

Abstract

The importance of water resources for human life was consolidated worldwide by the resolution 64/292 of the United Nations. This also applies to Germany, where though the German Constitutional Court additionally the law for „Nassauskiesung“ (wet gravel extraction) was passed. Water protection and the regulation of water uses are nowadays part of the key tasks of any Environmental Law. The necessity of providing answers to these problems led to the development of water management systems which, even though the influence of International Law is now bigger than ever, show national characteristics.

Comparative Law examines the differences and similarities between Chilean and German Water Law and, when possible, helps giving recommendations towards the improvement and harmonization of Environmental Law. The Chilean Model represents a paradigmatic example of a free-market based Water Law founded on tradable water rights. German Water Law includes a more extensive administrative control of water rights and is strongly influenced by European Law. Moreover, there are differences concerning the major problems affecting each country's Water Law and the role of sustainability in each legislation. Similarities can be found regarding the definition of water's legal status.