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COMMON GROUNDS, COMMON WATERS: Toward a Water Ethic



March 14, 2008

<http://scu.edu/scjil/symposium/2008>



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COMMON GROUNDS, COMMON WATERS: Toward a Water Ethic



March 14, 2008

California Mission Room
Santa Clara University
500 El Camino Real
Santa Clara, California



SANTA CLARA JOURNAL
OF INTERNATIONAL LAW

COMMON GROUNDS. COMMON WATERS: Toward a Water Ethic

March 14, 2008 8:00 am – 5:30 pm

SYMPOSIUM CHAIRS

Professor Gabriel Eckstein, Professor and Director, Center for Water Law & Policy, Texas Tech University School of Law

Dr. Irene Klaver, Director, Philosophy of Water Project, University of North Texas

KEYNOTE 1

Commissioner Robert Johnson,
Bureau of Reclamation,
U.S. Department of the Interior

KEYNOTE 2

Professor Jean Fried,
University of California, Irvine
and United Nations Educational,
Scientific and Cultural Organization

AGENDA

8:00 - 8:30 am

Registration and Continental Breakfast

8:30 - 8:45 am

Conference Welcome
Audrey Redmond, Editor-in-Chief,
Santa Clara Journal of International Law

8:45 - 9:30 am

Opening Remarks
Dean Donald Polden,
Santa Clara University School of Law

Keynote Address

Commissioner Robert Johnson,
Bureau of Reclamation,
U.S. Department of the Interior

9:30 - 10:45 am

Panel I • Ethics and Commodification

10:45 - 11:00 am

Coffee Break

11:00 am - 12:15 pm

**Panel II • Ethical Decision-Making
in Societal Water Management**

12:15 - 1:45 pm

Lunch and Keynote Address
Professor Jean Fried,
UNESCO and University of California, Irvine

1:45 - 3:00 pm

Panel III • Water in a Globalized World

3:00 - 3:15 pm

Coffee Break

3:15 - 4:30 pm

Concluding Water Ethics Roundtable

4:30 - 5:30 pm

Social Hour, Reception

The upcoming symposium builds on a symposium held at Texas Tech University School of Law in November 2005—*Precious, Worthless, or Immeasurable: The Value and Ethic of Water*—to further explore the idea of water ethics. This symposium will bring together people from a wide variety of groups representing different interests in water, such as the water industry, agriculture, government, environmental and nature organizations, indigenous peoples, human rights organizations, and others. The purpose of the symposium is to seek common ground in identifying a water ethic that are fundamental to all of these interests and that might lay the foundation for compromise, cooperation, and sound management of fresh water resources. Fundamental to this goal is the ideal that common water ethics should be at the base of all agreements, legislation, and management efforts related to fresh water resources.

SUBSCRIPTION INFORMATION

The *Santa Clara Journal of International Law* publishes up to two issues throughout the year. For those interested in subscribing, please email SCJILSubscriptions@scu.edu.

PANEL 1

WATER ETHICS AND COMMODIFICATION OF FRESHWATER RESOURCES

While water ethics may come in a variety of forms, none may be more controversial than those related to the commodification of fresh water resources. The commodification of water entails conceptualizing water as a commodity—an article of trade—and allowing the market to manage the resource in accordance with free market principles. Those in favor of water commodification tout the market's ability to more efficiently manage and allocate scarce resources to where they are needed, while those opposing it contend that a market-driven management scheme will exacerbate scarcity and depletion and leave the poor and the environment without adequate fresh water. This panel brings together experts to address ethical issues related to water commodification and the consequences that may result from such action. Topics of discussion may include the availability, consumption, conservation, cost, distribution, and ownership of fresh water resources on the local to the global level.

MODERATOR

Professor Stephen Diamond
Santa Clara University
School of Law

PANELISTS

Professor James Huffman, Erskine Wood Sr.
Professor of Law, Lewis & Clark Law School

Mr. Vernon Masayesva, Founder and Executive
Director, Black Mesa Trust, Kykotsmovi, Arizona

Mr. Harry Ott, Director, Strategic Global Water &
Environmental Initiatives, The Coca-Cola Company

Dr. Larry Swatuk, Visiting Research Fellow,
Centre for Foreign Policy Studies and Adjunct
Professor of International Development Studies,
Dalhousie University, Halifax, Nova Scotia

PANEL 2

ETHICS-BASED DECISION-MAKING IN SOCIETAL WATER MANAGEMENT

Fresh water resources are managed, allocated, and protected by an assortment of actors and at a variety of levels of authority. Decisions related to such management typically are based on numerous factors and interests related to the priorities of both the actor and those of society. This panel will explore those priorities, factors, and interests and consider whether common grounds can be found to establish a basis of cooperation. Topics of discussion may include the prioritization process, responsibilities, decision-making authority, negotiating conflicting goals and ideals, what counts as good governance, and more.

MODERATOR

Mr. David DeCosse
Director of Campus Ethics Programs,
Markkula Center for Applied Ethics,
Santa Clara University



PANELISTS

Ms. Amy Hardberger, Attorney, Environmental
Defense, Austin, Texas

Professor Paul Kibel, Director, Policy West,
UC Berkeley Goldman School of Public Policy;
Golden Gate University School of Law;
Fitzgerald Abbott & Beardsley

Mr. Robert Potts, President,
Dixon Water Foundation, Dallas, Texas

Mr. David Sandino, Chief Counsel, California
Department of Water Resources; Adjunct Professor,
Santa Clara University School of Law



www.scu.edu/scjil/

PANEL 3

WATER ETHICS IN A GLOBALIZED WORLD

With 1.2 billion people around the world lacking access to clean water for basic needs and 2.4 billion lacking access to proper sanitation, water today is one of the leading global issues of concern. Moreover, according to numerous reports, increases in population growth and pollution, coupled with climate change, will likely further exacerbate water stress around the world. This panel will explore how water is managed and allocated, as well as perceived, in a global context and consider whether and how water ethics might be used to address some of the issues associated with global water scarcity. Topics of discussion may include water governance, disputes and cooperation over transboundary fresh water resources, a human right to water, water trade, and other issues.

MODERATOR

Professor Kenneth Manaster
Santa Clara University
School of Law

PANELISTS

Dr. Helen Ingram, Research Fellow, Southwest
Center, University of Arizona, Professor Emeritus,
Planning, Policy & Design School of Social Ecology,
Political Science School of Social Sciences,
University of California, Irvine

Dr. George Ogendi, Visiting Asst. Prof. of
Environmental Geology, Arkansas State University,
and Asst. Prof. of Natural Resources,
Egerton University, Kenya

Mr. Richard Paisley, Director, GEF Global
Transboundary International Waters Initiative,
University of British Columbia, Institute of
Asian Research, Vancouver, Canada

Ms. Dinara Ziganshina, Candidate for L.L.M.
Environmental and Natural Resources Law, University
of Oregon School of Law; Legal Adviser to Scientific
Information Center of Interstate Commission for
Water Coordination in Central Asia

ROUNDTABLE

TOWARD A WATER ETHIC

The roundtable will comprise of all of the speakers from the preceding panels including the Symposium Chairs, who will lead the discussion.

REGISTER ONLINE

Please register online at www.scu.edu/scjil

Cost

Free for all students and SCU faculty.
\$50 Nonprofit organizations
\$100 General fee
\$125 Late fee (March 1, 2008 and on)

Includes breakfast, coffee breaks, lunch, and post-symposium reception.

Cancellation Policy: A full refund will be made for all written cancellations received by March 10, 2008. No refunds will be made after this date. Substitutions are encouraged.

MCLE: Santa Clara University School of Law is a State Bar of California approved MCLE provider. Each panel is approved for 1.25 hours of MCLE credit for paid attendees. As the provider, Santa Clara University will retain the required MCLE records for this program.

Special Needs: In compliance with the ADA/504, please direct your accommodation requests to Christopher Retana, Law Career Services at CRetana@scu.edu or 408.554.4350

Streaming Online: After the symposium, podcasts of the proceedings will be available online at <http://www.scu.edu/scjil>. There will be a fee for MCLE credit.

Substitutions: Occasionally a featured speaker may be unable to meet his or her commitment due to illness or emergency. We will make every attempt to substitute an equally qualified presenter for the event, but cannot guarantee advance notice of substitution.

About the Law School: Santa Clara University is a comprehensive Jesuit, Catholic university located in California's Silicon Valley. The School of Law is ranked nationally for its student body diversity. Visit our web site at <http://www.scu.edu/law>.