

Water for Life

Lewis & Clark cohosts a conference in India
on an issue of global importance.



This past May, the law school continued to expand its international presence as it cohosted its first collaborative conference with the National Law University in Delhi, India. **Realizing the Goal of Water for Life: Lessons From Around the World** attracted international experts from a variety of disciplines to discuss global issues affecting access to clean water, including the resolution of transboundary water conflicts and the enforcement of environmental laws.

Dean Robert Klonoff, Assistant Director of the Environmental and Natural Resources Law Program Lucy Brehm, Professor Erin Ryan, and retired professor Janet Neuman travelled to India to participate in and help facilitate the two-day event. Nawneet Vibhaw LL.M. '10 coordinated the conference from the law school in Delhi, where he previously served as an assistant professor. As Vibhaw explained, the conference aimed to raise awareness about water issues, especially among students.

Lewis & Clark's India Collaboration

During his tenure as dean, Klonoff has prioritized the development of a comprehensive global law program at Lewis & Clark. The cornerstone of this program is the emerging India Collaboration, an innovative partnership involving the law school, several of India's prestigious National Law Universities, and select law firms, businesses, and public interest organizations.

Unique among American law schools, the India Collaboration provides for international student and faculty exchanges, thus enabling members of the Lewis & Clark community to



pursue a wide variety of opportunities for cross-cultural information sharing, research, and scholarship. Since its inception, students, faculty, and administrators from both countries have taken advantage of this program by studying, completing externships, and lecturing abroad. Corey Moffat '15 is one such student. He was able to attend the **Realizing the Goal of Water for Life** conference while enjoying several weeks of vacation in India, shortly before beginning an externship at New Delhi's Enviro-Legal Defence Firm.

The **Realizing the Goal of Water for Life** conference represents an important step toward satisfying the Global Law Program's early ambitions. Upon establishing the India Collaboration, leaders in Lewis & Clark's environmental and global law community, including Klonoff and Professor Susan Mandiberg, emphasized the importance of sealing the new partnership by cohosting an international conference to explore an important environmental topic. According to Brehm, "The goal was to have an opportunity to listen to people from around the world discuss lessons learned with respect to a compelling issue."

After two years of planning and collaboration with the National Law University in Delhi, the conference took shape around the themes of water law, water rights, and water scarcity. The event happened to coincide with the United Nations' International Year of Water Cooperation, as well as its International Decade for Action devoted to securing water, and the topic offered additional advantages to conference planners. "Water is an important issue that can be addressed from many different

Right: Retired Professor Janet Neuman (front left) and Professor Erin Ryan (back left) talk with conference attendees.
Below: Conference speakers and organizers.





points of view,” says Brehm, explaining that the subject was well suited to a discussion involving international speakers from a variety of disciplines.

In an effort to reflect perspectives from each of the major continents, conference coordinators focused on geographic diversity in identifying potential speakers. Ultimately, experts attended the conference from as far afield as South Africa and Brazil, in addition to India and the United States. “I was pleasantly surprised by how gracious and enthusiastic everyone we contacted was,” Brehm says. “Even if someone couldn’t come, they would recommend others who could.”

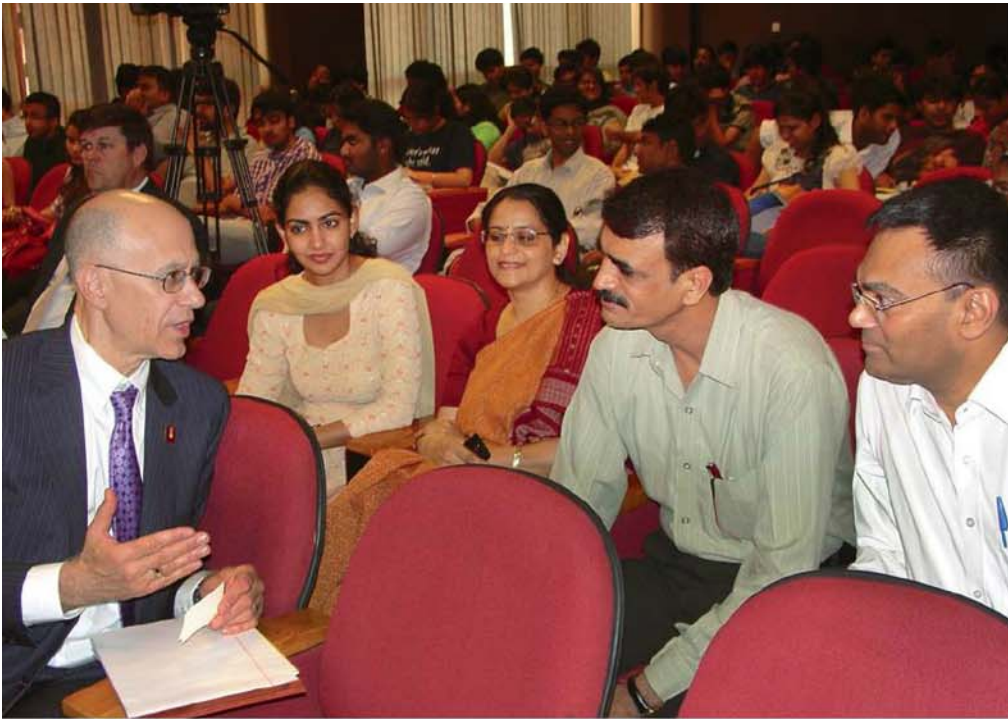
To recruit speakers, Brehm also capitalized on relationships established during prior events associated with the India Collaboration. For example, after meeting M.C. Mehta, a highly influential Indian attorney and environmental activist, during a visit to India in 2009, Klonoff arranged for him to speak at Lewis & Clark in 2010. Mehta continued this relationship by participating in **Realizing the Goal of Water for Life**. His presentation, “Water Pollution Control and the Role of the Judiciary in India,” emphasized the importance of approaching irreplaceable natural systems with respect. Similarly, renowned Indian attorney Sanjay Upadhyay, the founder of the Enviro-Legal Defence Firm and Corey Moffatt’s host for the summer, strengthened his ties to the Lewis & Clark community by taking part in this May’s event. His lecture provided conference attendees with a broad overview of Indian water law, including issues pertaining to incentives and enforcement.

“Conference issues were very diverse, ranging from something as simple as water pollution to something like transboundary water disputes and access to groundwater.” Nawneet Vibhaw LL.M. '10

“A Compelling Place for a Conversation About Water”

In addition to housing one of the country’s top law schools, Delhi is the seat of India’s government and supreme court. By locating the conference on the campus of the National Law University, coordinators helped to facilitate the participation of Indian attorneys, academics, and activists. Local speakers included Depinder Kapur, a consultant working to prevent inequitable water privatization projects in Delhi, and Sujith Koonan, an associate professor at Delhi’s Amity University who has analyzed Indian water regulation and sanitation issues for the Environmental Law Research Society. Professor Philippe Cullet of the University of London’s School of Oriental and African Studies, currently a senior visiting fellow at the Centre for Policy Research in New Delhi, addressed the conceptual and practical shortcomings of India’s judicially recognized right to water. Although the conference overlapped the National Law University’s final exam period, many local students were able to attend at least a few presentations.

The conference’s location also served to ground the discussion. As Vibhaw explained, Delhi is struggling with a major water crisis. Although the Indian legislature has enacted a number of comprehensive environmental statutes, official enforcement of these laws remains unreliable. As a result, environmental problems continue to plague the country, threatening the health of its citizens. According to a recent UNICEF report, India contains approximately 16 percent of the world’s population, but only four percent of global water



Top: Assistant Director Lucy Brehm
Left: Dean Klonoff

resources. Resulting water shortages, exacerbated by climate change, have led to conflicts and created opportunities for cooperation between agricultural, domestic, and industrial users. In addition, poor management practices have compounded these problems of scarcity, leading to inadequate sanitation. Although India is a signatory to the United Nations' 2010 declaration of water as a right, many communities continue to lack access to safe water supplies, perhaps as a result of ingrained economic, social, and political power imbalances. In short, as Brehm explains, "Delhi is a compelling place for a conversation about water."

"Realizing the Goal of Water for Life"

In the words of Harvard research fellow and conference participant Sharmila Murthy, "Water is life." Beyond satisfying basic human needs, the resource is essential to the achievement of social and economic development, and necessary for the conservation of properly functioning ecosystems. In many areas of the world, traditional cultures have also endowed water with deep religious and spiritual significance. However, global population growth and the associated increased demand for water have exerted excessive pressure on this resource.

According to the United Nations, 31 countries now face water scarcity and almost one billion people lack reliable access to clean drinking water. The World Bank anticipates that two-thirds of the global population will suffer the effects of water scarcity by 2025. Such ominous statistics and predictions are not

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abstract. Rather, as Vibhaw explains, the negative implications of water shortages cast a shadow on our everyday lives, even in affluent areas of the world. "We have to think about how we can have water protection for present and future generations," says Professor Solange Teles da Silva of Mackenzie Presbyterian University in Brazil.

Through the **Realizing the Goal of Water for Life** conference, coordinators from Lewis & Clark and the National Law University in Delhi sought to create a forum in which international experts could share their research concerning the cultural importance and best management of this essential resource.

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Oregon State University Professor Aaron Wolf, who has mediated transboundary disputes internationally through his

position as director of the university's program in water conflict management and transformation, opened the conference by emphasizing the importance of data. He explained that a careful analysis of historical facts reveals that the management of shared water resources might be far more nuanced than politicians and journalists typically suggest.

Murthy, who co-leads the Human Rights to Water and Sanitation program at the Carr Center for Human Rights Policy, indicated that cultural notions of honor and faith are often inseparable from conflicts concerning the allocation of water. As she explained, negotiators can contribute to the successful resolution of such disputes only by understanding the full complement of issues at stake.

Professors Teles da Silva and Michael Kidd, of the University of KwaZulu-Natal in South Africa, spoke about various failures in the conventional regulation of water resources. Professor Barbara Cosens of the University of Idaho, as well as Neuman, Klonoff, and Ryan, discussed potential responses to these failures. Such responses might include the substitution of ecosystem services for technological solutions, the inclusion of indigenous peoples in the negotiation of transboundary water agreements, judicial recognition of broad public trust rights to water, and the pursuit of class action litigation.

Brehm says she hopes to make each presentation available via podcast, so "the entire law school community and beyond can learn from this conference."

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Retired Indian Supreme Court Justice Swatanter Kumar

By all accounts, **Realizing the Goal of Water for Life** was a success. Cosens remarked that "the conference has brought together some of the best speakers and thinkers I've experienced in any water conference. It's been a fabulous range of ideas and places in which people are practicing those ideas. It's been tremendous." Similarly, Ryan observed that the conference presented "a valuable opportunity for us to exchange ideas about managing water policy from around the world."

After the final presentation, Ryan recalled retired Indian Supreme Court Justice Swatanter Kumar's opening remarks, which in turn paraphrased a Native American proverb: "When the last fish is caught, when the last tree is cut, when the last river is drained, only then we will remember that you can't eat money. As important as it is to develop economically, it does us no good if we have laid waste to the environment that sustains us." ■