

# Water Law Review

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## Vol. 21, no. 2: Editor's Note

Sarah A. Rice

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## EDITOR'S NOTE

It is my pleasure to present to you Volume 21, Issue 2 of the *Water Law Review*. It has been a fantastic year for the *Water Law Review* as we continue to explore broader discussion in the field of water law.

This past March, the *Water Law Review* was honored to once again host our annual symposium at the Sturm College of Law titled “Forging Sovereignty, Self Determination, and Solidarity through Water Law.” With a focus on historically marginalized communities who have lacked ownership, control, access, and distribution of water rights, the symposium was a great success in continuing the conversation as to the broader implications of water law and policy that have historically shaped the United States.

As evident in this issue, these discussions are not only happening at local levels, but nationally and internationally as well. The *Water Law Review* strives to find its role in this ongoing discussion through providing information that will foster a focus for the ongoing legal issues that plague the political, economic, and environmental landscapes of water law. As many who have studied and practiced water law know, water is not merely a thing, but a cultural milieu.

The *Water Law Review* has a strong tradition of publishing progressive content meant to elicit further discussion. I invite you to read the four articles published in this issue as well as the timely content of water cases, conferences, legislation, and ideas our staff tirelessly collects.

The first two pieces in this issue reflect a discussion happening around the globe: can water be a recognized and enforceable human right? The first piece, *The Emerging Human Right to Water in International and Domestic Law* by Dr. Waseem Ahmad Qureshi, advocates for a recognition of the right to water as a basic human right. By examining some of the most populated areas of the world lacking in basic sanitation facilities and access to clean drinking water, Dr. Qureshi makes the argument that more explicit measures must be taken in legal systems throughout the world to guarantee water as a basic human right. In the second piece, *Realising the Human Right to Water: A Conflict Between Realisation and Implementation—The South African Experience*, author Hadrian Tulk dives deeply into a case study of South Africa's tumultuous experience with water and guaranteeing it as a human right.

Next, authors Lynn M. Forsythe, Ida M. Jones, and Deborah J. Kemp provide an overview of California's Sustainable Groundwater Management Act since its enactment in 2014. The article addresses some of SGMA's successes, as well as short-term impacts on the value of agricultural land in California. While water management in California has always been a tumultuous subject, the authors argue that Groundwater Sustainability Agencies will help to integrate a scientific based approach into ground water policies.

In the fourth article featured, author Guillermo Arribas Irazola explores the interesting case of the fog catchers of Peru. In *The Fog Catchers: The Rise of Property Beyond the Cost-Benefit Approach*, discusses shantytowns on the outskirts of Lima, Peru creating their own management of land and water outside the confines of traditional property approaches. With no legal rights over lands, residents have a choice: buy expensive water from third-parties or engage in the practice of “fog farming.” The author argues that the fog catchers case reflects the tension between social norms and established legal systems in developing countries.

Finally, we hope you find useful our student writings on recent cases, legislation, conferences, literature, and developments from around the country. The *Water Law Review* strives to provide timely content to our readers while also giving our staff the opportunity to explore water law through various lenses. Our print content, combined with our robust online content, keeps our readers well informed of the various water issues and policy around the nation and world.

With that said, I would like to give a special thank you to the dedicated staff of the *Water Law Review*. As always, thank you for your continuing patronage to the *Water Law Review*. We hope that our 21st volume continues to strive for excellence, quality, and value to the water law community. It has been my privilege to serve this journal over the past three years and as the Volume 21 Editor-in-Chief.

*Sarah A. Rice*  
Editor-in-Chief