



Realizing the Goal of Water for Life: Lessons from Around the World

Presented by Lewis & Clark Law School and
National Law University of Delhi
May 30-31, 2013 | at NLU Delhi, India

Lewis & Clark Law School

Located in Portland, Oregon, Lewis & Clark Law School is frequently ranked as one of the best schools for environmental law by US News & World Report, and was the first law school in the United States to receive the American Bar Association's Award for Distinguished Achievement in Environmental Law. In addition to its J.D. program, Lewis & Clark now offers environmentally-focused advanced degree programs, including LL.M. (Masters) and Master of Studies degrees, in environmental and natural resources law, as well as the world's first LLM in animal law. Lewis and Clark has a thriving international student population, including several students from India. Lewis & Clark is home to the Earthrise Law Center, a full-time environmental litigation clinic; the International Environmental Law Project, the country's only on-campus international environmental law clinic; and the Natural Resources Law Institute, which supports significant environmental law scholarship. law.lclark.edu

The National Law University, Delhi (NLUD)

Established in 2008, NLUD is one of India's premier law schools. NLUD views its students as agents of change who will help India achieve its developmental goals for future generations. The primary mission of the school is to create lawyers who will be professionally competent, technically sound and socially relevant, and who will be equipped to address the imperatives of the new millennium. www.nludelhi.ac.in

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According to the World Water Council, the world's population tripled in the 20th century and the use of water resources has grown six-fold. Within the next fifty years, the world population will increase by another 40 to 50 percent. This population growth—coupled with industrialization and urbanization—will result in an increasing demand for clean water and will have serious consequences for both human life and the environment.

Access to clean water is a prerequisite to the realization of all other human rights. One of the UN's Millennium Development Goals is to reduce by half the proportion of people unable to reach or afford safe drinking water

by 2015. Yet, according to the UN, thirty-one countries are now facing water scarcity, and almost one billion people lack access to clean drinking water. The World Bank predicts that by 2025 two-thirds of the world's population will suffer from lack of clean and safe drinking water.

Beyond meeting basic human needs, water is critical to sustainable development. In parts of the world it is a major source of energy and an important part of transportation systems. Water is also critical for agriculture and many industrial processes. In some cultures, water has deep religious and spiritual significance. The international community has also come to appreciate more fully

the valuable services provided by water-related ecosystems, from flood control to storm protection and water purification. In light of these challenges, the United Nations General Assembly proclaimed the period 2005-2015 the International Decade for Action 'Water for Life.'

The Realizing the Goal conference will focus on lessons learned from around the world related to important issues which impact access to clean water. International speakers from a variety of disciplines will provide insight into water issues—with a focus on transboundary and water quality issues—and share lessons learned with the conference community.

Day One

Thursday | May 30, 2013

9:00-9:30 a.m.	Registration for the Conference
9:30-10:30 a.m.	Inaugural Session Welcome address: Prof. (Dr.) Ranbir Singh, VC, NLU Delhi Conference remarks: Dean Robert Klonoff, Lewis & Clark Keynote Address: Justice Swatanter Kumar, Chairperson, NGT Vote of Thanks: Prof. Srikrishna Deva Rao, Registrar, NLUD
10:30-11:00 a.m.	Tea Break Speaker Introductions Alexis Andiman, JD 2013 Lewis & Clark Law School
11:00-11:45 a.m.	Professor Aaron Wolf, Oregon State University <i>International Waters: Global Experience</i>
11:45 a.m.-12:30 p.m.	Sharmila Murthy, Harvard University <i>Re-Examining Water and Ethnic Conflict in Central Asia through the Water Diplomacy Framework</i>
12:30-2:00 p.m.	Lunch
2:00-2:45 p.m.	Sanjay Upadhyay, Advocate, Supreme Court of India <i>Water law in India- Incentives and Enforcement</i>
2:45-3:30 p.m.	Professor Michael Kidd, University of Kwazulu-Natal <i>Water Pollution in South Africa: Interesting Legal Dimensions</i>
3:30-3:45 p.m.	Tea Break
3:45-4:30 p.m.	M.C. Mehta, MC Mehta Environmental Foundation <i>Water Pollution Control and the Role of Judiciary in India</i>
4:30-5:15 p.m.	Shomona Khanna <i>Industrial usage and groundwater depletion in India: Issues in the Plachimada case</i>
5:15-5:30 p.m.	Wrap up session moderated by Janet Neuman; Tonkin Torp, LLP

Day Two

Friday | May 31, 2013

10:00-10:45 a.m.	Janet Neuman, Tonkon Torp, LLP <i>Restoring Natural Systems to Address Pollution: A Case Study of Water Quality Trading in the Pacific Northwest, U.S.A.</i>
10:45-11:30 a.m.	Professor Philippe Cullet, Univ. of London and Centre for Policy Research, Delhi <i>Right to Water in India: Plugging Conceptual and Practical Gaps</i>
11:30- 11:45 a.m.	Tea Break
11:45-12:30 p.m.	Professor Barbara Cosens, University of Idaho College of Law <i>The Role of Indigenous Communities in Transboundary Water Resource Agreements: The Columbia River Treaty</i>
12:30-1:15 p.m.	Solange Teles da Silva Mackenzie University, CNPq - Sao Paulo (Brazil) <i>Transboundary water conflicts and cooperation on Amazon Basin</i>
1:15-2:30 p.m.	Lunch
2:30-3:15 p.m.	Professor Erin Ryan, Lewis & Clark Law School <i>Mono Lake and the Evolving Public Trust Doctrine: The Backstory to America's Most Famous Public Trust Litigation</i>
3:15-4:00 p.m.	Dean Robert Klonoff, Lewis & Clark Law School <i>The Class Action Settlement of the British Petroleum/Deepwater Horizon Oil Spill Litigation</i>
4:00-4:15 p.m.	Tea Break
4:15-5:00 p.m.	Depinder Kapur <i>PPP denominated water privatisation in Delhi: Unpacking the Efficiency, Competition and Equity Arguments</i>
5:00-5:15 p.m.	Wrap up Session moderated by Prof. Erin Ryan
5:15 p.m.	Vote of Thanks, Nawneet Vibhaw, NLU Delhi

Speakers

Barbara Cosens is a Professor with the University of Idaho College of Law and the Waters of the West Graduate Program which includes options for concurrent J.D./M.S. and J.D./Ph.D. degrees. Cosens received her LLM in Environmental Law from Lewis & Clark Law school. She teaches Water Law, Water Policy, Law and Science at Idaho, and leads a team taught course in Interdisciplinary Methods in Water Resources. Her research interests include the integration of law and science in water resource management and dispute resolution, water management and resilience, and the recognition and settlement of Native American water rights. She is a member of the Universities Consortium on Columbia River Governance.

Philippe Cullet, LLM, MA (Lon), JSM, JSD (Stanford) is Professor of International and Environmental Law at SOAS, University of London, the Convenor of the International Environmental Law Research Centre (IELRC) and a Senior Visiting Fellow at the Centre for Policy Research (CPR), New Delhi. He has published widely in environmental law, natural resources law, water law and policy, human rights and the socio-economic aspects of intellectual property. His monographs include *Water Law, Poverty and Development—Water Law Reforms in India* (Oxford University Press, 2009), *Intellectual Property and Sustainable Development* (Butterworths, 2005) and *Differential Treatment in International Environmental Law* (Ashgate, 2003). His publications are listed at ielrc.org/about_cullet.php. Professor Cullet engages regularly with policymakers at the national and international levels. He was the Convenor of the Sub-group on groundwater law of the Planning Commission of India that prepared the Model Bill for the Conservation, Protection and Regulation of Groundwater, 2011.

Depinder Kapur is an independent consultant, Trustee of India WASH Forum, and a member of the Water Privatisation Commercialisation Resistance Committee. He provides strategic knowledge networking

leadership as Convener of the National Coordination Mechanism of Global Sanitation Fund Programme in India. He was the India Country Representative for WaterAid (2003–08), part of the International and Asia level WaterAid Strategic Management Team providing leadership to the development of national, regional and international strategies and systems. In the past he has worked on strategic level positions at Oxfam India (Director, Programme and Advocacy), CARE (Director, Agriculture and Natural Resources) and SPWD. He is a Member of the Government of India's 12th Five Year Plan Working Group on Water and Sanitation, constituted by Planning Commission.

Shomona Khanna is a lawyer practicing in the Supreme Court of India and Delhi High Court. She has associated with numerous civil and democratic rights issues since 1991 both as a lawyer and as a writer, and continues to handle several human rights cases in the courts. She has most recently written a book about indigenous peoples and the Indian Constitution and law. Some of her clients include Campaign for Survival and Dignity (a federation of peoples organisation of forest dwellers), Ministry of Tribal Affairs, Dr. B.R. Ambedkar University, Plachimada Solidarity Committee, and many ordinary people.

Michael Kidd is Professor of law in the School of Law at the University of KwaZulu-Natal in Pietermaritzburg, South Africa. He holds the degrees of BCom LLB LLM and PhD all from the University of Natal. He has published widely in environmental law, particularly in matters relating to compliance and enforcement (his PhD dealt with environmental crime), and, more recently, increasingly in water law. He is the founding author of a leading South African textbook, *Environmental Law* (second edition in 2011), and is the founding editor of the *South African Journal of Environmental Law and Policy*. He serves on the board of a prominent South African

NGO, the Wildlife and Environment Society of Southern Africa.

Robert Klonoff has served as the dean of the Lewis and Clark Law School since 2007. Klonoff received his undergraduate degree from U.C. Berkeley and his J.D. degree from Yale Law School. His legal experience includes clerking for Chief Judge John R. Brown of the United States Court of Appeals for the Fifth Circuit, working in the U.S. Department of Justice (as an Assistant United States Attorney and as an Assistant to the Solicitor General of the United States), and serving as a partner at the international law firm of Jones Day. He is the author or co-author of several books and numerous scholarly articles on class actions, appellate litigation, and trial advocacy, including the first casebook on class actions (originally published in 1998 and now in its third edition). As a private attorney, Dean Klonoff has handled more than 100 class actions. He has also served as an expert witness in numerous class actions, including the recent British Petroleum oil spill class settlement. He has argued eight cases before the United States Supreme Court, as well as numerous cases in other appellate courts throughout the country. He has taught law at Georgetown, the University of San Diego, and the University of Missouri-Kansas City.

Dean Klonoff is a member of the American Law Institute and the American Bar Foundation, and a Fellow in the American Academy of Appellate Lawyers. He served as Associate Reporter for the American Law Institute's project, *Principles of the Law of Aggregate Litigation*. In September 2011, Chief Justice John G. Roberts, Jr., appointed Dean Klonoff to serve a three-year term as the academic member of the U.S. Judicial Conference Advisory Committee on Civil Rules.

M.C. Mehta (Mahesh Chander Mehta) belongs to a small village in district Rajouri in the State of Jammu & Kashmir (India). After his schooling at Rajouri he moved to Jammu and

completed his Post Graduation in Political Science and Law degree from Jammu University and started his practice in Jammu & Kashmir High Court. During his stay in Jammu he took active part in social and political issues. He raised his voice against corruption and motivated students and youth to fight against discrimination taking place within the Jammu region. His career as a Supreme Court lawyer began in 1983, when he migrated to Delhi. In 1984, he began focusing on environmental litigation. Mr. Mehta is one of the founders of the Indian Council for Enviro-Legal Action (ICLEA), and director of the M.C. Mehta Environmental Foundation in New Delhi. M.C.'s landmark environmental cases in the Supreme Court of India have resulted in the protection of India's natural and cultural treasures—including the Ganges River and the Taj Mahal—from the adverse effects of pollution. He has been conferred with several prestigious awards. Some of these are the Governor's Gold Medal, the Goldman Environmental Prize, the UN's Global 500 Award for 1993 and the Magsaysay Award for 1997.

Sharmila L. Murthy is a Fellow at Harvard Kennedy School of Government, where she co-leads the Human Rights to Water and Sanitation Program at the Carr Center for Human Rights Policy. She also serves as the Lead Investigator of the Water Sector for the "Project on Innovation and Access to Technologies for Sustainable Development," an inter-disciplinary research project with the Sustainability Science Program at the Mossavar-Rahmani Center for Business and Government. Her research focuses primarily on South Asia, the Middle East and Central Asia. She received her JD from Harvard Law School, her Master in Public Administration from Harvard Kennedy School, and Bachelor of Science in Natural Resources from Cornell University. She clerked for the Honorable Martha Craig Daughtrey on the U.S. Court of Appeals for the Sixth Circuit, was a Skadden Fellow with the Legal Aid Society of Middle Tennessee and the Cumberland,

and was also a U.S. Fulbright Scholar in India. In the fall of 2013, Sharmila will be joining the faculty of Suffolk University Law School in Boston as an Assistant Professor.

Janet Neuman is Senior Counsel with the law firm of Tonkon Torp LLP, in Portland, Oregon, where she works with the firm's environmental and natural resources practice group, with an emphasis on water law matters. Until her retirement in June, 2011, Ms. Neuman was a Law Professor at Lewis and Clark Law School, where she also co-directed the law school's Natural Resources Law Institute. Prior to joining the Lewis and Clark faculty in 1992, Ms. Neuman served as the director of the Oregon Department of State Lands, which oversees the state's management of Common School Fund lands and natural resources. Ms. Neuman is a former member of the Oregon Board of Forestry, appointed by Oregon Governor John Kitzhaber, and of the Western Water Policy Review Advisory Commission, appointed by President William Clinton, and she is currently on the Board of The Freshwater Trust, a non-profit conservation group that restores instream flows and aquatic habitat through market transactions.

Erin Ryan, a graduate of Harvard Law School, is a Professor at Lewis & Clark Law School where she teaches natural resources law, water law, property, negotiation, and federalism. She has presented at academic and administrative venues in the United States, Europe, and Asia, including the Ninth Circuit Judicial Conference, the U.S. Department of Agriculture, and the United Nations Institute for Training and Research. She began her academic career at the College of William & Mary in 2004, and she joined the faculty at Lewis & Clark in 2011. Ryan spent 2011-12 in China as a Fulbright Scholar, where she taught American law, studied Chinese governance, and lectured widely. She is the author of many scholarly works, including *Federalism and the Tug of War Within* (Oxford, 2012). Prior to law school, she served as a U.S. Forest

Service ranger on the Mono Lake District of the Inyo National Forest, east of Yosemite National Park. She graduated from Harvard College with a degree in East Asian Languages and Civilizations and received a Master's degree in Ethnomusicology from Wesleyan University.

Solange Teles da Silva earned her PhD in Environmental Law at Paris I University. Professor Teles da Silva teaches Environmental Law and Sustainable Law at Mackenzie Presbyterian University in Sao Paul, Brazil. She is the coordinator of the Research Project "Law and Sustainable Development: forest and water protection in the Amazon Region considering climate change." She has a Research Productivity Scholarship, National Council for Scientific and Technological Development (CNPq). She is also International Director of "Lawyers for a Green Planet" (Brazilian NGO) and a member of the Research Committee of the IUCN Academy of Environmental Law.

Sanjay Upadhyay is an environmental lawyer in India, with a wealth of experience in forest governance. In 1999, after completing four years with the World Wide Fund for Nature India, he established the country's first environmental law firm, the Enviro-Legal Defence Firm, in New Delhi, where he remains a managing partner. Sanjay is also an advocate of the Supreme Court of India, fighting court cases and negotiating with the government on a range of forest issues.

Aaron T. Wolf is a professor of geography in the College of Earth, Ocean, and Atmospheric Sciences at Oregon State University, USA. His research and teaching focus is on the interaction between water science and water policy, particularly as related to conflict prevention and resolution. A trained mediator/ facilitator, he directs the Program in Water Conflict Management and Transformation, through which he has offered workshops, facilitations, and mediation in basins throughout the world.

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