

Book Review – Charting the Water Regulatory Future: Issues, Challenges and Directions

Edited by Julien Chaisse

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In this multi-disciplinary work edited by Julien Chaisse, leading experts from across the world have contributed their perspectives on the future issues, challenges and directions of water regulation. In doing so, they seek to ensure that the mounting problems facing ‘governments, companies, international organizations, and citizens’ in this field are effectively addressed. These contributions are divided into three parts that each highlight how water regulation is a global issue requiring interdisciplinary consideration and action. The focus of part I of the book is the challenges posed to public international law by water, part II explores the most pressing ethical, legal and social issues in this field, and part III assesses the economic drivers shaping the future of water regulation. The result is a refined piece of work which offers people at every level of society guidance on the role they can play in a positive future for the world’s water.

The issue of water regulation has been the subject of scholarly analysis in recent years. For example, in 2013, Michael Rouse published *Institutional Governance and Regulation of Water Services*.¹ This second edition work contained direction on the key policy, governance and regulatory elements necessary for sustainable water services. More recently in 2016, there was a special issue on water law in the *Environmental and Planning Law Journal* which comprised contributions from various authors who addressed the role Australia is playing in water law and governance reform. It sought to contribute alternative insights into Australian water governance moving into the 21st century.² Also in 2016, Katherine Owens’ *Environmental Water Markets and Regulation*, presented a comparative analysis of water trading frameworks in the United States, Canada and Australia. Owens sought to make recommendations in respect to the role of the law in supporting sustainable outcomes.³

The work by Chaisse and the numerous contributors adds another layer of depth to this field. It does so by providing an up-to-date analysis across a plethora of fields which are impacted by water regulation issues. Topics

¹ Michael Rouse, *Institutional Governance and Regulation of Water Services* (IWA Publishing, 2nd ed, 2013).

² Cameron Holley and Darren Sinclair, ‘Introduction to this Special Issue: Rethinking Australian Water Law and Governance: Successes, Challenges and Future Directions’ (2016) 33 *Environmental and Planning Law Journal* 275, 275.

³ Katherine Owens, *Environmental Water Markets and Regulation: A Comparative Legal Approach* (Taylor & Francis, 2016) 1–2.

covered in this work span areas such as the concept of virtual water,⁴ foreign investment in water, the role of multinationals as service providers and the provision and violation of water rights in developing countries. This is a positive feature because it ensures that the reader is given insight into a broad range of issues and their potential solutions. In addition, where other texts have focused on discrete areas of law or trade and confined themselves jurisdictionally, this text is unique in addressing multiple disciplines including law, economics and political science and multiple jurisdictions including Pakistan, Nigeria, Brazil and the United Kingdom.

Of the legal issues raised in this work, the human right to clean water and sanitation has been identified as particularly important and the international community classifies this right as essential to the realisation of all other human rights.⁵ In part II, Cosmas Emeziem assesses the extent of the availability and enjoyment of the human right to water and sanitation in Nigeria. In doing so, he provides direction on how policy can be formulated to ensure that legal frameworks can be translated into effective action, particularly in developing countries.⁶ Although this is a discrete argument, Emeziem provides solutions to the issue under the banner of social justice which can be transposed across many facets of the water regulatory space. This social justice approach requires an effort by the whole of society especially where the law is failing to address issues in an effective way. Emeziem suggests that social engagement, corporate social responsibility, private sector engagement and collaboration, government action, and education are each ‘major areas of action’ that governments can focus their resources in addition to making laws, that make the human right to water enforceable.⁷ Depth is added to Emeziem’s analysis by the work of other authors in part II. For example, Sikander Ahmed Shah discusses the issues that arise when governments rely on foreign investors for quality water services,⁸ while Preetha Mahadevan discusses the role of corporate entities

⁴ Virtual water is ‘the water used in the growing or manufacturing of a product’. The purpose of this concept is to raise awareness of the flow of water from seller to buyer depending on the commodity, good or service being traded. See Julien Chaisse (ed), *Charting the Water Regulatory Future: Issues, Challenges and Directions* (Edward Elgar Publishing, 2017) 8–9, 31.

⁵ See especially The Human Right to Water and Sanitation, GA Res 64/292, 64th sess, Agenda Item 48, UN Doc A/Res/64/292 (28 July 2010); Economic and Social Council, General Comment No 15: The Right to Water, 29th sess, Agenda Item 3, UN Doc E/C.12/2002/11 (20 January 2003).

⁶ Cosmas Emeziem, ‘The Human Right to Clean Water and Sanitation — a Perspective from Nigeria’ in Julien Chaisse (ed), *Charting the Water Regulatory Future: Issues, Challenges and Directions* (Edward Elgar Publishing, 2017) 195–214.

⁷ *Ibid* 211–4.

⁸ Sikander Ahmed Shah, ‘The Provision and Violation of Water Rights (the Case of Pakistan) — a Human Rights Based Approach’ in Julien Chaisse (ed), *Charting the Water Regulatory Future: Issues, Challenges and Directions* (Edward Elgar Publishing, 2017) 167–94.

in implementing the right to water.⁹ The interplay between the work of each author results in nuanced analysis of the human right to water issue. In addition, the analysis is written from multiple perspectives ensuring bias is minimised.

A shortcoming of this book is that it contains a series of discrete arguments which need to be synthesised by readers to determine how policy-makers should divert resources towards to ensure a positive water regulatory future. However, the diverse range of arguments and studies addressed by the book highlights the necessity of not siloing issues in the field of water policy. Further, the diverse topics provide a timely reminder that a holistic approach to water regulation is critical.

As one of the ‘fundamental resources for the maintenance of life and its diversity’, the effective management of water is especially important.¹⁰ In the Australian context, a recent report by the investigative news program Four Corners identified the issue of water contamination in Katherine in the Northern Territory and other Australian communities near Australian Defence Force bases. In Katherine, more than 50 families living on rural blocks now rely on deliveries of water from the defence force, while concerns have been raised about not only the health impacts (but also economic impacts) as farmers are unable to utilise contaminated crops.¹¹ The contribution by Virginie JM Tassin is instructive on this issue and demonstrates that this book has utility for addressing current issues in the Australian context that impact people at all levels of society. Tassin emphasises that water in various forms is under threat due to both human activities and climate change.¹² She goes on to analyse issues of access to safe water and the benefits, for example, of wastewater management to ‘human health, food security and economic development.’¹³ Tassin then explains that there is no ‘clear, coherent and forward-thinking water regulatory framework, able to conciliate human and economic issues as well as the environment as a whole’ and in response to this observation, the remainder of the chapter provides possible solutions.¹⁴

Chaisse and the various contributors to this book have made a timely addition to the water regulation discourse. They have produced a valuable resource for policy-makers who must resolve increasingly complex water

⁹ Preetha Mahadevan, ‘Troubled Waters: Impact of the Private Sector in Implementing the Right to Water’ in Julien Chaisse (ed), above n 4, 215–35.

¹⁰ Julien Chaisse (ed), above n 4, xvii.

¹¹ Linton Besser, Contamination: The Unfolding Scandal of Toxic Water in Australian Communities (10 October 2017) *ABC News* (online) <<http://www.abc.net.au/news/2017-10-09/contamination/9032140>>.

¹² Virginie JM Tassin, ‘Regulation and Protection of Water in International Law: Terrestrial and Marine Perspectives’ in Julien Chaisse (ed), *Charting the Water Regulatory Future: Issues, Challenges and Directions* (Edward Elgar Publishing, 2017) 105.

¹³ *Ibid* 123–4.

¹⁴ *Ibid* 125.

regulation issues across a range of different contexts. It is also valuable to people at all other levels of society who are looking for something they can do either individually or as a community to move toward a positive water regulatory future.

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