

FINAL COLLOQUIUM PROGRAMME

Sunday 3 July 2011

12:00-12:30 Registration for Pre-Colloquium Workshop
 12:30-14:00 LUNCH
 14:00-17:00 Pre-Colloquium Workshop: *Towards the legal recognition and governance of ecosystem services*
 14:00- [Partnership between the IUCN Environmental Law Centre, Bonn; IUCN Commission on Environmental Law and IUCN Academy of Environmental Law Research Committee]

Venue	Ben Macala
	Chair: Willemien du Plessis (Co-chair, IUCN Academy of Environmental Law, Research Committee)
14:00-14:15	Alejandro Iza (IUCN Environmental Law Centre, Germany); Rob Fowler (Chair, IUCN Academy of Environmental Law) <i>Welcome</i>
14:15-14:45	Christo Marais (Department of Environmental Affairs: Natural Resource Management Programmes, South Africa) <i>Introduction to Ecosystem Services:</i>
14:45-15:15	Antonio Benjamin (Justice, High Court, Brazil, Deputy Chair, IUCN Commission of Environmental Law) <i>Jurisprudential Experiences in Brasilia</i>
15:15-15:45	Jawad Hassan and Parvez Hassan (Environmental Law Centre, Pakistan) <i>The Role of Pakistani Judiciary in Protecting Ecosystem Services: A Right to Life means a Right to a Healthy Environment</i>
15:45-16:00	Tea break
	Chair: Melissa Powers (Co-chair, IUCN Academy of Environmental Law, Research Committee)
16:00-16:30	Alistair Rieu Clarke (University of Dundee, United Kingdom) <i>The 1997 UN Watercourses Convention and Ecosystem Services: Can a Combined Reading Ensure that International Watercourses are Utilised in an Equitable and Reasonable Manner?</i>
16:30-17:00	Jamie Benidickson (University of Ottawa) <i>Guidelines for Protected Areas Legislation</i>
17:00-17:30	David Hodas (Widener University, USA) <i>Seeing into Law's Blindspot: Ecosystem Energy Services</i>
17:30-18:00	Willemien du Plessis, Alejandro Iza and Rob Fowler <i>Closure</i>

14:00- PRE-REGISTRATION FOR COLLOQUIUM IN FOYER

19:00 - Meet and Greet and address by Jutta Representative

DAY ONE

Monday ~ 4 July 2011

07:30 – 08:30 Registration / tea / coffee

Venue	Ben Macala
SESSION 1	Plenary Session Chair: Loretta Feris
08:30-09:15	Welcome Rob Fowler (Chair: IUCN Academy of Environmental Law); Alejandro Iza (Director: IUCN Environmental Law Centre, Bonn Germany); Heather McLeod-Kilmurray (Secretariat: IUCN Academy of Environmental Law); Welcomes on behalf of the dignitaries of the organising universities
09:15-09:45	Keynote address: Dr Peter Ashton (CSIR - Natural Resources and the Environment) <i>Too thick to drink or too thin to plough? Strategic water quality issues facing South Africa</i>
09:45-10:30	Senior IUCNAEL Prize 2010 Winner: Prof Jamie Benidickson (University of Ottawa, Canada) <i>Less water than you might think: a review of Canadian responses to water shortages</i>
10:30-11:15	Junior IUNAEL Prize 2010 Winner: Dr Tim Stephens (University of Sydney, Australia) <i>Reimagining international water law</i>

11:15-11:30 TEA

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 2	Governance and Water management: Substantive Water Rights Chair: Ben Richardson	Pollution and Waste: <i>Mining and water pollution</i> Chair: Alejandro Iza	Ecosystems and natural environment Chair: Antonio Benjamin
11:30-11:45	Bugalo Maripe (University of Botswana, Botswana) <i>Rights to water and indigenous peoples in Botswana</i>	Tracy-Lynn Humby (University of the Witwatersrand, South Africa) <i>Applying the polluter pays principle to acid mine drainage on the Witwatersrand</i>	Sophie Riley (University of Technology Sydney, Australia) <i>Finding Nemo: using 'Key Threatening Processes' to regulate aquatic invasive alien species in Australia</i>
11:45-12:00	Alexander Paterson (University of Cape Town, South Africa) <i>The endless struggle of indigenous peoples in protected areas: considering the San's struggle for water rights in the Kalahari Game Reserve (Botswana)</i>	Rafia de Gama (Department of Environmental Affairs, South Africa) <i>Mining while protecting water and environmental resources in South Africa: a test of cooperative governance</i>	Carolina Dutra, Vladimir Garcia Magalhaes, José Carlos Loureiro da Silva (Catholic University of Santos – Unisantos, Brazil) and Mauricio Duarte dos Santos (University Center Monte Serrat - Unimonte, Brazil) <i>Riparian forest legal protection and water resources conservation in Brazil: impacts on quality and quantity of available water</i>
12:00-12:15	Heline Sivini Ferreira (Catholic University of Paraná, Brazil) Maria Leonor Paes Cavalcanti Ferreira (Universidade Federal de Santa Catarina) and Patryck de Araújo Ayala (Universidade Federal do Mato Grosso) <i>The right to water and to hydric sustainability in the Brazilian legal system</i>	Tobias van Reenen (University of the Western Cape, South Africa) (presented by Louis Kotzé) <i>The need for a special regulatory regime for groundwater to ensure its protection and sustainable use in correspondence to its status as a vulnerable strategic emergency resource - an African perspective</i>	Maria Luiza Machado Granziera and Edson Ricardo Saleme (UNISANTOS, Brazil) <i>Brazilian water policy: the Water Producer Project</i>
12:15-12:45	Discussion	Discussion	Discussion

12:45-13:45 LUNCH

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 3	Climate change and water resources Chair: Rob Percival	Governance and water: Traditional communities and water resources Chair: Gilberto Rincon	Governance and water management Chair: Douglas Fisher
13:45-14:00	Linda Malone (William and Mary Law School, United States) <i>Climate change, inundation of military bases, and national security</i>	Nikki Funke (CSIR, South Africa) <i>Which law can protect Lake Fundudzi? An examination of the interface between water, protected areas, heritage, customary and international laws</i>	Trevor Daya-Winterbottom (University of Waikato, New Zealand) <i>Sustainability, governance and water management in New Zealand</i>
14:00-14:15	Lee Godden and Anita Foerster (University of Melbourne, Australia) <i>Australian water law: planning for climatic variability</i>	Poh Ling Tan (Griffith Law School, Australia) <i>Water matters: an interdisciplinary approach to water planning in Australia</i>	Patricia Hania (Osgoode Law School, Canada) <i>Localised modes of governance and water legislation: are we sacrificing long-term sustainability?</i>
14:15-14:30	Jose Juan Gonzalez (Universidad Autonoma Metropolitana, Mexico) <i>Mexico's dependence on fossil fuels and climate change policy</i>	Bradford Morse (University of Waikato, New Zealand) <i>The right to 'clean' water as a human right or an indigenous right?</i>	Melissa Powers (Lewis and Clark Law School, United States) <i>Permitting integrity and improved governance in the United States Clean Water Act</i>
14:30-14:45	Rob Fowler (University of South Australia, Australia) <i>Coastal waters as carbon sinks – matching science and policy</i>	Mulu Hadush Weldemariam (Mekelle University, Ethiopia) <i>Impediments and Opportunities of Cooperation in the Nile River Basin: Historical, Legal and Environmental Perspectives</i>	Erkki Hollo (University of Helsinki, Finland) (presented by Louis Kotzé) <i>Towards a flexible 'law on water resources'</i>
14:45-15:15	Discussion	Discussion	Discussion

15:15-15:30 **TEA**

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 4	Governance and water management Chair: Patricia Wouters	Pollution and waste Chair: Emmanuel Kasimbazi	Governance and Water management: Perspectives from developed and developing countries Chair: Tumai Murombo
15:30-15:45	Olawale Ajai (Pan African University, Nigeria) <i>Law, water and sustainable development: framework of Nigerian law</i>	Reece Alberts (North-West University, South Africa) <i>Exploring the liability of financial institutions in the light of NEMWA Chapter 8: Who will remediate mining pollution</i>	Linda Nowlan (Pacific Conservation, WWF-Canada, Canada) <i>Flowing into the future - environmental flow protection in water law in Canada</i>
15:45-16:00	Edson Ricardo Saleme (Catholic University of Santos, Brazil) and Silvia Elena Barreto Saborita (Fundação Armando Alvares Penteado, Brazil) <i>Shared management in matter of water resources</i>	Svitlana Romanko (Prykarpatsky National University, Ukrain) <i>The legal mechanism of providing drinking water of quality in Ukraine and the EU</i>	Wang Mingyuan (Tsinghua University, China) <i>The right to develop and utilize water energy resources in China</i>
16:00-16:15	Irene Lin-Heng Lye (National University of Singapore) <i>Sustainable water governance and management in Singapore - innovation, application and laws</i>	Mingde Cao and Mingming Liu (China University of Political Science and Law, China) <i>Analysis of urban wastewater management in China: from law and policy dimension</i>	Margaret Okorodudu-Fubara (Obafemi Awolowo University, Nigeria) <i>Land use planning and water law: discordant regulatory provisions on wetlands conservation in Nigeria</i>
16:15-17:30	Discussion	Discussion	Discussion

17:30-17:45 COMFORT BREAK

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 5	Water governance	Water Jurisprudence	Coastal and marine issues: Marine pollution
	Chair: Jose Juan Gonzalez	Chair: Tracy Humby	Chair: Nilufer Oral
17:45-18:00	Jimena Murillo Chavarro (Ghent University, Belgium) <i>Regional water strategy for the Andean States</i>	Jennifer Mckay (University of South Australia, Australia) <i>The justiciability of the sustainability objective in Australian regional water allocation plans</i>	Nengye Liu (Ghent University, Belgium) <i>Prevention of vessel-source marine pollution: international law and Chinese practice</i>
18:00-18:15	Deng Haifeng (Tsinghua University, People's Republic of China) <i>Research on the marine environmental capacity governance system in China</i>	Kolawole Olusola Odeku (University of Limpopo, South Africa) and Edson L Meyer (University of Fort Hare, South Africa) <i>Eulogising The Human Right To Safe, Clean Water And Sanitation: Enough Of 'The Talk'-There Is Need To 'Walk The Talk'</i>	David VanderZwaag (Dalhousie University, Canada) <i>The international control of ocean dumping: precautionary currents, sea of challenges</i>
18:15-18:30	Discussion	Discussion	Discussion

19:00 **Wine Tasting and Book Launch: *Governance of Shared Waters***

20:00 **Dinner and Address by Dr Stanley Liphadzi (Chair of the Water Research Commission)**

DAY TWO

Tuesday – 5 July 2011

06:00–8:00 **Bird walk – Pat Jennings**

Venue	Ben Macala
SESSION 6	Plenary session Chair: Michael Kidd
08:15-09:15	Distinguished Scholar Prof Patricia Wouters (Director, Dundee UNESCO Centre for Water Law, Policy and Science, University of Dundee, UK)
09:15-09:45	Douglas Fisher (Queensland University, Australia) <i>A jurisprudential model for sustainable water resources governance</i>
09:45-10:15	Mekete Bekele Tekle (Addis Ababa University, Ethiopia) <i>Legal framework for equitable and sustainable utilisation of the Nile River waters: agreement of the riparian states for cooperative basin management</i>

10:15-10:30 **TEA**

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 7	Water Jurisprudence Chair: Rob Fowler	Governance and Water management: Water and ownership (property) issues Chair: Ann Powers	Shared International Watercourses Chair: Werner Scholtz
10:30-10:45	Keri Ellis (University of Cape Town, South Africa) <i>A critical assessment of South Africa's water tribunal and its emerging jurisprudence</i>	Germaire Viljoen presented by Elmarie van der Schyff (North-West University, South Africa) <i>Water as public property: South Africa and Germany</i>	William Onzivu (Bradford University, United Kingdom) <i>The limits of integrating public health into sustainable management of shared freshwaters in international environmental law: lessons from Africa</i>
10:45-11:00	Louis Snyman (University of the Witwatersrand, South Africa) <i>Exposing the cracks in the armour: structural deficiencies of environmental litigation</i>	Cheri Young (University of Cape Town, South Africa) <i>The state's obligations in relation to water as a resource</i>	Takele Soboka Bulto (Australian National University, Australia) <i>Towards Rights-Duties Congruence: Extraterritorial Application of the Human Right to Water in the African Human Rights System</i>
11:00-11:15	Karin Lehmann (University of Cape Town) <i>Balancing human rights and human responsibility: operationalising sustainable development</i>	Elmarie van der Schyff (North-West University, South Africa) and Tharien van der Walt (University of Venda, South Africa) <i>Theft of water flowing in a stream or river: A critical evaluation of Mostert v The State 2010 (2) SA 586 (SCA).</i>	Kheng-Lian Koh (National University of Singapore, Singapore) <i>An analysis of the ASEAN strategic plan of action on water resources management: how sustainable and the way forward</i>
11:15-12:00	Nicola Lugaresi (Universita' di Trento, Italy) <i>Right to water and privatisation of water services in developed countries: perspective</i>	Cebile Ntombela (University of Cape Town, South Africa) <i>Tradable water rights in the implementation of water allocation reform in South Africa</i>	Nathalie Herve-Fournereau (Western Institute of Law and European Studies, France) <i>The European Union water initiative and development cooperation policy: what contribution toward equitable and sustainable management of water resources?</i>
12:00-12:15		Warren Freedman (University of KwaZulu-Natal, South Africa) <i>Section 18 of the NEM: Integrated Coastal Management Act and the right to access coastal public property in South Africa</i>	Remy Kinna (Oxfam University, Australia) <i>When ratification speaks louder than aid: why Australia ratifying the UN Watercourses Convention can 'aid' water governance and resource management in the Mekong river basin and beyond.</i>
12:15-13:00	Discussion	Discussion	Discussion

13:00-14:00 LUNCH

Venue	Ben Macala
SESSION 8	Annual Meeting of the IUCN Academy of Environmental Law
14:00-15:30	Chair: Rob Fowler

15:30-16:00 TEA

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 9	Water governance Chair: Heather Mcleod-Kilmurray	Coastal and Marine issues: Marine pollution Chair: Frank Maes	Governance and water management: Water rights Chair: Solange de Teles da Silva
16:00-16:15	Niko Soininen (University of Eastern Finland, Finland) <i>General characteristics of the permit procedure in the Finnish Water Act</i>	Ann Powers (Pace Law School, United States) <i>Coastal and ocean resources: protection for the most vulnerable states</i>	Marleen van Rijswijk (University of Utrecht) <i>Resilient and sustainable governance of river basins in times of climate change. Avoiding flooding and water scarcity: the Dutch institutional arrangement for regional water management</i>
16:15-16:30	Josefin Gooch (Lund University, Sweden) <i>Finnish/Swedish Frontiers River Agreement</i>	Jan Glazewski (University of Cape Town, South Africa) <i>Protecting coastal waters in the West Indian Ocean: Recent developments under the Nairobi Convention for the protection, management and development of the marine and coastal Environment of the eastern African region (the 'Nairobi Convention')</i>	Asim Jaffry (National University Ireland & Bahria University, Pakistan) <i>The Human Right to water; nexus to water poverty</i>
16:30-16:45	Rafael Gonzalez Ballar (University of Costa Rica, Costa Rica) <i>Access to justice and water rights: an Interamerican court resolution Comunidad Indígena Yakye Axa vs Paraguay.</i>	Marie Parramon (Warburton Attorneys and North-West University, South Africa) <i>The regulation of land-based marine pollution in South Africa</i>	Rowena Maguire (Queensland University of Technology, Australia) <i>Developing legal framework to address human displacement arising from water scarcity</i>
16:45-17:15	Discussion	Discussion	Discussion

17:30-18:30 Meetings of sub-committees of the IUCN Academy of Environmental Law (open for interested members)

18:30-20:00 Meetings of sub-committees continue (for committee members only)

19:00 Informal dinner (meetings continue)

20:00 Local film on public participation: *Finding the Fable*
Presented by Clara Bocchino (North-West University, South Africa)

DAY THREE

Wednesday 6 July 2011

Venue	Ben Macala
SESSION 10	Plenary Session
	Chair: Alexander Paterson
08:30 -09:00	Emmanuel Kasimbazi (Makerere University, Uganda) <i>The complexities of developing a transboundary water resources management agreement: the experiences from the Nile Basin</i>
09:00-09:30	Frank Maes (Ghent University, Belgium) <i>The emerging concept of marine spatial planning as a governance tool for oceans. A legal and policy perspective from the European Union</i>
09:30-10:00	Robert Kibugi (University of Nairobi, Kenya/University of Ottawa, Canada) <i>Human right to water in the 2010 Constitution of Kenya: exploring potential legal and policy approaches for the urban poor</i>

10:00-10:30 TEA

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 11	Transboundary and international issues: Water conflicts	Pollution and waste: Water and agriculture	Pollution and waste: Hydraulic fracturing and water pollution
	Chair: Wang Xi	Chair: Mekete Bekele Tekle	Chair: Jan Glazewski
10:30-10:45	Werner (North-West University, South Africa) <i>Water security: the need for extraterritorial obligations via custodial sovereignty?</i>	Andrew Allan (University of Dundee, United Kingdom) <i>Balancing effective water governance with agricultural monoculture in a global context: case studies from Costa Rica and India</i>	Panel Discussion Nicola Franklin (University of Sydney, Australia) <i>Coal seam gas extraction: the Australian experience</i> Carin Bosman (CBSS, South Africa) <i>Can it be fracking sustainable?</i> Peggy Gumede (University of Cape Town) <i>Fracking with the Karoo water: a case study of the Shell proposal to mine oil and gas in the Karoo</i>
10:45-11:00	Alistair Rieu-Clarke (University of Dundee, United Kingdom) <i>Can international law solve transboundary water conflicts?</i>	Helle Tegner Anker (Copenhagen University, Denmark) <i>Regulating nitrates pollution – European approaches</i>	
11:00-11:15	Robert Percival (University of Maryland, United States) <i>Transboundary water management and the emergence of global water law</i>	Carmen Gonzalez (Seattle University, United States) <i>Foreign investment in agricultural lands and the human right to water</i>	
11:15-11:30	Simesh Alebachew Habtamu (Mekelle University, Ethiopia) <i>International legal perspectives on the utilization of international rivers: the case of 'Ethiopian-Renaissance' Nile (Abay) Dam Project</i>	Gwendolyn Wellmann (Nelson Mandela Metropolitan University, South Africa) <i>The National Water Act: constraints to the empowerment of small-scale farmers</i>	
11:30-11:45	Adrien Bodart (Institut de l'Ouest: Droit et Europe, France) <i>Transboundary groundwaters management: comparison between the international law guidelines and the EU water policy</i>	Ilze Keevy and Surina Esterhuysen (University of the Free State) <i>Placing Hexavalent Chromium (Cr VI) in the spotlight</i>	
11:45-12:30	Discussion	Discussion	

12:30-14:00	LUNCH
14:00	Buses depart on fieldtrips
	Beach walk
	Pre-booked tours (arranged by delegates at own expense)
18:00	Meeting of post-graduate students
19:30	Prize giving and conference dinner
	Guest Speaker Judge Dennis Davis (Cape High Court)
	Senior and Junior Research Awards
	Jazz Band entertainment

DAY FOUR

Thursday 7 July

Venue	Ben Macala
SESSION 12	PLENARY SESSION
	Chair: Anél du Plessis
08:30-09:00	Student Prize winner: Michelle Lim (University of New England, Australia) <i>Is water different from biodiversity? Governance criteria for the effective management of transboundary resources</i>
09:00-09:30	Michael Kidd (University of KwaZulu-Natal, South Africa) <i>The legal challenges of integrated water resources management</i>
09:30-10:00	Marjan Peeters (Maastricht University, Netherlands) <i>Developing legislation for water-related adaptation: are West-European countries setting the right example?</i>

10:00-10:30 TEA

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 13	Pollution and water: Groundwater management and mining	Climate change and energy: Impact on water resources	Workshop: Creating a direction for water law scholarship
	Chair: Olawale Ajai	Chair: Tim Stephens	Facilitated by Paul Martin et al
10:30-10:45	Adebola Ogunba (University of Ottawa, Canada) <i>Nigeria's new environmental laws: what implications for groundwater protection and sustainability?</i>	David Hodas (Widener University School of Law, United States) <i>Rethinking law in a complex system: energy, water and climate change</i>	Panel: Solange Teles da Silva and Fernanda Salgueiro Borges (State University of Amazonas/ Mackenzie University, Brazil) <i>Environmental and social issues, Brazilian water jurisprudence and dam projects</i> Paul Martin and Jacqueline Williams (University of New England, Australia) <i>Hubris and human failings in Australian water law?</i> Janice Gray (University of New South Wales, Australia) <i>Groundwater and property: a site of contestation</i> Discussion and decision-making
10:45-11:00	Eric Stoch (The Stoch Group, South Africa), Leslie Stoch (North-West University, South Africa) and Tracey McKay (University of Johannesburg, South Africa) <i>The water bomb: pollution of the Wonderfonteinspruit 1967 to 2011</i>	Elaine Hsiao (Makerere University, Uganda and Pace University United States) <i>Water, climate change and security in the Central Albertine Rift transfrontier protected area network</i>	
11:00-11:15	Derick du Toit, Ramin Pejan, Sharon Pollard and Hubert Thompson (AWARD, South Africa) <i>How long is too long? Understanding implementation lags in IWRM through the application of legal concepts of 'progressive realisation' and 'reasonableness'</i>	John Gibson (University of Cape Town, South Africa) <i>Legal liabilities for coastal erosion and flooding in the United Kingdom due to climate change</i>	
11:15-12:30	Discussion	Discussion	Workshop: Breakaway groups

12:30-13:30 LUNCH

VENUE	Ben Macala	Oystercatcher 1	Oystercatcher 2
SESSION 14	Governance and water management: Integrated water resource management Chair: Marie Parramon	Governance and water management: Economic instruments and water regulation Chair: Carmen Gonzalez	Workshop: Creating a direction for water law scholarship Facilitated by Paul Martin et al (continued)
13:30-13:45	Wang Xi and Fu Lu (Shanghai Jiao Tong University, Shanghai) <i>The twelfth five-year plan of national economic and social development: an important policy background for water governance in China</i>	Susan Lea Smith (Willamette University, United States) <i>Battling exploitation by trans-national bottling corporations: a field guide for water activists on legal challenges to the bottled water enterprise.</i>	Feedback and way forward
13:45-14:00	Derick du Toit (AWARD, South Africa) <i>The language of sustainability: a missing piece of the IWRM puzzle?</i>	Loretta Feris and Louis Kotzé (University of Cape Town and North-West University, South Africa) <i>A sour mess - the crisis of acid mine drainage in South Africa - lessons in liability</i>	
14:00-14:15	Ramin Pejan and Tracy Humby (AWARD & University of the Witwatersrand, South Africa) <i>Integrated water resource management in South Africa: Where are the law suits?</i>	Ana Maria Daza Vargas (University of Dundee, United Kingdom) <i>Resilient and flexible water regulation vs predictable rules for international investment protection</i>	
14:15-15:00	Discussion	Discussion	

TEA 15:00-15:30

Venue	Ben Macala
SESSION 16	Plenary Session Chair: Tumai Murombo
15:30-16:00	Concluding remarks
16:00-16:30	Rob Percival (University of Maryland); Heather McLeod-Kilmurray (Secretariat: IUCN Academy of Environmental Law) <i>Presentation on Next Conference</i>
16:30-17:00	Closing address: Rob Fowler (Chair of the IUCN Academy of Environmental Law)
17:00-	Farewell: Conference Organising Committee

Bus/es will leave during the course of the afternoon – departure times flexible.

19:00 Informal dinner

DAY FIVE

Friday 8 July 2011

05:00 - Flexible departure times for buses leaving for Port Elizabeth Airport

07:30 Bus leaves for Addo Elephant Park. Delegates will be taken directly to Port Elizabeth Airport afterwards