



September 2016

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Fruitful exploratory research in South Africa The JACANA Project



Drents Overijsselse Delta and the Inkomati-Usuthu Catchment Management Agency.

The JACANA project is a multidisciplinary research project on public participation in South African water management. The project was initially intended to lay the foundations for a larger multidisciplinary research project as part of a grant proposal. It soon started to take concrete shape. With the financial help of Rotary De Bilt, Rotary De Bilt Bilthoven and Rotary Bilthoven-Zandzegge, five students from different research backgrounds were given the opportunity to conduct fieldwork on South African water resources management. Together with Marleen van Rijswijk and Anoeska Buijze, the students spent a month in the Inkomati-Usuthu Catchment Area in close cooperation with the Dutch water authority

The project was designed as a reciprocal learning process and stressed on the exchange of ideas and views. By interviewing a diverse group of stakeholders including representatives of local water management entities, various experts from the private and public sector but also end water users, the students and researchers were able to draw important conclusions for their respective research questions. The students' projects comprise the following topics: 'Risk perception among stakeholders and water management practitioners' (Benjamin Asante); 'Perception of water among water users' (Anne-Christine Makkinje); 'Redress of past racism in water law' (Bram Schmidt); 'Involvement of women in water management' (Jasmin Schous) and 'Incentivizing corporate compliance in water governance' (Rebecca Wörner). The exchange of perspectives has been very inspiring for the students, the Dutch water authority and the local stakeholders. The research findings can be used by the Catchment Management Agency to improve its strategic and operational water management.

The aspects that stand central to the project are inclusiveness and participation of vulnerable groups in the management of the catchment as well as transboundary cooperation. Against this backdrop, the group also attended a meeting at the United Nations Development Programme office in Mbabane (Swaziland) where different delegates from Mozambique, Swaziland and South Africa came together to prepare the annual River and Environment Management Cooperation (REMCO) conference, which will be held later this year. The group also visited the Dutch embassy in Maputo (Mozambique) and the Mozambique Regional Administration of Waters in the South (ARA-SUL).

For more information about the project, click [here](#)

Book Presentation at IUCN Colloquium in Oslo



Prof.dr. Tineke Lambooy and Aikaterini Argyrou LLM attended the 14th Annual Colloquium of the IUCN Academy of Environmental Law. The event was held in Oslo on 20-24 June and it was hosted by the Law Faculty of the University of Oslo. The topic of the 2016 Colloquium was "The Environment in Court". The conference proceeding sought to address procedural and sub-

stantive aspects of environmental law and adjudication, in national, regional and international courts, tribunals and panels. Both participated actively in various side events. Finally, Prof. dr. Tineke Lambooy and Aikaterini Argyrou, LLM, contributed to the book launch event of the book V. Mauerhofer, (Ed.) Legal Aspects of Sustainable Development: horizontal and sectorial policy issues, Springer 2016. The book launch was organised as a side event to the IUCNAEL conference proceedings on the 20th of June. Prof. dr. Tineke Lambooy and Aikaterini Argyrou, LLM jointly presented the content of the book chapter with the title Argyrou, A., Lambooy, T., Blomme, R., Kievit, H., Kruseman, G., Siccama, D.H., (2016) "An empirical investigation of supportive legal frameworks for social enterprises in Belgium: A cross-sectoral comparison of case studies for social enterprises from the social housing, finance and energy sector perspective" that was published in the book.

Chris Backes voorzitter werkgroep Fitness Check Vogelrichtlijn en Habitatrichtlijn

Hoogleraar Chris Backes werd onlangs door het ministerie van Economische Zaken aangezocht als voorzitter van een expert werkgroep Fitness Check Vogelrichtlijn en Habitatrichtlijn. De werkgroep gaat verkennen wat de mogelijkheden zijn om binnen de bestaande Europees-rechtelijke kaders knelpunten bij de omgang met deze richtlijnen op te lossen.

Juridisch onderwijs aan bèta's en bèta-onderwijs aan juristen?

[In Dutch]

Door Sander van Hees



Sinds een jaar ben ik betrokken bij de Post Academische Opleiding (PAO) van de TU Delft en geef ik binnen de PAO 'Marine Energy' (energie uit water) een kleine workshop, genaamd 'Legal barriers in consenting of marine energy projects'. Die workshop gaat voornamelijk over Natura 2000 (in dit geval bescherming van Europees beschermde vogels, vissen en zeezoogdieren en hun leefgebieden) en de invloed die de Europese Natura 2000 regels mogelijk zullen hebben op de vergunningverlening voor toekomstige grote getijden- en golfenergieprojecten.

Ik ben - samen met een meisje van EZ dat over het topsectorenbeleid vertelt - een vreemde eend in de bijt bij deze voornamelijk technisch en financieel ingestoken cursus. Dat blijkt al uit de andere workshops die worden gegeven, waarbinnen prachtige namen als "Computational modelling and scale testing of marine energy devices", "The Innovation cycle from start-up to commercialisation" en "Modelling and monitoring of impacts of tidal turbines on fish and sea models" de revue passeren.

Ik vind het om met name drie redenen leuk om aan bèta's les te geven. Allereerst omdat ik heel veel van hen kan leren over de technische aspecten van waar ik me mee bezig houd, iets dat zeker in mijn onderzoeksgebied (juridische aspecten van innovatieve methoden van energieopwekking) van groot belang is. Ten tweede omdat ik hen op een heel andere manier uitleg moet geven dan juristen: ik heb te maken met heel intelligente en kritische mensen, maar die tegelijkertijd niet weten wat een Europese richtlijn is, of dat belanghebbende (milieu) organisaties nog tegen een besluit van een decentrale overheid in bezwaar en beroep kunnen gaan. Ten derde omdat deze doelgroep vaak nog bijna helemaal niets weet over de juridische randvoorwaarden van hetgeen ze zich dagelijks mee bezighouden.

Meer in het algemeen heb ik gemerkt dat veel technisch opgeleide mensen (niet allemaal natuurlijk!) heel erg gefocust zijn op en gefascineerd zijn door hetgeen wat er technisch allemaal mogelijk is (zoals bijvoorbeeld het door middel van omgekeerde windturbines energie oogsten uit eb- en vloedstromingen, of uit het samenbrengen van zoet en zout water) zonder zich te beseffen dat er een heel pakket aan nationale en Europese regelgeving is dat gedeeltelijk spaken in de wielen van hun ambities kan steken. De verbazing in de ogen van menig cursist bij mijn verhaal spreekt boekdelen.

Na mijn ervaringen bij de PAO ben ik van mening dat het heel goed is als juristen onderwijs aan bèta's geven, maar ik heb ook begrepen hoe groot het gat tussen de verschillende wetenschappelijk disciplines eigenlijk is. Waar de bèta niets weet van het recht, weet ik op mijn beurt bijna niets van zijn vakgebied - terwijl ik (en juristen van decentrale overheden daarbij inbegrepen) in mijn beroepspraktijk wel met veel technische aspecten te maken krijg.

Daarom hierbij een pleidooi voor meer geïntegreerd onderwijs waar bèta's en juristen met elkaar in contact komen. Dit gebeurt bijvoorbeeld al bij de multidisciplinaire masters Water Science and Management. Wat mij betreft hoeven we daarmee niet te wachten tot de post-academische opleiding, maar kan dat al binnen de universitaire opleiding zelf. Laten we juristen en bèta's al *in* hun studies bij elkaar zetten om samen te werken aan het soort opdrachten waarbinnen ze ook in hun toekomstige carrières met elkaar te maken zullen krijgen. Zo kunnen ze van elkaar leren, en elkaars taal beter leren begrijpen. Binnen een universiteit waar het strategisch plan 2016-2020 zo erg op multi- en interdisciplinariteit is gericht moet dat als muziek in de oren klinken, denkt u niet? Stuur mij vooral een e-mail als je mee wilt denken over de concrete uitwerking!

New UCWOSL website live.

The new website for UCWOSL is live. It is now part of the corporate UU website.

Curious on how it looks now? Take a look [here](#)

summerschool UTRECHT 2016

International, European and Domestic Water Law

From Monday 11 July till Friday 16 July 2016 students from Australia, Italy, China and Norway visited Utrecht University to attend our summer school on International, European and Domestic Water Law.

During this week they got familiar with the main concepts, ideas and regulation in the field of water law and governance. During the morning sessions specialized guest lecturers provided them with insight in the main water related topics of our time, such as the protection of water quality, protection against floods, water scarcity, sharing international rivers and lakes, the human right to water, sustainable land use management and urban developments that might have impacts on water management.



Lecturers were dr. Anoeska Buijze, dr. Liping Dai, dr. Herman Kasper Gilissen, Daphina Misiedjan LLM, professor dr. Remco Nehmelman,

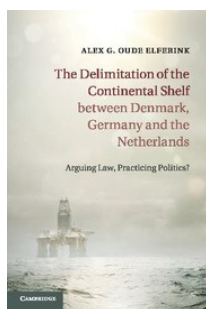
professor dr. Marleen van Rijswijk and dr. Otto Spijkers.

In depth case studies of the Netherlands, Suriname, Yemen, China and international and European law were discussed from a multidisciplinary perspective. During the afternoon sessions students worked on projects of their choice, bringing the theoretical lessons into practice. On the last day students presented the results of their work and discussed issues concerning wetland protection, the implementation of the EU Water Framework Directive, the protection of aquifers, drinking water supply as a water service, the protection of glaciers as an important source of drinking water and possible cooperation in the transboundary Indus river. For some of the students water law was a new field of study, while others worked already for a while in practice. The practical way of working on a projects of their own choice gave insights in the strengths and weaknesses of the approach they studied. Providing the whole team of students and lecturers with valuable recommendations for improvement of current water law and governance gave the summer school a special added value. Satisfied and with a certificate that they attended the summer school the students went back home.

We offered the possibility to combine our summer course with a course on "Law and Economics of Transport by Sea", organised by dr. Wilco Oostwouder, professor of corporate finance law at Utrecht University. Four students followed this "Aqua (water): the essence of life, law and economics"-track.

Recent publications

Paperback edition *The Delimitation of the Continental Shelf between Denmark, Germany and the Netherlands*



Alex Oude Elferink's monograph *The Delimitation of the Continental Shelf between Denmark, Germany and the Netherlands; Arguing Law, Practicing Politics?* is now available as a paperback. It is published by [Cambridge University Press](#).

Commentary on the decision *The Matter of the South China Sea Arbitration*

Post on The South China Sea Arbitration's Interpretation of Article 121(3) of the LOSC: A Disquieting First, by Alex Oude Elferink. For the full text, please click [here](#).

Article on 'Bridging mechanisms within Domestic Flood Risk Management Systems in Journal of Water Law

[Abstract] Diversification of Flood Risk Management (FRM) Strategies is widely regarded as a necessary step forward in terms of lessening the likelihood and magnitude of flooding, as well as minimizing the exposure of people and property, and in turn the disruption, economic damage, health impacts and other adverse consequences that ensue when floods occur. Thus diversification is often heralded as an essential condition for enhancing societal resilience to flooding. However, an inevitable consequence of diversifying strategies and practices in FRM is that it can lead to fragmentation within FRM systems, in terms of the distribution of responsibilities between actors and governing rules enacted within different policy domains. This can prove detrimental to the effectiveness of FRM.

Building upon the notion of fragmentation developed in legal and governance literature, this paper introduces the concept of 'bridging mechanisms', i.e. instruments that remedy fragmentation by enhancing interconnectedness between relevant actors through information transfer, coordination and cooperation. This paper develops a typology of both fragmentation and bridging mechanisms and analyzes their relations, partly drawing upon empirical research conducted within the EU 'STAR-FLOOD' project. In turn, this paper presents a novel interdisciplinary methodological framework for evaluating the degree and quality of the interconnectedness within fragmented domestic FRM systems. A pragmatic, flexible and broadly applicable tool, this framework is both suited for academic purposes, as well as for practically oriented analysis and (re)development of fragmented FRM systems, and other fragmented systems, within the EU and abroad.

H.K. Gilissen et al., 'Bridges over Troubled Waters: An Interdisciplinary Framework for Evaluating the Interconnectedness within Fragmented Domestic Flood Risk Management Systems', *Journal of Water Law* 2016, vol. 25, no. 1, pp. 12-26.

Special Issue based on Seminar on Port State Jurisdiction

The special issue on *Port State Jurisdiction: Challenges and Potential*, 2016 of the *International Journal of Marine and Coastal Law* was recently published. The issue is based on the Seminar on Port State Jurisdiction which took place in December 2015. For more information, please click [here](#).

Recent consultancy reports by UCWOSL



Peilbeheer op peil: Een onderzoek naar de verhouding tussen het peilbesluit en de watervergunning voor het afwijken van het peil (mei 2016)

Juridisch instrumentarium kust: Een inventarisatie van het juridisch instrumentarium op en rond het kustfundament waarmee het bouwen wordt gereguleerd

Wettelijke voorziening 'Slimme Combinaties', Rapportage voor het Ministerie I en M, HBJZ (8 juni 2016)

Zover het eigen instrumentarium reikt: een onderzoek naar de positie van de provincie Noord-Brabant en de Noord-Brabantse waterschappen bij de realisatie van Kaderrichtlijn Waterdoelstellingen, met bijzondere aandacht voor de omgevingswet (13 juni 2016)

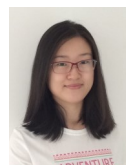
Onderzoek naar Gas- en Wamtenetten in samenwerking met het Centrum voor Energievraagstukken UvA (29 juni 2016)

Evaluatie Meststoffenwet: de relatie tussen Nitraatrichtlijn en Kaderrichtlijn water: Een juridische evaluatie van de Nederlandse implementatie en interpretatie van de Nitraatrichtlijn in relatie tot de Kaderrichtlijn Water (1 september 2016)

Seven new PhD Candidates affiliated to UCWOSL



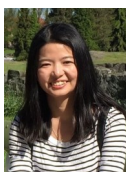
Julian Kevelam obtained his Masters's degree in Constitutional and Administrative Law (with a special focus on Environmental Law) in August 2015 at Utrecht University. Next to his study, he worked for two years as student-employee at the Utrecht Centre for Water, Oceans and Sustainability Law (UCWOSL). From September 2015 - August 2016, he worked as junior researcher at the UCWOSL for one day a week, next to his work as paralegal at Soppe Gundelach Witbreuk advocaten. He started his PhD-research at UCWOSL on 1 September 2016. The title of his research is: "Towards a new regulatory approach: the programmatic approach as an innovative, effective policy instrument in European environmental law".



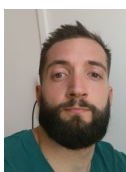
Heqing Ma studied at China University of Mining and Technology (Beijing) from 2009 to 2013 for her bachelor degree. Heqing studied in China University of Political Science and Law from 2013 to 2016 for her master degree. The title of her final dissertation is "The Incentive System of Community Supported Agriculture in China". She passed the National Legal Bar Exam in 2012. Heqing is interested in research of environmental risks management, environmental law and the environmental issues related to agriculture.



Wen DUAN obtained his juris master degree from Peking University in July 2016. He will start his PhD study at Utrecht University from October 2016. Under the supervision of Prof. Alex G. Oude Elferink, his research will focus on "international legal issues of marine protected areas in areas beyond national jurisdiction and its implications for China", which is funded by the China Scholarship Council.



Chuxiao YU obtained her Bachelor of Laws Degree (LLB.) and Master of Laws Degree (LL.M.) with a major in environmental law at Wuhan University, China. In the past 5 years, she has participated in several research projects with a focus on international environmental law, especially in the field of maritime law. Chuxiao is now working on the project entitled "The Legal Regulation of Marine Scientific Research (MSR) – In Quest of a New Regime?" under the supervision of Prof. Alex Oude Elferink.



Nikolaos Giannopoulos is joining the SUSTAINABLEOCEAN project from the National and Kapodistrian University of Athens, where he performed research on energy as a commodity in international law. He will perform his research within Work Package 3 of the project, giving particular attention to the EU practice and its interplay with the relevant international legal framework.



Rozemarijn Roland Holst is joining the SUSTAINABLEOCEAN project after completing her LLM in Global Environment & Climate Change Law at the University of Edinburgh. She will perform her research within Work Package 2 of the project, looking into the flexibility of the UNCLOS regime.



Cathy Suykens is a Belgian PhD researcher, focussing on water quantity management in international river basin districts in the EU. She has been a research fellow at the Institute for Environmental and Energy Law at the KU Leuven, where she was involved in the European research project STAR-FLOOD related to flood risk governance in urban agglomerations. Prior to conducting full time academic research, she worked as an attorney in the energy and utilities sector at the Brussels bar for three years. Cathy holds a degree in law and an LL.M in Energy and Environmental Law.



Catherine Blanchard obtained her civil and common law degrees in Canada, and graduated from the LLM programme in Public International Law here in Utrecht in 2015. She then completed an internship at the International Tribunal for the Law of the Sea, and worked as a research assistant within UCWOSL. Catherine will be conducting her PhD research on the impact of an integrated oceans governance approach on high seas fisheries. Her research is funded by the NWO Research Talent Grant.



Future Deltas Call 2016

Deadline: 30 September 2016

Applicants should use the proposal template, which can be downloaded from the Future Deltas website (www.uu.nl/futuredeltas). Proposals should be submitted to: s.vanasselen@uu.nl.

12th Annual Conference of the European Society of International Law

The Riga Graduate School of Law, in cooperation with the Latvian Constitutional Court, will host the 12th Annual Conference of the European Society of International Law (ESIL) in Riga, Latvia. The conference took place between Thursday 8 and Saturday 10 September, and addressed the theme *How International Law Works in Times of Crisis*. In addition to this, the conference hosted ESIL Interest Group events on Wednesday 7 September. [Dr. Seline Trevisanut](#) – the Principal Investigator of SUSTAINABLEOCEAN – organized the PhD and Research Forum of the Interest Group on the Law of the Sea. The topic of the Interest Group is Legal and Operational Challenges in Maritime Security, and consisted of 4 presentations, each followed by a brief comment.

Seminar on Fishing in the Polar Regions

On 14 September 2016, NILOS organized a seminar on Fishing in the Polar Regions. The seminar was aimed at facilitating the exchange of information and positions between government, industry, environmental groups, and academics in the Netherlands on a range of aspects of fishing in the polar regions.



Dutch cities rain-proof

A paper on Dutch strategies to make cities rainproof, which was written by Rebecca Wörner, Liping Dai, Marleen van Rijswijk and a group of LL.M. students, was presented by Liping Dai and Xia Yu during the World Water Week in Stockholm and will be presented at the International Conference on Sustainable Development hosted by Columbia University by Rebecca Wörner later this month.



Overview of upcoming UCWOSL activities

Inauguration professor Tineke Lambooy, Pfizerzaal Nyenrode Business Universiteit 21 september, 2016 15:30

Bespreking Omgevingswet, ASP 200 1.11, 19 sep 13.00-14.00 / 23 sep 16.00-17.00 / 26 sep 13.00-15.00 / 3 oktober 13.00-14.00 / 4 oktober 13.00-14.00 / 10 oktober 13.00-14.00 / 17 oktober 13.00-14.00 / 24 oktober 13.00-14.00

Ius Commune Conference, Van der Valk Hotel Maastricht, 24-25 November

Arron Honniball completes six week volunteer position at FAO Headquarters during the summer

During the period 20 June – 31 July 2016, [Arron N. Honniball](#) was based at the Food and Agriculture Organization Headquarters in Rome as a volunteer within the Development Law Service (LEGN) department.

The focus of the stay was upon projects related to fisheries and more specifically the *Port State Measures Agreement*. The stay was timed to coincide with attendance at the 32nd Session of the Committee on Fisheries and the Port State Measures Agreement Launch Event.

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<http://www.uu.nl/utrecht-centre-for-water-oceans-and-sustainability-law>