

## **CALL FOR PAPERS**

### **“IMPLEMENTING THE HUMAN RIGHT TO WATER IN THE WEST”**

**Abstract Submission Deadline:** June 1, 2010  
**Notice of Acceptance:** July 1, 2010  
**Full Paper Submission Deadline:** November 15, 2010  
**Conference Presentation:** February 3-5, 2011

The College of Law at Willamette University along with the Law and Government, the Sustainable Environmental, Energy & Resources Law certificate programs, the Law Review and the Center for Sustainable Communities seek submission of scholarly papers from all disciplines exploring Implementation of the Human Right to Water in the West, to be presented in connection with a working conference to be held at Willamette University in Salem, Oregon, USA on February 3 -5, 2011.

#### **Role of Scholarly Papers in the Conference**

The working conference, Implementing the Human Right to Water in the West, will be limited to invited expert participants, including water scholars, policymakers, lawyers, and stakeholders. The conference will begin with a limited number of plenary presentations and panels. However, the bulk of the conference will be devoted to the work of eight small groups in which invited participants examine a single set of issues associated with the conference topic. Participants from each working group will produce a preliminary report addressing their issues and the full conference will adopt a conference report summarizing the working group conclusions and the overall conclusions of the conference.

Accepted papers will be the intellectual fodder for the conference working groups and invited participants will receive the papers relevant to their issue prior to the conference. Authors of accepted papers will be invited and are encouraged to present the paper in person at the conference, either as part of a plenary session or to the relevant working groups. However, authors need not commit to presentation of the paper in person. Authors of accepted papers dealing with law and policy issues will be offered an opportunity to publish those papers in the Willamette Law Review or the Willamette International Law and Dispute Resolution Journal. Selected papers on a variety of topics may be included in a book containing the Conference and Working Group reports.

## Rationale for the Working Conference

As we move into the middle of this century, increasing water demands and declining water availability due to climate change, cyclical drought, population growth, and increased pollution make appropriate water allocation increasingly critical in western North America.

The prior appropriation doctrine of Western water law in the United States allocates water on a “first in time” basis. It gives those with earliest rights have priority in times of scarcity. Water rights may be used for municipal, industrial, farming or ranching uses, used in-stream to support fish and wildlife and to protect water quality, and bought and sold as commodities.

While the Human Right to Water is still being defined and interpreted, the essence of creating or recognizing a Human Right to Water is reprioritizing water uses and assuring that we meet the most important need - human needs - first. Thus, the idea of a Human Right to Water fundamentally challenges our current paradigm in the West about water allocation and use.

Although a Human Right to Water has been recognized internationally, giving all human beings have an intrinsic, protected civil right to use water, the United States has not signed international treaties recognizing this right. Nonetheless, the Human Right to Water may constitute enforceable customary international law. Thus, western states may not be able to avoid incorporating this right into their laws and policies regarding water allocation and use.

Some Western states have made changes in prior appropriation doctrine that incorporate or accommodate the international Human Right to Water to some extent. However, few states have fully implemented the international Human Right to Water and other states may need to make significant modifications in their laws and policies to assure that essential human needs are met before other uses are made of water. Western states can choose to ignore this area of developing law or they can participate in interpreting the international Human Right to Water and in formulating their own concept of what rights each human being should have to use water.

As Western states attempt to accommodate this concept into water law and policies that were premised on a fundamentally different paradigm, many choices must be made about how to define and implement the Human Right to Water. These choices must be made with an understanding of

- the importance of water to rural communities,
- the diverse values, ethical approaches and notions of justice stakeholders bring to water issues,
- the realities of water politics,
- the science and technology dealing with water resources and drivers of water scarcity,
- existing water institutions, law, policy, and programs in the West
- how economic incentives actually function in allocating water and encouraging water conservation, and
- how other states and nations have approached implementing the Human Right to Water.

It is critical to begin work on creating consensus around how to deal with increasing water scarcity and the Human Right to Water. The format of this conference has been chosen specifically to facilitate the creation of such a consensus in the West. Our water scarcity problems are likely to become so acute that we can ill-afford the traditional “Water is for Fightin’ “ approach to water allocation and use.

## Submission Requirements

An abstract of no more than 300 words must be submitted by June 1, 2010 and accompanied by a copy of the author's curriculum vitae or resume. The conference organizers will notify authors who submit abstracts of the acceptance of their paper no later than July 1, 2010. By submitting an abstract, authors are committing to submitting a completed paper consistent with the abstract no later than November 15, 2010. This early date is set to facilitate distribution of the papers to invited participants in advance of the conference.

Abstracts and completed papers must be written in English. Completed papers must be no longer than 30 single spaced pages. Because of the interdisciplinary nature of the conference and the scholarly papers, authors may use whatever citation format is generally accepted in their discipline. For more details about the Conference, including submission of papers and abstracts. The following page suggests issue areas that are of particular interest to the conference organizers.

Abstracts (and completed papers) should include at least one of the following issues:

1. How the Human Right to Water is defined internationally and how is that definition likely to evolve over the next century?
2. Is the Human Right to Water enforceable customary international law?
3. Why should water be treated as a human right and not a commodity?
4. How scarce will water become in the West during the 21<sup>st</sup> century? What technological solutions are available to address that scarcity?
5. How do existing water institutions, laws, policies and programs accommodate a Human Right to Water?
6. Should western states incorporate a Human Right to Water into their water laws and policies?
7. How should western states define and implement that right?
8. How have other states and nations such as South Africa and Ecuador implemented the Human Right to Water?
9. Should the Human Right to Water include water uses that protect water quality, essential ecosystem functions, and biodiversity?
10. What are the environmental justice implications of a Human Right to Water?
11. What are the implications of a Human Right to Water for water governance?
12. How would a Human Right to Water affect the intersection between energy policy, water policy, and land use policy?
13. What contribution can economic incentives make to addressing water scarcity and accommodating the Human Right to Water?
14. What ethical and professional responsibility concerns do water lawyers and other professionals need to consider in addressing these issues?

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