



International Law Crossing Virtual Water Rivers: An Overview

Virtual water flows – that is, the quantity of water needed to grow or produce goods that are traded across different regions of the world – have been addressed in legal literature only in recent times. At least since the mid-Nineties, however, the notion has been extensively investigated by geographers, engineers and especially economists, to the effect that nowadays it is often understood as an economic theory. One should not imply, on this basis, that the issue has no relevant legal aspects; on the contrary, many are the points of intersection between this topic and different branches of the law. However, the fact that these branches are numerous and not always immediately identifiable may have contributed to the late discovery of virtual water by legal scholars.

Against this background our presentation aims at describing and discussing the interrelation between the theory of virtual water and international law. The legal field that can be more directly connected with the issue is international trade law, given that the idea of virtual water is meaningful to the extent that it is put in relation with the purchase, especially at the international level, of water-intensive goods (i.e., goods whose production requires a great amount of water). But international environmental law, human rights law, international investment law and, of course, international water law may prove to be very relevant too. Thus, we intend to discuss the complex interaction between virtual water and all these legal ambits from two different perspectives. On the one side, one could learn the main lesson taught by virtual water, thinking of products, and especially the edible ones, as carriers of water. This would shed a new light on legal norms (such as international trade rules, the right to food, or the law of sanctions) and allow to identify some previously-unforeseen effects that they might have, exposing their non-neutrality with respect to water issues. On the other side, and from a reversed point of view, by means of the notion of virtual water one can become aware of how apparently-distant legal regimes, such as those represented by international environmental law or international water law, may influence the flows of water-intensive goods from one country to another. At a deeper analysis, in other words, these rules appear to be more far-reaching in scope than one could think *prima facie*. In both cases, virtual water is like a magnifying glass on international law through which details on how its norms impact on reality are revealed.

As of today no comprehensive study has been conducted on the subject. Most of the authors who touched upon it merely made reference to the existence of virtual water; the other ones only tackled single aspects relating to it. However, we are persuaded that only a multi-sided analysis can properly address this complex issue, one that takes into account the aims of the notion of virtual water, the “resources nexus” inherent in it (which expresses multiple trade-offs between different resources and also different policy options) and, ultimately, the conceptualization of virtual water as one plausible solution to conflicts caused by “real” water scarcity.