



WSBA World Peace through Law Section

April 2011

**"We never know
the worth
of water
till the well
is dry."**

~Thomas Fuller,
Gnomologia,
1732.

The Columbia River Treaty, Stevens Treaty Water Rights, and the Human Right to Water

Tuesday, April 26, 2011

At Foster Pepper

The Section's meeting on Tuesday, April 26, noon – 1:30 p.m. features Rachael Paschal Osborn of the Center for Environmental Law and Policy (CELP.org) in Spokane, discussing the elements of and intersections among three areas of law of profound importance to management of water resources in Washington state: the upcoming negotiations of the Columbia River Treaty between the U.S. and Canada; the scope and importance of the in-stream water rights held by many Pacific Northwest tribes, known as the Stevens Treaty water rights, and the human right to water as recently acknowledged by the United Nations General Assembly.

Attorney Osborn is a public-interest water lawyer and has provided representation to Indian tribes, environmental organizations, labor unions, and small communities since 1992. She served as co-founder and executive director of the Center for Environmental Law & Policy (1993-1999), and co-founder and board member of Washington Water Trust (1997-2001).

CELP was founded in 1993 to serve as a voice for the public-interest water resource management and preservation in Washington state. CELP is the only "water watchdog" advocacy organization dedicated solely to protecting Washington's rivers and streams.

Title: *The Columbia River Treaty, Stevens Treaty Water Rights, and the Human Right to Water*

When: Tuesday, April 26, 2011, noon – 1:30 p.m.

Where: Foster Pepper, PLLC, 1111 Third Ave., Ste. 3400, Seattle, WA

CLE Credit: Approved for 1.5 general CLE credit.

Cost: Free for Section members and law students; \$25 for others.

Please Note the Date (Tuesday) and Location: 1111 Third Ave. Building, 3rd Floor Conference Room, Seattle. Thanks to the Foster Pepper firm and WPTL member Kelly Angell for the generous offer of this space.

Register now at: <http://tinyurl.com/3o4dsm4> or contact the WSBA at 800-945-WSBA or 206-443-WSBA. *We hope to see you there!*

This is a publication of a section of the Washington State Bar Association. All opinions and comments represent the views of the author and are not necessarily endorsed by WSBA, its officers or agents.

About the Universal Periodic Review of Human Rights

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“The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfill their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed.

The UPR was created through the UN General Assembly on *15 March 2006* by resolution 60/251, which established the Human Rights Council itself. It is a cooperative process which, by 2011, will have reviewed the human rights records of every country. Currently, no other universal mechanism of this kind exists. The UPR is one of the key elements of the new Council which reminds States of their responsibility to fully respect and implement all human rights and fundamental freedoms.

The ultimate aim of this new mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.”

--- From the United Nations High Commissioner on Human Rights
<http://www.ohchr.org/en/hrbodies/upr>

The first session of reviews was held in 2008 and covered sixteen countries. The United States’ first review was in the ninth session, held November 2010. An immense amount of documentation about this review, nicely organized by country or by session, can be found at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.

The reviews themselves are conducted by the 47 members of the Human Rights Council, and any UN Member State can take part in the discussion/dialogue (including, of course, the reviewed States) .The rapporteurs for each particular State review are groups of three randomly chosen States, known as “troikas.”

The purpose of the UPR is to assess the extent to which States respect their human rights obligations set out in:

- (1) the UN Charter;
- (2) the Universal Declaration of Human Rights;
- (3) human rights instruments to which the State is party;
- (4) voluntary pledges and commitments made by the State (e.g., national human rights policies and/or programs implemented); and
- (5) applicable international humanitarian law.

The UPR is a new instrument, not five years old, and already it has generated a wealth of information and stimulated a large amount of discussion, both during the review sessions and, in particular, in the preparation of submissions by governmental and non-governmental groups. For example, numerous American organizations participated in the development of a report on Treaty Ratification, or reviewed and endorsed it. It may be that Section members, or the Section itself, may wish to participate in this process during the next review for our nation or another.

--- Thanks to Marti Schmidt for alerting me to this topic! --- **REW**