

Edited by

**Michael Kidd, Loretta Feris,
Tumai Murombo and Alejandro Iza**

Water and the Law

Towards Sustainability



The IUCN Academy of
Environmental Law Series



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THE IUCN ACADEMY OF ENVIRONMENTAL LAW SERIES

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Towards Sustainability

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1. Introduction: water and the law – towards sustainability

Michael Kidd and Loretta Feris

Tinariwen, a band of Tuareg musicians from the Sahara Desert region of northern Mali, named their 2007 album *Aman Iman*, which means ‘water is life’ in their language, Tamashek. It is hardly surprising that a group of nomads from the hottest and largest non-polar desert would regard water as so important, but it is trite that *aman iman* is true for everybody, not just desert-dwellers. The link between water and life is the basis of the defining question for exploration of Mars, for if there is evidence of liquid water, past or present, on Mars, then there exists the possibility of life.

Fortunately, for life on Earth, both human and otherwise, water is ample on our planet, although distributed unevenly. For many people, such as the Tuareg, life revolves around finding water, whereas people in other parts of the world deal with the problems posed by too much water, such as flooding. The bottom line, however, is that life on Earth needs water. Yet many commentators are providing warnings that our water is under threat. Although there are huge amounts of water on Earth, less than 3 per cent of that water is fresh, and most of that is relatively inaccessible to humans and most other living species that rely on it. The small amount of accessible fresh water, mainly in rivers and in the ground, is suffering from various serious threats.

The term ‘water crisis’ is one that is heard frequently. For example, a recent, influential publication is entitled *The Global Water Crisis: Addressing an Urgent Security Issue* (H. Bigas (ed.), Papers for the InterAction Council, 2011–2012 (UNU-INWEH, 2012)). The well-known legal academic, Edith Brown Weiss, in her 2012 article ‘The Coming Water Crisis: A Common Concern of Humankind’, writes that ‘many articles proclaim fresh water to be the new environmental crisis of this century’ (‘The Coming Water Crisis: A Common Concern of Humankind’ (2012) 1:1 *Transnational Environmental Law* 153).