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Allocating and Managing Water for a Sustainable
Future: Lessons from Around the World (Summer
Conference, June 11-14)


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6-11-2002

AGENDA: Allocating and Managing Water for a Sustainable Future: Lessons from Around the World

University of Colorado Boulder. Natural Resources Law Center

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AGENDA AT A GLANCE

Monday

Pre-Conference Field Trips (meet at the Natural Resources Law Center at 8:15 am)

- A. Trends Toward Sustainable Water Management in Boulder Valley
- B. South Platte Valley
- C. Colorado-Big Thompson Project

7:00 – 9:00 Conference Registration (evening)

Tuesday

Free and Open to the Public

7:00 Coffee, snacks & Registration

8:15 Welcome & Announcements

8:30 **Introductory Panel Discussion** led by Patricia Wouters, Director of the International Water Law Research Institute, University of Dundee, Scotland

10:30 – 5:30 Contributed Papers – Concurrent Sessions

12:30 **Luncheon Address**

David Hayes, Latham & Watkins, Washington DC

7:00 **Evening Keynote & Reception**

Overview of Global Water Issues and Challenges

Peter Gleick, Pacific Institute for Studies in Development, Environment and Security, Oakland, California

Wednesday

7:00 Coffee, snacks & registration

8:15 Welcome & Announcements

8:30 Opening Address

Transferring Lessons from Around the World to the Western United States
James Wescoat, Department of Geography, University of Colorado

9:30 – 5:30 Plenary Sessions:

The Role of Markets and Government: Lessons in Water Allocation and Use

6:30 Cookout on Flagstaff Mountain

Thursday

7:00 Coffee, snacks

8:15 Announcements

8:30 – 5:00 Plenary Sessions:

Integrating Environmental, Cultural, and Other Public Values in Water Law and Policy

12:30 Luncheon Address

Deborah Moore, former Commissioner on the World Commission on Dams

5:30 Evening Reception on West Lawn hosted by Hydrosphere Resource Consultants

Friday

7:00 Coffee, snacks

8:00 Announcements

8:15 – 3:30 Plenary Sessions:

Transboundary Water Conflicts and Cooperation

4:00 Summary Discussion:

Sustainability and the Future of Water Law and Institutions in the West

**Allocating and Managing Water for a Sustainable Future:
Lessons from Around the World**

June 11-14, 2002

MONDAY, JUNE 10

- Pre-Conference Field Trips (*meet at the Natural Resources Law Center at 8:15 am*)
- A. Trends Toward Sustainable Water Management in Boulder Valley
 - B. South Platte Valley (meet in classroom prior to departure)
 - C. Colorado-Big Thompson Project
- 6:30 p.m. Speaker and International Participants' Informal Dinner
Home of Professor Richard Collins
- 7:00-9:00 Conference Registration (evening)

TUESDAY, JUNE 11 *Free and Open to the Public*

- 7:00 a.m. Registration, snacks & coffee
- 8:15 Welcome & Announcements
- 8:30 Introductory Panel Discussion
**Global Water Issues: Reconciling Values and Realities in the
Developed and Developing World**
*Patricia Wouters, Director, International Water Law Research Institute, University of
Dundee, Scotland*
Moderator:
David Getches, University of Colorado School of Law
Commentators:
*Rocio Bustamante, Andean Center for Water Management and Use, Cochabamba,
Bolivia*
Wang Xi, Research Institute of Environmental Law, Wuhan University, China
- 10:00 Break
- 10:30 Concurrent Sessions – Contributed Papers
- Transboundary and Transbasin Management (Room 103)
 - Management Strategies: From Local Institutions to National Plans (Room 241)
 - Balancing Water for People and the Environment (Room 157)
 - Market Mechanisms / Modeling (Room 104)
- 12:30 p.m. Luncheon Address
Federal-State Decisionmaking on Water
David J. Hayes, Latham & Watkins, Washington, DC
- 2:00 Concurrent Sessions – Contributed Papers
- 3:40 Break
- 4:00 Concurrent Sessions – Contributed Papers
- 7:00 Evening Keynote Address
Overview of Global Water Issues and Challenges
*Peter Gleick, Pacific Institute for Studies in Development, Environment and Security,
Oakland, California*

Following Dr. Gleick's keynote address, enjoy a dessert reception in the Rutledge Lounge.

WEDNESDAY, JUNE 12

- 7:00 a.m. Coffee, snacks, registration
8:15 Welcome & Announcements
8:30 Opening Address
Transferring Lessons from Around the World to the Western United States
James Wescoat, Department of Geography, University of Colorado
9:30 **The Role of Markets and Government: Lessons in Water Allocation and Use**
Session Coordinators:
Charles Howe, Institute of Behavioral Sciences, University of Colorado
Helen Ingram, School of Social Ecology, University of California, Irvine
10:30 Break
11:00 Case Study 1
Don Blackmore, Murray/Darling Basin Commission, New South Wales and Victoria, Australia
11:45 Case Study 2
Joachim Blatter, Department of Political Science, University of Konstanz, Germany, and JFK School of Government, Harvard
12:30 p.m. Lunch (on your own)
1:30 Case Study 3
TBA
2:15 Case Study 4
Miguel Solanes, UN Economic Commission for Latin America and the Caribbean, Santiago, Chile
3:00 Break
3:30 Case Study 5
Marcus Moench, Institute for Social and Environmental Transition, Boulder/Kathmandu
4:15 Synthesis of Presentations and Discussion
Howe and Ingram
6:30 Cookout on Flagstaff Mountain
Buses leave from law school parking lot at 6:15
Rain location: National Center for Atmospheric Research

THURSDAY, JUNE 13

- 7:00 Coffee, snacks, registration
8:15 a.m. Announcements
8:30 **Integrating Environmental, Cultural and Other Public Values in Water Law and Policy**
Session Coordinators:
David Getches, University of Colorado School of Law
Sarah Van de Wetering, Writer/Attorney, Missoula, Montana
9:30 Case Study 1
David Farrier, University of Wollongong, Australia
10:15 Break
10:45 Case Study 2
Robyn Stein, Bowman Gilfillan Inc., South Africa

- 11:30 Case Study 3
Rocio Bustamante, Andean Center for Water Management and Use, Cochabamba, Bolivia
- 12:30 p.m. Luncheon Address
Water Wars or a Water Peace: Creating our Future
 Reflections on integrating sustainability and equity from my journey along rivers and across four continents.
Deborah Moore, Independent Consultant, formerly Senior Scientist, Environment Defense and Commissioner, World Commission on Dams, Oakland, California
- 2:00 Case Study 4
Marcos Terena, Coordinator General of Indigenous Rights, Mato Grosso do Sul
- 2:45 Case Study 5
Wang Xi, Research Institute of Environmental Law, Wuhan University, China
- 3:30 Break
- 4:00 Synthesis of Presentation and Discussion
Getches and Van de Wetering
- 5:30 Reception on West Lawn
 Sponsored by **Hydrosphere Resource Consultants**

FRIDAY, JUNE 14

- 7:00 Coffee, snacks
- 8:00 Announcements
- 8:15 **Transboundary Water Conflicts and Cooperation**
Session Coordinator:
Aaron Wolf, Professor, Department of Geosciences, Oregon State University, Corvallis
- 9:15 Case Study 1
Bob Hitchcock, Department of Anthropology, University of Nebraska, Lincoln
- 10:00 Break
- 10:30 Case Study 2
Jeff Jacobs, Water Science and Technology Board, National Research Council, Washington, DC
- 11:15 Case Study 3
Miki Nakayama, Tokyo University of Agriculture and Technology
- 12:00 p.m. Lunch (on your own)
- 1:00 Case Study 4
Alberto Szekely, Ambassador, Advisor to the Foreign Minister and Transboundary Waters Negotiator, Mexico City, Utton Transboundary Resources Center, New Mexico
- 1:45 Case Study 5
Julie Trottier, Research Fellow, Oxford University
- 2:30 Synthesis of Presentations and Discussion
Wolf
- 3:30 Break
- 4:00 Summary Discussion
Sustainability and the Future of Water Law and Institutions in the West
Dan Tarlock, Professor, Chicago-Kent College of Law
Lakshman Guruswamy, Professor, University of Colorado School of Law

CONFERENCE SPEAKERS

Don J. Blackmore has been Chief Executive of the Murray-Darling Basin Commission since 1990. Prior to that he was Deputy Chief Executive for six years and worked for 15 years as a Civil Engineer with the Rural Water Commission in Victoria. He was also Deputy Chair of the Land and Water Resources Research and Development Corporation, a position that he held from 1990 to June 1999. He was a Commissioner on the World Commission on Dams with a mandate to review the development effectiveness of large dams and criteria for the future investment in dams. He became a Fellow of the Institute of Engineers Australia in 1995 and a Fellow of the Academy of Engineering and Technological Sciences in November 1998. In May 2000 he was awarded the degree of Doctor of Science (honoris causa) by La Trobe University. He has recently been appointed Deputy Chair of the CRC for Plant Based Solutions to Dryland Salinity and Chairman of their Research Committee.

Joachim Blatter is Assistant Professor, Department of Politics and Management, University of Konstanz, Germany. He is the author of a number of journal articles on cross-border regions.

Rocio Bustamante is Coordinator of the Water Management Programme at the Andean Center for Water Management and Use, University of San Simon, Cochabamba, Bolivia. Her work in the Center involves teaching and researching issues of water law and policy. For the past year, she has served as the Bolivian team leader in an international project entitled "Water Laws and Indigenous Rights," coordinated by Wageningen University and CEPAL. She is also one of the Coordinators for the Bolivian Committee for Integrated Water Management. She has a MS in Social Research and Public Policy from the University of Wageningen, The Netherlands, and is currently working on a PhD study of local water rights and management in Bolivia.

David Farrier is Professor of Law and a program manager in the Institute of Conservation Biology and Law at the University of Wollongong. His published works are in the areas of biodiversity conservation law and policy, water law and policy, integrated natural resource management and the implementation of international conventions (supported by the Australian Research Council). In addition to his several consultancy positions, he is currently a member of the New South Wales (NSW) Water Advisory Council and the Environmental Consultative Committee, Legal Aid Commission of New South Wales, and is chairperson of the Shoalhaven/Illawarra Water Management Committee. He has taught law in England, Nigeria and Australia.

David Getches is the Raphael J. Moses Professor of Natural Resources Law at the University of Colorado School of Law. Author of a significant number of books, he was the founding Executive Director of the Native American Rights Fund (NARF), and from 1983-1987, served as Executive Director of the Colorado Department of Natural Resources under Governor Richard D. Lamm. Professor Getches has consulted widely concerning water policy and national policies concerning indigenous peoples with

governmental agencies and non-governmental organizations throughout the United States and in several foreign countries.

Peter H. Gleick is director of the Pacific Institute for Studies in Development, Environment, and Security in Oakland CA. He directs several institute research projects related to freshwater resources, environmental security and climate change. He received his PhD from the Energy and Resources Group at the University of California, Berkeley, and is the recipient of a MacArthur Foundation Research and Writing Grant in Peace and International Cooperation. In addition to his research activities, Dr. Gleick serves on the Global Environmental Change Committee of the American Geophysical Union, the Board of Directors of the International Water Resources Association, the Public Advisory Forum of the American Water Works Association, and the editorial boards of several scientific journals. He has published extensively on climatic change, water resources, and environmental policy.

David J. Hayes is a partner in Latham & Watkins' Washington, DC office, where his practice focuses on environmental, energy, and natural resources matters. Mr. Hayes has an extensive background in EPA-related regulatory matters: contaminated sites, chemical regulation, air and water pollution issues; and in natural resource-related matters: water rights and allocation, endangered species act implementation, energy project permitting, land conservation projects, and Indian-related matters.

Charles W. Howe has been affiliated with the University of Colorado since 1970. He is a former director and current Senior Research Associate in the University's Institute of Behavioral Science, Environment and Behavior Program, and a Professor Emeritus (and former department chair) in Economics. Earlier in this academic career, Professor Howe directed the Water Resources Program for Resources for the Future (1965-1970). He has studied a variety of international water issues, including serving abroad in Kenya and Indonesia for the Rockefeller Foundation. He is perhaps best known for his work on western water marketing, allocation, and pricing. He has a Ph.D. and M.A. in Economics from Stanford University, as well as a B.A. in Economics and Business Administration from Rice.

Helen Ingram is the Warmington Endowed Chair in the School of Social Ecology at the University of California at Irvine. Among her nine books and more than eighty articles and book chapters, roughly two-thirds deal with water resources, including a number of studies of transboundary issues. Her coauthored (with Nancy R. Laney and David M. Gillilan) 1995 book *Divided Waters: Bridging the U.S.-Mexico Border* and her 1988 coauthored (with Suzanne L. Fiederlein) article "Traversing Boundaries: A Public Policy Approach to the Analysis of Foreign Policy" exemplify some of the intellectual roots of this volume. Dr. Ingram's research interests include transboundary national resources, particularly on the US/Mexican border, water resources and equity, public policy design and implementation, and the impact of policy upon democracy and public participation.

Jeffrey Jacobs is a Senior Staff Officer with the Water Science and Technology Board, National Research Council. In this position, he directs a variety of research projects,

recently focusing on issues including planning by the U.S. Army Corps of Engineers, water management in the Missouri Basin, and water privatization. Much of his international work has focused on water management in the Mekong Basin. He has a PhD in geography from the University of Colorado, as well as a master's degree from Texas A&M and a bachelor's degree from the University of California, Riverside.

Marcus Moench is the President of the Institute for Social and Environmental Transition. He has extensive experience working with communities, non-government, government and international organizations on water, energy and forest management in South Asia, the Middle East and the Western United States. He combines a strong technical background in environmental science, hydrogeology and forestry with training and experience in the design and initiation of management institutions. He recently led the India Water Sector Review, Groundwater Component and Yemen Decentralized Management Study for the World Bank. Dr. Moench received his PhD from the University of California at Berkeley in 1989.

Deborah Moore is currently an independent consultant working to protect human rights and the environment. She was appointed one of the twelve Commissioners to the World Commission on Dams, an independent body established by the World Bank and World Conservation Union/IUCN to investigate the environmental, social, and economic impacts of large dams worldwide and to recommend guidelines for the future. For thirteen years, Deborah was a senior scientist with Environmental Defense. As Co-Director of Environmental Defense's International Program, she worked to safeguard the world's unique ecological treasures – and the rights and cultural diversity of communities that depend on these resources – through re-directing investments towards sustainability and reforming institutions like the World Bank. She has a MS in Energy and Resources from the University of California-Berkeley, and a BA in Physics from Reed College.

Mikiyasu Nakayama is the Associate Dean and Professor of the United Graduate School of Agricultural Science, Tokyo University of Agriculture and Technology, Japan. He received his BA, MSc and PhD degrees from the University of Tokyo. From 1986-1989, as a program officer in the United Nations Environment Programme (UNEP), where he participated in projects in such international water bodies as the Zambezi and Mekong Rivers and Lake Chad. He taught water resources management and its international and environmental aspects at the Utsunomiya University, and has served as an advisor and an expert for several United Nations Organizations (UNEP, UNCHS, UNCRD, and UNU), as well as for Non-Governmental Organizations such as IUCN and ILEC. Dr. Nakayama's research subjects include the application of satellite remote sensing data for environmental monitoring, using the Geographical Information System (GIS) for environmental management of river and lake basins, employing environmental impact assessment methodologies applicable for involuntary resettlement due to dam construction and involvement of international organizations in management of international water bodies.

Miguel Ricardo Solanes serves with the United Nations Economic Commission Latin America and the Caribbean (ECLAC) in Santiago, Chile, where he currently is the

Interregional Adviser in Water Legislation and Administration. His activities primarily include research and advisory missions, often focused on the use of law to promote environmental protection, resources development, and public utility regulation. He holds a law degree from the University of Mendoza, Argentina, where he has also taught. Additionally, he has conducted research at several U.S. universities—namely, the Kennedy School of Government, Michigan State University, and Colorado State University.

Robyn Tanya Stein is director of Bowman Gilfillan Inc., a Johannesburg-based company of attorneys, notaries and conveyancers consisting of 60 partners whose clientele is made up of national and multinational corporations. Prior to joining Bowman Gilfillan Inc. in 1990, she received a BA in Legal Theory and Institutions and Political Studies in 1988, and earned her LLB (Cum Laude) in 1989 from the University of the Witwatersrand. Among the many professional affiliations she maintains are posts serving as special adviser to Minister Kader Asmal, Minister of Water Affairs and Forestry; as a member of Water Law Review Process Policy and Strategy Team; as a member of the IUCN (World Conservation Union) Commission on Environmental Law; and as a member of several national environmental law associations. She is a part-time lecturer at the University of the Witwatersrand in Environmental Law to LLM and LLB students and a frequent presenter at conferences and seminars.

Alberto Szekely is the Ambassador for Border Water Affairs (Mexican Foreign Service) and Co-Director of the University of New Mexico's Water Transboundary Center. He is a member of the Permanent Court of International Arbitration at The Hague. He serves as Research Director at the International Transboundary Resources Center and is on faculty at the University of New Mexico School of Law. He served on the U.N. International Law Commission from 1992-1996.

A. Dan Tarlock holds an AB (1962) and LB. (1965) from Stanford University. He is currently Distinguished Professor of Law at the Chicago-Kent College of Law in Chicago, Illinois. Previously, he was a member of the faculty of Indiana University, Bloomington from 1968-1982 and has visited at the universities of Brigham Young, Chicago, Pennsylvania, Kansas, Michigan, Texas, and Utah. In 1996, he was a Distinguished Foreign Visitor in Residence at the Queensland University of Technology in Brisbane, Australia. Professor Tarlock has practiced law in San Francisco, Omaha and Denver, is an elected member of the American Law Institute, and is the legal editor of the journal *Rivers*. He has consulted widely both in the United States and Australia, Austria, Brazil, Canada, China, Scotland and Germany in the fields of law, domestic and international environmental protection and natural resources management.

Marcos Terena is a native Brazilian from Terena's tribe in the Pantanal region, close to Bolivia and Paraguay. He founded the first indigenous movement in Brazil, and has represented native interests in a variety of United Nations' committee and events, including the 1992 Rio Summit (organizing the World Conference of Native People on Territory, Environment and Development) and the workgroup on indigenous questions in Geneva, Switzerland. He is also a member of the Intertribal Committee (ITC), an

indigenous organization with 22 native nations, and was one of the first members of the Amazonic Coalition in Washington. He is a contributor and publishing advisor to the PNUMA-Terramerica magazine, and author of a book entitled *The Aviator Indian* (O Indio Aviador).

Julie Trottier is Thames Water Fellow at St Peter's College where she is based. Her expertise is on the politics of water supply, with special reference to the Middle East and Southern Africa. She was primary contact and the coordinator for the major international workshop in October 2001 at the University, and for the regular academic reading group seminars. Her present research concerns the political/economic/social aspects of water, water development and water management in the Middle East and in Southern Africa. Her area of focus in the Middle East has been Israel and the Palestinian Territories, but is also extending now to Turkey and to Saudi Arabia. The new research program targeting Southern Africa will investigate South Africa, Zambia, Zimbabwe, Botswana, Mozambique and Namibia. This new program is conducted in partnership with researchers at Pretoria University and at the International Water Management Institute.

Sarah Van de Wetering is a writer/editor and policy consultant on western resource issues, based in Missoula, Montana. She is the creator and original editor of *Chronicle of Community*, was a co-author of *Water in the West*, the final report of the Western Water Policy Review Advisory Commission, and as Sarah Bates, contributed to several books on western water, including: *Searching Out the Headwaters: Change and Rediscovery in Western Water Policy*; *Natural Resources Policy and Law: Trends and Directions*; and *Overtapped Oasis: Revolution or Reform for Western Water*. She was also formerly Associate Director of the Natural Resources Law Center and an attorney for the Sierra Club Legal Defense Fund (San Francisco). She is a graduate of the University of Colorado School of Law.

James L. Wescoat Jr. (PhD, University of Chicago, 1983), is a Professor of Geography at the University of Colorado, with research interests in water management and policy issues in the western U.S. and South Asia (primarily Pakistan, India, and Bangladesh). He has conducted research on the geographic logic of water law, the historical and cultural geography of water development, and the linkages between water policy and landscape planning. Jim teaches courses on international, western, and urban water policy. He is a member of the Environment and Behavior Program in the Institute of Behavioral Sciences, the advisory board for the CU Natural Hazards Center, and is the faculty advisor for the CU Student Water Issues Group.

Aaron T. Wolf is an assistant professor of geography whose research and teaching focuses on the interaction between water science and water policy, particularly as related to conflict and its resolution. He has an MS in water resources management (emphasizing hydrogeology) and a PhD in environmental policy analysis (emphasizing dispute resolution) from the University of Wisconsin, Madison. His recent research focuses on issues relating international water resources to political conflict and cooperation, where his training combining environmental science with dispute resolution theory and practice have been particularly appropriate. He has acted as consultant to the US Department of

State, the US Agency for International Development, and the World Bank on various aspects of international water resources and dispute resolution. He has been involved in developing the strategies for resolving water aspects of the Arab-Israeli conflict, including co-authoring a State Department reference text, and participating in both official and "track II" meetings between co-riparians. Wolf coordinates the Transboundary Freshwater Dispute Database and is an associate editor of the Journal of the American Water Resources Association, Water International, and World Water Policy.

Patricia Wouters, Director of the International Water Law Research Institute (IWLRI), University of Dundee, Scotland teaches international and national water law and policy and conducts extensive expert and professional training programmes in water law around the world, including major international river basins (Aral Sea, Mekong, Nile, Orange, Zambezi). Her research interests include public international law issues (state responsibility, negotiations strategies and dispute avoidance). She is series editor of the Kluwer Law International book series International and National Water Law and Policy, which includes her monograph on international water law and her 3-volume consolidation of the work on the UN on water (forthcoming). Dr. Wouters convenes an annual International Water Law Conference in Dundee on current water law and policy issues.

Wang Xi received his BA, ML and PhD degrees from Wuhan Normal College and earned his MJS from Washington University. He has an extensive career as Law Professor in China and acted as Senior Guest Professor at Erasmus University (Netherlands), Professor (Australia) and University of British Columbia (Canada) among others. He was Reporter of the Yearbook in International Environmental Law, and a member of the Editorial Committee of the Journal of Asian Pacific Environmental Law. Among his many books are International Environmental Law, and Environmental Law of the USA. A frequent speaker and panelist in at national and international conferences, he also directs research projects and consults to UN agencies and national institutions. He directed the Project on Law of EU and EU Countries for Greenhouse Gas Reduction, China-EU Higher Education Exchange Programme (2000) and the Project on Development of International Environmental Law and its Impacts on Modern International Law (1998). He is currently Professor at the School of Law, Wuhan University and Deputy Director of Research Institute of Environmental Law, also at Wuhan University.