



Editorial

The North-South Dimensions of Water Security Symposium was held at the North-West University, Potchefstroom from the 14th to the 15th of May, 2015. Through the generous funding of the Academy of Finland (268151), under the research project “Legal framework to promote water security” (WATSEC), we were able to gather approximately 13 speakers representative of the North and South. The 4 papers in this peer-reviewed edition emanate from this symposium.

Water-related problems and water scarcity are among the greatest challenges for states and the international community. Thus, water security has become increasingly important both at the national and international levels. Through the concept of water security, states seek to respond to the increasing threats to their water supply and quality, and also to the potentially increasing conflicts and tensions arising between states.

Water security is a concern that cuts through the North-South divide. For countries in the North, the main concerns relate to the destructive effects of water, such as flooding, while in the South water security largely revolves around issues of availability and access. The four manuscripts in this edition are broadly representative of these issues. They address themes such as how water security relates to international law, climate change, the right to water and judicial administrative actions. First off, in keeping with the idea that concerted international efforts related to water could be to the benefit of all, Tuomas Kuokkanen argues that there are three approaches that could be effective in attempting to achieve water security: international law, the regulatory approach, and the management approach. Regarding the first approach, he argues that international law could be used to advance specific rules for water law (which would translate into international water law). The regulatory approach deals with water-related regulations addressing water issues, while the last approach deals with the management ideals that should inform water security issues.

Tuula Honkonen’s paper proceeds from the premise that if we are to successfully deal with water security and climate change, there is a need for adaptive governance. Given that the impacts of climate change will probably be felt mostly through water, the governance must be adaptive in

the sense that old approaches must be tailored to the specific new threats that climate change poses for water security. Needless to say, the climate cannot really be compartmentalized. Thus, arguing as Kuokkanen does, Honkonen demonstrates that clashes and conflicts caused by climate change-related problems affecting water security could arise if there were no concerted efforts to prevent and deal with them. She therefore suggests that the core of adaptive governance will have to do with the institutional and normative flexibility of the substantive instruments and institutions tasked with dealing with climate change and water-related issues. In other words, both issues must be governed in an integrated fashion.

For Caiphas Soyapi, water security is perhaps more severely threatened in the South than in the North. He thus situates his argument around the right to water with specific reference to Southern Africa. Soyapi argues that there is a direct link between water (in)security and the right to water. Through a series of case studies from Botswana, South Africa, Zambia and Zimbabwe, he demonstrates that there is merit in constitutionalising the right to water. He finds that where there is no substantive right to water in a constitution, governments have tended to fall short of their duties to facilitate access to water. He also finds that access is hindered by issues related to finance. In the end, he suggests that more studies should look at analysing how far the duty to provide access to clean water extends to rural communities, given how extensively such communities are spread in Africa.

The last paper scrutinises the disorder that exists in South Africa's water administrative governance system. From the constitution to the dissolving of the Water Tribunal, including the contradictions emanating from the Courts, it seems there is confusion regarding the rights, duties and institutions related to water. Ed Couzens, Devarasi Maduramuthu and Adrian Bellengère argue that as a point of departure, the lack of stability on the part of institutions has perhaps resulted in the courts giving inconsistent judgements. Accordingly, they call on the government and the courts to take into account the institutional and temporal uncertainties that exist in relation to water when they consider applications for water use rights.

A few things thus remain clear and undisputed:

- Water security is a growing challenge for the world at large;
- Water security demands concerted action from governments and the international community;
- The right to water could be used to force governments to observe their duties with regards to the provision of water services;

- Water security will be enhanced when there is institutional stability and clarity of roles and duties, and - at the same time - some degree of adaptability and normative flexibility in the face of new circumstances; and
- Water security will constantly be pitted against other developing world challenges like climate change.

Caiphas Soyapi

Tuula Honkonen