



# INTERNATIONAL COLLOQUIUM ON WATER LAW

Judges and Prosecutors Subprocess  
Political Process of the 8<sup>th</sup> World Water Forum

Friday, 8<sup>th</sup> December 2017  
Rio de Janeiro, Brazil

## 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 8<sup>th</sup> 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 8<sup>th</sup> 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 21<sup>st</sup> 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

### 15:00-15:20 Welcoming Remarks

**Chair:** Justice Milton Fernandes de Souza (Chief Justice, Supreme Court of the State of Rio de Janeiro, Brazil)

#### Speakers

- Judge Renata Gil de Alcantara Videira (President, Association of Judges of Rio de Janeiro – AMAERJ, 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 Deputy Minister of Foreign Affairs for the Environment, Energy, Science and Technology, Brazil)

### 15:20-16:20 Keynote Addresses

**Chair:** Justice João Otávio de Noronha (National High Court of Brazil – STJ)

#### Speakers

- Justice Roberto de Figueiredo Caldas (President, Inter-American Court of Human Rights, Brazil), Water and the Inter-American Human Rights System
- Justice Damaris Vargas Vasquez (Supreme Court, Costa Rica)
- Justice Pablo Tinajero (National Court of Ecuador)

### 16:30-17:00 Panel 1: The Human Right to Water and Access to Justice

(15 minutes per speaker)

**Chair:** Justice Marco Aurélio Bellizze (National High Court of Brazil – STJ)

#### Speakers

- 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)
- Nicholas A. Robinson (Professor, Elisabeth Haub School of Law, Pace University, USA)

### 17:00-17:30 Coffee break

### 17:30-18:00 Panel 2: Protection of Water Ecosystems: National and International Legal Regimes

(15 minutes per speaker)

**Chair:** Justice Antônio Saldanha Palheiro (National High Court of Brazil – STJ)

#### Speakers

- Elizabeth Kirk (Professor, Law School, Nottingham Trent University, UK)
- Clarissa D'Ísep (Professor, Catholic University of São Paulo, Brazil)

### 18:00-18:50 Panel 3: Water, Judges and Public Prosecutors: A Latin-American Perspective

(15 minutes per speaker)

**Chair:** Justice Luis Felipe Salomão (National High Court of Brazil – STJ)

#### Speakers

- Justice Michelle Weekes (High Court, Barbados)
- Judge Wendy Martinez Mejía (Court of Appeals of Santo Domingo, Dominican Republic)
- Luis Fernando Cabral Barreto Junior (Prosecutor, State of Maranhão, and President, Brazilian Association of Environmental Prosecutors – ABRAMPA, Brazil)

### 18:50-19:20 Keynote Address

**Chair:** Minister Izabella Teixeira (Minister of the Environment, 2010-2016, Brazil)

#### Speaker

- Dr. Raquel Elias Ferreira Dodge (Attorney-General of Brazil), Water and the Federal Office of the Attorney-General

### 19:30-19:45 Closing Remarks

• Judge Renata Gil de Alcantara Videira (President, Association of Judges of Rio de Janeiro – AMAERJ, 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)

• Minister Reinaldo Salgado (Coordinator, 8th World Water Forum Political Process and Director, Department for Environmental Sustainability Ministry of Foreign Affairs, Brazil)

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