



IUCN – The World Conservation Union

Water Law Series – Issue 9

Human Rights and Water

What does a human right to water mean?

The content of a right to water can be defined as a right to *access* water of *adequate quality* and in *sufficient quantity* to meet basic human needs. Thus, there are three aspects to be addressed when conceptualizing water as a human right, namely:

- accessibility - water being within safe physical reach, being affordable, being accessible in law and in fact, and information on water issues being provided;
- adequate quality - water for personal or domestic use being safe;
- quantity - water supply being sufficient and continuous for personal/domestic uses.

Is there any international legal instrument recognizing a fundamental human right to water?

No, there are no fundamental *human rights* instruments that guarantee accessible, good quality water in adequate supply as a fundamental human right.

There are several universally accepted conventions where a right to water is included to achieve specific objectives, but these do not include all three aspects of adequate, accessible, good quality water together. These are:

- The Convention on the Elimination of All forms of Discrimination Against Women;
- The Convention on the Rights of the Child; and
- Humanitarian legal instruments such as the Geneva Conventions and their Additional Protocols.

Most globally accepted fundamental human rights instruments do not mention water explicitly. Water may however be regarded as an integral component of other human rights, such as the right to life, food, housing, adequate standard of living. Support for this can be found in the major human right conventions including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. The 'General Comment' made by the United Nations Committee on Economic, Social and Cultural Rights in November 2002, stated that: "*(t)he human right to water entitles everyone to sufficient, affordable, physically accessible, safe and acceptable water for personal and domestic uses.*" This comment is not in itself a legally binding instrument. It will, however, be used to assist in interpreting the ICESCR.

At the 1977 UN Water Conference it was declared that: "*all peoples, whatever their stage of development, have the right to have access to drinking water in quantities and of a quality equal to their basic need.*"

Other soft law instruments, such as Chapter 18 of Agenda 21, also address this issue.

What did the WSSD and Millennium Declaration say?

The Political Declaration from the WSSD is explicit in its resolve to implement access to water, resolving to "*speedily increase access to such basic requirements as clean water...*", and sanitation among other things.

The Millennium Declaration includes a goal to halve the number of people unable to reach or afford safe drinking water by 2015 - a goal also endorsed by the World Summit on Sustainable Development.

Does it make a difference if a fundamental human right to water is recognized in a legally binding instrument?

Formal inclusion of a human right to water in a legally binding instrument could potentially strengthen its enforcement capability and authority, since each State is responsible for guaranteeing the enjoyment of human rights of its population. All human rights entail State obligations, which require them not to interfere with or deprive people of their human rights (*respect* for human rights), to protect these rights from illegal interference of others (*protection* of human rights), and to take legislative, administrative and other actions to ensure that every human being within its jurisdiction can enjoy their rights (*fulfillment* of human rights).

Whatever the legal situation is with respect to human rights and water, one thing appears to be agreed, namely that effective on-ground initiatives are required to achieve the goals set by the Millennium Declaration to ensure *access* to water of *adequate quality* and in *sufficient quantity* for the 1.2 billion people presently without access to safe drinking water.

Where do I go for further assistance?

The IUCN Environmental Law Programme: see below for contact details.

IUCN Environmental Law Centre for the IUCN Environmental Law Programme

Contact the IUCN Environmental Law Centre at: waterlaw@elc.iucn.org

Visit the IUCN Environmental Law Programme Website at: www.iucn.org/themes/law

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