Human Rights Program, UW-Madison

Workshop on Land, Water and the Environment: The Politics of Rights

November 7-8, 2014, UW Law School

Program

Description:
Across the world, as industry demands more fuel and raw materials and as nations seek economic growth, nations and local communities are faced with many dilemmas. How are the basic resources of land and water to be utilized, distributed, and conserved? How should the environment be preserved? Who has the right to use these resources and by what means? What are the objectives behind their use? Rights to land and water are among the most basic rights of human beings, integral to life itself. Negotiations over these rights entail challenges relating to economic stability and growth, cultural dignity, identity and respect, as well as environmental sustainability. This workshop brings together scholars and practitioners engaged with issues of the right to land and water across the globe focused specifically on the tensions between economic development, community rights, and environmental sustainability.

Day 1: Friday, November 7, 2014
Lubar Commons (7200 Law)

2:30-2:45 Refreshments and registration

2:45-4:15 Panel 1 - Right to Water: Framing the Issues
Chair/commentator: Heinz Klug
UW Law School

Speakers:

“Right to Water in an Engineered World”
Paul Robbins
UW-Madison

"Religion, Rights and Environment"
Anna Gade
UW-Madison
“Hopi Springs Eternal”
Richard Monette
UW Law School

4:15-4:30 Break

4:30- 6:00 Panel 2 – Mining and Right to Water
Chair/commentator: Larry Nesper
UW-Madison

Speakers:

“Water Conflicts and Green State Institutions: Chile and Peru Compared”
Jose Carlos Orihuela
Catholic University, Lima, Peru

“Water and Native American Rights to a Livable Homeland”
Glenn Reynolds
Former Attorney for the Mole Lake Band

“Down in the Dumps: The Politics of Rights on the Gold Fields of the Witwatersrand, South Africa”
Tracy-Lynn Humby
University of the Witwatersrand, South Africa

6:15-7:15 Keynote address

“We are All in the Same Canoe”
Mike Wiggins
Chair, Bad River tribe

7:30-9:00 Dinner for speakers, chairs and invited guests
University Club
(803 State Street, Madison)
Day 2: Saturday, November 8, 2014
Lubar Commons (7200 Law)

8:30  Breakfast

9:00-10:30  Panel 3 – Dams and Right to Water
Chair/commentator: Ian Baird
UW-Madison

Speakers:
“Arenas of (in)justice in Hydropower Dams on International Rivers: The Cases of Xayaburi Dam, Mekong River and Hat Gyi Dam, Salween River”
Carl Middleton
Chulalongkorn University, Bangkok, Thailand

“Uneven Spaces of Rights-based Activism: A Case Study of Free, Prior and Informed Consent in Cambodia”
William Nathan Green
UW-Madison

“Political Responses Due to Dam-induced Displacement in Northern Uplands of Vietnam”
Nga Dao
York University, Toronto, Canada

10:30-10:45  Break

10:45-12:15  Panel 4 – Social Movements and Right to Water
Chair/commentator: Erica Simmons
UW-Madison

Speakers:
“Can Environmental Governance be Built from the Bottom-Up?
Mobilization in Espinar, Peru”
Maritza Paredes
Catholic University, Lima, Peru

“Social Movements Face Progressive Governments: Why is Neoeffectivism so Prevalent?”
Boaventura de Sousa Santos
UW Law School & University of Coimbra, Portugal
“Bad River Water and Culture Map Project: Community Watershed Mapping with Lake Superior Ojibwe”
Jessie Conaway
UW-Madison

12:15-1:45  Lunch, dance performance and documentary

“Wisconsin Mining Standoff” Documentary by Brad Lichtenstein
(A 371 Production for the Al Jazeera America Faultlines Series)

“Wild Rice” Dance Performance by Peggy Choy
UW-Madison

1:45-3:15  Panel 5 – Graduate Students’ panel
Chair/commentator: Christina Ewig
UW-Madison

Speakers:
“Women, Ecological Identity, and Ecological Imagination”
Allison Sambo
UW-Madison

“River Diversions and Regional Suppression: A Case Study of the Proposed Nethravathi River Diversion Project, South India”
Niren Jain
UW-Madison

“Dying for Development: Foreign Aid, Flood Risk, and Food Production in Bangladesh”
Kimberley Thomas
Rutgers University

“Extractive Industries and Indigenous Population in West Africa”
Koffi Dogbevi
UW Law School

3:15  Closing Remarks
Heinz Klug
UW-Madison

~~~~~~~
BIOGRAPHIES OF SPEAKERS AND COMMENTATORS

Ian G. Baird
Ian G. Baird is an Assistant Professor in Geography at the University of Wisconsin-Madison. He is affiliated with the Center for Southeast Asian Studies and the Nelson Institute for Environmental Studies at UW-Madison. His research is largely linked to Laos, Thailand and northeastern Cambodia, and is particularly focused on political ecology and various aspects of large-scale hydropower dam development, large-scale land acquisitions, and land and resource tenure issues. He also conducts research associated with indigeneity; Hmong, Lao, Thai and Cambodian studies; political geography, and marginal histories in mainland Southeast Asia.

Peggy Choy
Peggy Choy began her joint appointment as an Assistant Professor in the Dance Department and the Asian American Studies Program at UW-Madison in the Fall of 2009. Her performance-based work and scholarship reflect what she calls the building of a new field of inquiry centering on “the performing arts as a nexus of the new humanities.” Since the 1980s she has had an interest in a fusion of Asian American and African American performance through the development of her own contemporary movement style that more recently incorporates Javanese and Korean dance forms, with martial arts, urban street dance and American boxing. This interest has had a reflexive influence on her scholarly research in investigating the nexus of Asian American and African American performance history. Over the past two years, Choy’s activities have included performance and choreography projects both locally and nationally, curriculum innovation, and ethnic studies scholarship.

Jessie Conaway
Jessie Conaway lives in Madison with her husband and two daughters. Conaway is a career outdoorswoman, with a strong commitment to working across cultures and generations. She holds a master’s degree in experiential education, and is currently a dissertator in the Nelson Institute’s Environment and Resources program. Her PhD minor is in Cartography and GIS. She is an avid paddler, and incorporates her role as an ACA Kayak instructor trainer into her research. She has been working with the Bad River Ojibwe on community water stewardship since 2011.

Nga Dao
Nga Dao is the Founder and Executive Director of the Center for Water Recourses Conservation and Development (WARECOD), Vietnam, and lecturer in York University’s International Development Studies Program, Toronto, Canada. She has worked and conducted research on land and water governance in Southeast Asia over the past 20 years.

Koffi Dogbevi
Koffi Dogbevi is a graduate student at University of Wisconsin Law School. He grew up in Togo, West Africa, and has degrees from the University of Benin Law School (2006), the National School of Administration, Togo (2009). He holds a LLM degree in Environmental Law and Policy from the University of Lome in association with the universities of Maastricht (Netherland), Liege (Belgium) and Benin. He had served as a Labor and Social Security Inspector at the Togolese Department of
Labor, Employment, and Social Security. He also worked as a Legal Consultant to Togolese Law firms, where he contributed to the design and elaboration of a directory of Togolese legislation. Koffi is co-founder and President of Young Green Togo, an environmental organization engaged in raising awareness on environmental issues and human rights.

Christina Ewig
Christina Ewig has a joint appointment in the Departments of Gender and Women’s Studies and Political Science. Her main areas of expertise are social policy, social movements and democracy in Latin America. Professor Ewig’s research centers on the politics of gender and race in Latin America. Her book, *Second-Wave Neoliberalism: Gender, Race and Health Sector Reform in Peru* (Penn State University Press, 2010) focuses on the politics of market-oriented health sector reforms in the 1990s and 2000s and their impact on gender and racial equity. Her book won the Flora Tristán award for the best book on Peru in 2010-12 from the Peru Section of the Latin American Studies Association. She has also published articles on the politics of health reform in Chile and Colombia. Her current research focuses on gender, indigeneity and democratic incorporation in the Andes. Her publications have appeared in journals such as *Feminist Studies, Latin American Politics and Society, Latin American Research Review, Social Politics*, and *World Development*. She is the editor of the Palgrave book series *Crossing Boundaries of Gender and Politics in the Global South*. Her research has been supported by a Fulbright New Century Scholars award and a Rockefeller residential fellowship.

Anna Gade
Anna M. Gade (Ph.D., History of Religions, University of Chicago) is Vilas Distinguished Achievement Professor in the Nelson Institute for Environmental Studies at University of Wisconsin-Madison. Professor Gade's research explains global cultural, historical and religious responses to environmental change, specializing in history, knowledge and practices of Southern Asia. She teaches courses in Islamic Studies, the academic study of religion, and in environmental studies from a humanistic perspective. She is currently completing a book manuscript entitled “Islam and the Environment.”

William Nathan Green
William Nathan Green is a PhD student in Geography at the University of Wisconsin-Madison. He holds an MA in Southeast Asian Studies from UW-Madison, and BA degrees in Geography and the Comparative History of Ideas from the University of Washington. Nathan first became interested in environmental and development issues in Southeast Asia while volunteering with the Peace Corps in southern Cambodia. His MA research explores how hydropower-induced resettlement in southern Laos is fundamentally transforming nature-society relations there. His current project examines how spaces of hydropower activism in Cambodia produce unevenness within civil society, at times hindering anti-dam advocacy and muting the voices of communities facing dispossession from hydroelectric dams. His future doctoral research will look at how the intersection of international finance capital, land consolidation, and alternative economies are changing rural landscapes and livelihoods in southern Cambodia.
**Tracy-Lynn Humby**
Tracy Humby is an associate professor at the School of Law, University of the Witwatersrand in South Africa, and a research associate at the Society, Work and Development Institute at the same institution. She has published nationally and internationally on the regulation of the environmental impacts of mining; issues of mining, social justice and environmental rights; and the relationship between mining and the adaptability of tribal authority. Her other research interests and commitments relate to resilience, sustainability, and climate change. She co-operates with and supports the work of the Centre for Environmental Rights, the Federation for a Sustainable Environment; and the Open Society Foundation.

**Niren Jain**
Niren Jain is a wildlife conservationist with more than 15 years of experience as a community leader and activist. He has focused his efforts in conservation of the global biodiversity hotspot ‘The Western Ghats’ in South India. His voluntary conservation efforts have demanded him to work in multidisciplinary fields ranging from: conservation strategy, policy advocacy and intervention, land consolidation, liaison, outreach and networking with local communities and grassroots level organizations. He had a key role in a successful multi-pronged campaign to stop an iron-ore mining operation in Kudremukh National Park, involving legal, media and political campaigning. Besides being a conservationist, he is also a practicing architect with more than 10 years of experience in designing and execution of energy efficient buildings.

**Heinz Klug**
Heinz Klug is Evjue-Bascom Professor in Law and Director of the Global Legal Studies Center at University of Wisconsin Law School. He is also an Honorary Senior Research Associate in the School of Law at the University of the Witwatersrand, Johannesburg, South Africa. Growing up in Durban, South Africa, he participated in the anti-apartheid struggle, spent 11 years in exile and returned to South Africa in 1990 as a member of the ANC Land Commission and researcher for Zola Skweyiya, chairperson of the ANC Constitutional Committee. He was also a team member on the World Bank mission to South Africa on Land Reform and Rural Restructuring. He has taught at Wisconsin since September 1996. Professor Klug has presented papers on the South African constitution, land reform, and water law, among other topics, in Australia, Canada, Colombia, Ethiopia, Germany, South Africa, the Netherlands, and at several U.S. law schools. His research interests include: constitutional transitions, constitution-building, human rights, international legal regimes and natural resources. His current teaching areas include Comparative Constitutional Law, Constitutional Law, Human Rights and Humanitarian Law, Property, and Natural Resources Law. He is the author of *The Constitution of South Africa: A Contextual Analysis* published by the Oxford University Press in 2010.

**Carl Middleton**
Carl Middleton is a lecturer in the Master of Arts in International Development Studies (MAIDS) Program in the Faculty of Political Science of Chulalongkorn University, Thailand. He graduated from the University of Manchester, UK with a Bachelors in Civil Engineering, and a Doctorate in Environmental Chemistry. Before joining the MAIDS program in 2009, he spent seven years working with international and local civil society organizations throughout the Mekong Region on issues related to sustainable development. His research focuses on environmental policy and politics, with a particular interest in the political ecology of water and energy in Southeast Asia.
Richard Monette
Richard Monette is Associate Professor at UW Law School and serves as a Faculty Adviser for the Great Lakes Indian Law Center, a resource and internship program at the UW Law School and Director at the Office of Congressional and Legislative Affairs, Bureau of Indian Affairs, US Department of the Interior. He was the past President of the National Native American Bar Association and served on the Environmental Protection Agency's National Environmental Justice Advisory Council's Indigenous Peoples' Subcommittee. Professor Monette has also served as Chief Judge for Pascua Yaqui Tribe, Special Judge for HoChunk Nation, Special Judge for the Trial Court of the Turtle Mountain Band of Chippewa. He has written several law review articles, book reviews, and essays for edited collections. He has also been of counsel with the law firm of Brown and LaCounte in Madison, a firm specializing in Indian Law. Monette specializes in drafting provisions for constitutions and codes for Indian Tribes. He teaches Torts, Water Law, and Federal Indian law including jurisdiction, taxation, and gaming.

Larry Nesper
Larry Nesper is Associate Professor in the Department of Anthropology and the American Indian Studies Program at the University of Wisconsin-Madison. He is the author of The Walleye War: The Struggle for Ojibwe Spearfishing and Treaty Rights (University of Nebraska Press, 2002), and he has worked closely with several tribes in Wisconsin and with the Great Lakes Indian Fish and Wildlife Commission. Professor Nesper teaches courses in American Indian ethnography and ethnohistory, Indians of the Western Great Lakes, anthropology of law, and American Indian social and political movements.

José Carlos Orihuela
José Carlos Orihuela is Associate Professor in the Department of Economics at the Catholic University of Peru and Cogut Visiting Professor of Latin American Studies at Brown University. José Carlos’ research focuses on the political economy of natural resources and the environment from an institutionalist perspective. His work has been published in Studies in Comparative International Development, World Development, Journal of Latin American Studies, Journal of Environmental Studies and Sciences and The European Journal of Development Research, as well as in edited volumes. With Rosemary Thorp and University of Oxford colleagues, he co-authored The Developmental Challenges of Mining and Oil: Lessons from Africa and Latin America (Palgrave Macmillan, 2012). In 2014, he received the Early Career Award of the Economics & Politics Section of LASA in recognition of his article “How do “Mineral-States” Learn? Path-Dependence, Networks, and Policy Change in the Development of Economic Institutions” (World Development 2013). José Carlos has been a fellow at the Center for International Conflict Resolution at Columbia University, the Watson Institute for International Studies at Brown, and the SSRC Drugs, Security and Democracy Program. He holds a PhD in Sustainable Development from Columbia University.

Maritza Paredes
Maritza Paredes is an Assistant Professor at the Catholic University of Peru in the Department of Social Sciences. Her research focuses on the intersection of the management of natural resources and the dynamics of political organizations and institutions and the relationship between dependency on extractive industries, the formation of the State, ethnic politics, collective action and contentious politics. She is the co-author of Ethnicity and the Persistence of Inequality: The Case of Peru (Palgrave Macmillan, 2010) and The Developmental Challenges of Mining and Oil: Lessons from Africa and Latin America (Palgrave Macmillan, 2012). Her research has been published in journals such as World Development and Oxford Development Studies. She holds a Master’s Degree from Columbia University.
University and a PhD from Oxford University. Currently is the Craig M. Cogut Visiting Professor of Latin American Studies at Brown University and 2014-15 Custer Fellow at David Rockefeller Center for Latin American Studies at Harvard University.

**Glenn Reynolds**
Glenn C. Reynolds holds a J.D. and M.S. in Water Resources Management from University of Wisconsin-Madison. He represented the Sokaogon Chippewa Community in its successful efforts to stop the proposed Crandon Mine, including winning the Tribes right to establish non degradation water quality standards for tribal waters under the Clean Water Act. In 2003, he negotiated the Tribe’s purchase of the Nicolet Minerals Company, which ended the threat of sulfide mining to the Wolf River Watershed. His article titled “A Native American Water Ethic” describes this epic controversy and explores indigenous cultural values which prioritize pristine water and wild rice over economic gain. He has lectured extensively throughout the United States on Native American water rights and strategies to protect indigenous cultural resources. He recently published an Environmental Tool Kit for Tribes entitled: Strategies for an Indigenous Land Ethic: Tools to Protect the Seventh Generation.

**Paul Robbins**
Paul Robbins is the director of the Nelson Institute for Environmental Studies at the University of Wisconsin-Madison, where he guides the institute in serving as a world leader in addressing rapid global environmental change. Professor Robbins has years of experience as a researcher and educator, specializing in human interactions with nature and the politics of natural resource management. He has taught topics ranging from environmental studies and natural resource policy to social theory. His research addresses questions spanning conservation conflicts, urban ecology, and environment and health interactions. He has done extensive fieldwork in rural India, where he has focused his work on the politics surrounding forestry and wildlife conservation in Rajasthan, India, as well as recent research examining the wealth of biodiversity (frogs, birds and mammals) in commercial coffee and rubber plantations throughout South India. He is author of the foundational textbook Political Ecology: A Critical Introduction and numerous research articles in publications that address conservation science, social science, and the humanities. His award-winning book Lawn People: How Grasses, Weeds, and Chemicals Make Us Who We Are is widely recognized as one of the most accessible books on the environmental politics of daily life. Professor Robbins holds a Master's Degree and Doctorate in geography, both from Clark University.

**Allison Sambo**
Allison Sambo is a Masters student in International Public Affairs and a Doctoral Candidate in Civil Society and Community Research at the University of Wisconsin-Madison. Her research is on community-based organizations and associations, women’s organizing around health, environmental and economic issues, migration and displacement, and civil society regeneration in conflict and post conflict societies. She is an academic activist, committed to capacity building of local activists and practitioners with a particular focus on women and vulnerable migrant populations. She is interested in the spaces, relationships, and practices that enable women’s critical consciousness, and how this leads to changes in health, economics and the environment.

**Erica Simmons**
Erica Simmons is a Lyons Family Faculty Scholar and Assistant Professor of Political Science and International Studies at University of Wisconsin-Madison. She also holds a courtesy appointment with the Department of Sociology. Professor Simmons’ research and teaching are motivated by an
interest in contentious politics, particularly in Latin America. She received an AB from Harvard College (1999) and a Ph.D. from University of Chicago (2012). Her current work explores the intersection of market reforms and political resistance in the region and her dissertation on the topic was awarded the Latin American Studies Association's 2013 Oxfam-Martin Diskin award. A book manuscript on resistance to the marketization of subsistence in Latin America is currently in progress. A related article, “Grievances do matter in mobilization” was published in Theory and Society in September 2014. Simmons also writes on qualitative methods. Her co-authored article, “Informative Regress: Critical Antecedents in Comparative Politics” was published in Comparative Political Studies in 2010. A co-authored article entitled “Coping by Colluding: Political Uncertainty and Promiscuous Powersharing in Indonesia and Bolivia” was published in the same journal in 2013. Her research has been funded by the Fulbright Commission, the Mellon Foundation, and the Tinker Foundation, among others.

**Boaventura de Sousa Santos**

Boaventura de Sousa Santos is Professor of Sociology, University of Coimbra (Portugal), and Distinguished Legal Scholar at the University of Wisconsin-Madison. He earned an LL.M and J.S.D. from Yale University and holds the Degree of Doctor of Laws, Honoris Causa, from McGill University. He is the director of the Center for Social Studies at the University of Coimbra. He has received several awards including the Science and Technology Prize of Mexico, 2010, and the Kalven Jr. Prize of the Law and Society Association, 2011. His most recent project – ALICE: Leading Europe to a New Way of Sharing the World Experiences – is funded by an Advanced Grant of the European Research Council (ERC), one of the most prestigious and highly competitive international financial institutes for scientific excellence in Europe. The project was initiated in July 2011 and will continue for the next five years. Professor de Sousa Santos has published widely on issues relating to globalization, sociology of law and the state, epistemology, democracy, and human rights in Portuguese, Spanish, English, Italian, French, German, and Chinese.

**Kimberley Thomas**

Kimberley Thomas is a doctoral candidate in Geography at Rutgers University. She is examining the politics of transboundary river governance through an historical analysis of conflict and cooperation between India and Bangladesh over the Ganges River. Specifically, her dissertation details how processes of hydro-diplomacy and foreign development aid shape vulnerability to environmental hazards in Bangladesh. Lessons particular to the region form the basis for interrogating broader, taken-for-granted concepts that pervade hydropolitical practice and theory.

**Mike Wiggins**

Mike Wiggins Jr. is currently serving the people of the Bad River Band of Lake Superior Chippewa as an elected official in the office of Tribal Chairman. He was born in Milwaukee, Wisconsin but made a break for the Bad River Reservation when he was a few months old and has called the Bad River Watershed and Lake Superior home for 45 years. In addition to trying to do his best as a public servant for his people and homeland, he also enjoys time spent with his family, hunting, fishing, gardening, writing, playing guitar and wrestling with his German Shepherd, Aki (Earth).