



(Virtual) Water-repellent Law? Why Legal Studies Should Be Brought Into the Virtual Water Debate

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Virtual water studies are a marvelous example of the much praised “interdisciplinary approach”, efficaciously intertwining many threads woven by scholars of very diverse fields of research. After all, if water is an object of biological interest and the word “virtual” becomes especially significant in the framework of the international trade flows, why should agronomists and economists not work together? And, with them, hydrologists, environmental engineers, network analysis experts... either working side by side or, at least, following one another’s steps. Browsing the relevant academic literature one may notice that a vast array of disciplines is dealing with the topic. As a consequence, it may come as a surprise that lawyers seem to have remained almost deaf to the charming call of virtual water. A social science thoroughly “social” even if sometimes deemed (also by its practitioners) akin to humanities – and for this reason not always timely in catching the hints by hard sciences – law has a lot to say about virtual water and its manifold aspects. And it is so, in my opinion, in at least two respects. First of all, legal provisions can be determinants of social facts no less than other types of norms, such as physical or economic laws. Law shapes the human behavior by giving incentives or establishing constraints to the conduct of virtually any kind of social actor, be they farmers needing to decide what to grow, entrepreneurs willing to invest in the water market, or governments requested to address their communities’ problems. All of them will make their choices in consideration of the costs, opportunities, and limits set by a number of regulations. In the second place, and strictly connected with the first reason, law may offer some answers to the challenges that virtual water and, more in general, the water-food nexus bring with them. In fact, understanding the way legal provisions affect the taking of decisions in the water sector, one may try to devise policies for solving the problem of water (and food) security. This is not easy task, of course: many are the fields of law, both at the national and international level, which cross the path of virtual water. This, however, is the very reason why it is important to sketch even briefly a picture where the main legal areas of interest are introduced and their role assessed. My presentation aims at doing right this: a review of all the relevant fields of law – especially international law, which is particularly apt at developing coordinated solutions to the worldwide problem of irrational virtual water flows – in order for the “legal factor” to be taken into account when engaging the challenge of virtual water.