

Water Justice Moot Court Reflection

8th World Water Forum – March 2018

Tawhiao McMaster

University of Waikato, New Zealand

*E rere kau mai te awa nui mai i te kahui maunga ki tangaroa, ko au te awa, ko te awa ko au –
the river flows from the mountains to the sea, I am the river, the river is me.*

Through the recommendation of Professor Linda Te Aho, I attended the 8th World Water Forum in Brasilia to participate in the 1st World Water Justice Moot Court before the International Court of Justice, representing the Alliance of Small Island States (44 states).

The travel to the conference was both comfortable and nauseating, comfortable because of the great hospitality provided by emirates, and nauseating as it was the first time I have ever left the land of the long white cloud. 17 hours to Dubai, 11 hours to Rio, 2 hours to Brasilia with a total air time of 30 hours and 2 days (in transit) to get to the great Golden Tulip Hotel, was it worth it? Absolutely.

The conference itself had me in awe, it contained an atmosphere so invigorating I wasn't sure if I was getting the jitters from jetlag or from sheer-excitement; it was simply amazing. I come from a place where we move and flow like water, and knowledge flows in that manner accordingly. What's beautiful about the forum, is, that the flow of knowledge about issues on the environment and the analysis of possible solutions made me feel like I was at home, half-way across the world. The natural stream of conversations about water with anyone and everyone was inspiring.

Preparation for the moot with Professor Emmah Wabuke, was very nerve-racking, there was a lot of rust to polish and she polished us well. The oratory techniques that she taught, and importance of controlled preparation had slowly steadied the messy nerves in my body, that by the time it came to the day of the moot I woke up so pumped that I could have played a game of rugby and still deliver a moot (minus the footwear).

In the moot, I thought going last would be easy to follow-up and feed on the previous submissions by my colleagues, but it ended out making me feel nervous again, there were some tough acts to follow. But like them I was tasked to present on two queries and thought to give it a crack. The circumstances which international law recognises the rights of rivers as

legal persons, and whether international water law is adequate to respond to the global climate crisis. Was answered within the framework of three Whanganui ancestors; Hine-Ngakau, Tama-Upoko, and Tupoho-Potiki.

- Hine-Ngakau: Who indulged in new ideas and relevant actions of her time. Provided a pathway for the Te Awa Tupua Act 2017 to recognise the Whangai river as a legal person.
- Tama-Upoko: Of self-understanding and growth, provided an analysis on the adequacies of international water law with reference to the United Nations Declaration on the Rights of Indigenous Peoples.
- Tupoho-Potiki: Fixated on safekeeping, provided an example of the importance of prevention and protection through the United Nations Convention on the Law of the Non-Navigational Uses of Watercourses.

Being able to talk about home in a legal international context was a privilege and honour, my heart cannot explain my true gratitude. After the moot everyone was so supportive and positive, to this day, I'm unsure if it was out of pride or pity! But either way, we all felt great enough to positively explore the rest of Brasilia and engage in its lavish cultural hospitality, which was truly breath-taking.

What stood out the most to me inside the forum, was the demand of positive collaborative action, and outside of the forum; it was the pursuit of understanding different cultural practices, particularly Brazilian foods; the absence of brigadeiro in New Zealand has left a hole in my heart.

Overall, the impact of the forum personally; fortified the importance of being guardians of the environment and making sure that we pass on a sustainable world to the next generation, and professionally; it heartened the need for scholars to pursue environmental law and successfully action preventative and protective measures that ensure the safety of the environment, and ourselves.

E hara taku toa i te toa takitahi engari, he toa takitini – success is not the work of one, but the work of many.