR), the International Commission on the Protection of the Rhine (ICPR), the International Sava River Basin Commission, and the International Commission of the Meuse. However, these river basin organizations offer varied forms of dispute settlement. For instance, the ICPDR first provides a forum for negotiations between states, but if the dispute is not resolved within 12 months a mandatory submission is submitted for arbitration to the ICJ.⁴⁴ The ICPR and International Commission of the Meuse provide a forum for negotiations or arbitration, while the International Sava River Basin Commission provides detailed dispute settlement including negotiation, third party involvement, ICJ arbitration and the use of a fact-finding expert committee.⁴⁵

While these kinds of solutions exist at the level of regional organizations, some clear discrepancies in approach are apparent.⁴⁶ As mentioned above, the EU's concerns over water resources are almost entirely limited to flood prevention and control, with very little procedure seeking to address the impact of other hydrological extremes.

The bilateral treaties put in place to govern water allocation between parties are not always adequate enough to tackle the Europe-wide issues of water sharing and the risk of transboundary harm. Instead, the approach of an international framework, in combination with increased facilitation of local and community initiatives in the realm of river-basin conservation is recommended.

⁴⁴ Baranyai, 13.

⁴⁵ Baranyai, 13.

⁴⁶ Yale Center for Environmental Law and Policy, *Climate Change and the International Court of Justice*. *Yale Law School*, (2012), 3-103.

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I. A solution in the International Legal Framework

In the above identified areas where the legal framework of the European Union is limited, the international legal framework can offer support. A significant number of liability sources are available at the international level. These include the transboundary harm principle⁴⁷ and international human rights law.⁴⁸ To accompany these sources of liability (which are also to an extent available in EU law), international law offers several less-apparent liability claim sources in other areas. For instance, a claim can be made that rising sea levels can implicate issues of state survival, which involve various legal doctrines that can be seen as going beyond the principle of transboundary harm.⁴⁹ Another claim of climate crisis liability might be grounded in the unjust enrichment principle, which finds a party liable in the case that one party became enriched to the detriment of another party because of the same act.⁵⁰ The final example of an alternative liability claim which can be made in an environmental case is that the processes of climate crises trigger vast refugee flows, under which further international legal obligations may be implicated.⁵¹

All these liability claims can be argued for under international law; however, no concise framework for preventing and resolving water sharing and protection disputes among states, on the basis of some of these principles, exists. The European Union encourages the creation of such a legal instrument of international environmental customary law, to improve harmonization

⁴⁷ Pulp Mills on the River Uruguay (Argentina v. Uruguay), 2010 ICJ. Described as a “landmark opinion”, this case represents a further strengthening and delineation of the nature of state responsibility pursuant to the “no-harm” principle under customary international law.

⁴⁸ Yale Center for Environmental Law and Policy, (2012), 40.

⁴⁹ *Idem*, 41.

⁵⁰ *Idem*, 41.

⁵¹ *Idem*, 41.

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in the global issues of protection, pollution and sharing of water quantities from transboundary rivers, lakes and aquifers.

II. A solution at the Local and Community Level

The Final Report of the 7th World Water Forum has outlined that under the impetus of regional organizations such as the European Commission (EC) and UNECE, the European region has developed some of the world's most advanced political and regulatory tools for water management.⁵² At the pan-European level, forty parties have ratified the UNECE Water Convention and therefore have legal obligations to cooperate and jointly manage transboundary resources.⁵³ We encourage the further ratification of these instruments and activation of states at the international and regional level; however, this is not where we believe all the major solutions to transboundary water conflicts will take place.

European Water Law is in transition,⁵⁴ and major changes have been brought about through directives like the Water Framework Directive (WFD). These changes include new approaches, such as the river basin approach (from the Helsinki Convention), which focuses on ecology, the sustainable use of water, more attention to the ecological protection of the aquatic environment, the relationship with other policy fields like nature, product policy, agriculture, as well as a greater role for financial or economic instruments and public participation.⁵⁵ Despite being symbolic of the European Union taking the global lead in environmental legislative harmonization, the approach is not without its faults. Some pitfalls that researchers find to have

⁵² National Committee for the 7th World Water Forum (Republic of Korea) World Water Council, *Final Report of the 7th World Water Forum*, 2015.

⁵³ *Idem*, 61.

⁵⁴ Keessen, A. M., Van Kempen, J. J., & van Rijswijk, H. F. (2008). Transboundary River Basin Management in Europe-Legal Instruments to Comply with European Water Management Obligations in Case of Transboundary Water Pollution and Floods. *Utrecht L. Rev.*, 4, 35.

⁵⁵ *Idem*, 35.

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limited the success of the new approach in the WFD are:⁵⁶

1. Member States struggled with the meaning of many concepts of the Water Framework Directive leading to slow and insufficient implementation
2. Member States took on different approaches when implementing European legislative requirements.
3. The tension between the flexibility and policy discretion in environmental legislation and, on the other hand, the ability to enforce this new way of legislation.
4. The role of the public shifting from the demand for enforcement by the government and even the demand for justice by the courts towards a stronger role in participation at the beginning of the policy process.
5. Issues of water scarcity and the allocation of fresh water to different water users was not sufficiently addressed.
6. The wide policy discretion contained in the directives that are aimed at combating floods and improving coastal zone management also hamper effective protection.

The pitfalls do indicate the need for more efficient umbrella legislation at both the international and regional level (Pitfall 5). However, the pitfalls also stress an immense need for flexibility in the tools used to address water crises issues. Members States, and most importantly their populations, need to be better educated from an early level about the concepts in climate issues and ensuing water management problems - from a scientific, legal and social science perspective (Pitfall 1).

Furthermore, states or local governments need to collaborate more, to share approaches to

⁵⁶ Idem, 40.

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implementing legislative requirements and addressing problems of transboundary water management. An example of how this collaboration could take place is through the rise in Green City initiatives. Green Cities are those that seek to accelerate their transition to a cleaner, healthier, and more economically viable future through improvements in efficiency, investments in renewable technology, and regulation reform.⁵⁷ Examples in the Netherlands include Amsterdam, Utrecht and Middelburg. When applied to issues of transboundary water management, the promotion of Green Cities could harness municipality's competitiveness and lead to an explosion in the number of cities working to harmonize water monitoring systems, implement liability laws for cross-border pollution, introduce new rules for the protection of wetland environments, and conserve areas of ecological value. Having this kind of collaboration take place at the community level, rather than the state level could eliminate some of state-level conflicts (Pitfall 2).

Furthermore, the role of the public, and particularly the youth, needs to increase in importance. Pitfall 4 evidently displays the public's own demand for participation. The European Union feels this participation needs to go beyond legal participation. The international community must turn its attention to propagating and funding community-led projects in water conservation, such as the Community Led Integrated Water Management & Livelihoods Resilience program in India, the Water Sanitation and Hygiene program in the United States, or the program of the same name funded by the European Commission.⁵⁸ There are so many green infrastructure funding opportunities and so many solutions to the world's water problems in up-and-coming fields such as Biomimicry.⁵⁹ Furthermore, the role of youth, as the main

⁵⁷ Beatley, Timothy. *Green urbanism: Learning from European cities*. Island Press, 2012.

⁵⁸ Davies, M., et. al. (2013). Promoting resilient livelihoods through adaptive social protection: Lessons from 124 programmes in South Asia. *Development Policy Review*, 31(1), 27-58.

⁵⁹ Benyus, Janine M. "Biomimicry: Innovation inspired by nature." (1997).

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stakeholders in the planet's future, can drastically stimulate change and innovation in the process of water management. The international community needs to explore these solutions and initiatives from both a scientific and legislative perspective.

The European Union is of the opinion that it is vital to harness at once both the legal oversight of international legislation and the action of community initiative, which can best be sparked by local governance and individual passion. The entire solution does not lie in better conflict-resolution at the state level, but in the recognition of water as something which ensures the livelihoods of our communities. The European Union advocates the ratification of multi-lateral treaties, such as the UNECE Water Convention, the WFD and the Brasilia Judges Convention, which set the norms of customary international environmental law, for preventing and resolving disputes among states on the protection, pollution and sharing of water quantities from transboundary rivers, lakes and aquifers. However, it also stresses a movement towards local and community action that will propel forward the education of populations on climate issues, cause an increase in the number of Green Cities, as well as the financial, and otherwise, support of citizen initiatives, and particularly the role of the youth.