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Partners

This report is an initiative of the World Water Council in partnership with:

- Académie de l'Eau
- Alliance Maghreb Machrek for Water
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- Secretariat of the 4th World Water Forum
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Why is a right to water necessary?

Water is a limited natural resource and fundamental for life and health. In 2002, the World Health Organization estimated that 1.1 billion people (17% of the global population) lacked access to improved water sources, and 2.6 billion people (42% of the global population) lacked access to improved sanitation. Every day, 3,900 children under the age of 5 die from water-related diseases (e.g. diarrhoea). The lives of these people, often among the poorest on our planet, are devastated by this deprivation. Lack of access to water also impedes the enjoyment of health and other human rights (e.g. right to education, right to adequate standard of living, right to food). So, the right to water is indispensable for leading a life in human dignity, but often denied in developing as well as developed countries.

The UN General Comment No.15 on the Right to Water, which was adopted in 2002 has contributed to clarifying the scope of the right to water and stimulated legislative recognition of the right to water in a small number of countries and significant action of civil society. In practice, however, even though a legal framework may exist, the right to water is often not applied for a variety of reasons: lack of resources, absence of political will, or simply people and governments are not aware of the existence of the right or they don't know how to implement it.

It is the responsibility of everybody to make sure that the essential needs for water and sanitation of everyone, particularly those who are most in need and those who are excluded, are met. The implementation of the Millennium Development Goals should contribute to satisfying these needs.

The right to water, a human right

A human right to water only gained explicit expression in two UN human rights treaties:

- The Convention on the Elimination of all Forms of Discrimination against Women (1980),
- The Convention on the Rights of the Child (1989),

as well in one regional treaty: the African Charter on the Rights and Welfare of the Child (1990). The Geneva Conventions (1949, 1977) guarantee the protection of this right during armed conflict.

In addition, the right to water is an implicit part of the right to an adequate standard of living and the right to the highest attainable standard of physical and mental health, both of which are protected by the International Covenant on Economic, Social and Cultural Rights (1966).

However, some states continue to deny the legitimacy of this right. In light of this fact and because of the widespread non-compliance of States with their obligations regarding the right to water, the UN Committee on Economic, Social and Cultural Rights confirmed and further defined the right to water in its General Comment No. 15.

The UN General Comment No.15

General Comment No.15 clearly states that the right to water emanates from and is indispensable for an adequate standard of living as it is one of the most fundamental conditions for survival.

"The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, reduce the risk of water-related disease and provide for consumption, cooking, personal and domestic hygienic requirements".

General Comment No. 15, CESCR, 2002

Sufficient. An adequate quantity must be available in accordance with international guidelines. This ordinarily means 40-50 litres per day and an absolute minimum of 20 litres.

Safe and acceptable. Water must be safe for each use. Water for drinking must meet a very high standard. Water should be of an acceptable colour, odour and taste.

Physically accessible. Water must be within safe physical reach, either within the house or near the household.

Affordable. Water should be affordable and must not affect a person's ability to buy other essential goods.

The human right to water also explicitly includes the right to sanitation. The CESCR's General Comment No.15 states that *"State parties have an obligation to progressively extend safe sanitation services, particularly to rural and deprived urban areas, taking into account the needs of women and children"*.

The right to water, particularly the aspect of water quality, cannot be realised without adequate sanitation for all. Conversely, to ensure hygiene and adequate sanitation, each person should have access to a minimal amount of water on a regular basis. Sanitation and water supply are integrally linked and therefore an integral part of the human right to water.

Implementing the right to water

Implementing the human right to water means prioritising access to essential amounts of water for those who do not have it, as well as protecting current access to water supply and sanitation. Everyone must be able to connect themselves to existing networks or have access to a source of drinking water when networks are non-existent.

The right to water can be implemented in various ways like through the legislation and policy integration, accountability mechanisms, the community advocacy approach or the community implementation approach. These actions can all be effective if appropriate to the national and local context and actively involves all relevant stakeholders.

Generally, implementation of the right to water should rely on:

- Public authorities who organise services with respect to their duties towards citizens/users.
- Consultation and participation of communities in decision-making processes.
- Solidarity in costs-sharing between all (e.g. social tariffs, subsidies).
- Local initiatives.

Most often, the right to water is ultimately implemented by local authorities (municipalities or regional entities) through water utilities.

The report "Right to Water: from concept to implementation"

The World Water Council in partnership with NGOs launched a program in 2005 to analyse the measures (policies, approaches, etc.) the right to water is implemented at the local level and in particular which measures allow to assure the effectiveness of the right. Various case studies have been synthesised in a final report (including recommendations), to be published and disseminated at the 4th World Water Forum.

The synthesis presented in the report "Right to Water: from concept to implementation" (Dubreuil, C. and P. Van Hofwegen, World Water Council, 2006) aims to:

- Clarify the meaning of the right to water.
- Present approaches on how right to water can be implemented in developing and developed countries, in rural and urban areas, and in a practical and affordable manner.
- Identify key factors for effective implementation of the right to water.
- Show how the recognition of the human right to water and its implementation facilitate access to water and basic sanitation.

The recommendations made in the report for implementing the right to water more effectively include:

- The implementation of the right to water requires a clear definition of rights, obligations and responsibilities of each stakeholder, the identification of an authority to oversee the implementation of this right, as well as the allocation of adequate human and financial resources.
- For the successful implementation of the right to water, local initiatives and community's participation should be fostered. Access to information must be guaranteed.
- Implementing the human right to water requires appropriate mechanisms to take into special consideration the needs of the most disadvantaged, including informal settlements.
- Financial means must be increased and sustained, in particular, subsidies to reinforce local capacity, training and infrastructure. To ensure a local projects' success, these funds must be mobilised through decentralised mechanisms directly accessible to local actors.
- Meeting the costs associated with implementation of the right to water requires solidarity between citizens, cities and regions to make access to water and sanitation services affordable to all people, especially the poorest. This solidarity must be institutionalised.
- It is essential that a monitoring process is defined to evaluate progress resulting from the implementation of the human right to water and sanitation.

Useful resources and links

Case studies illustrating the implementation of the right to water in different world's countries:

• In Africa and Europe:

Académie de l'Eau «Le droit à l'eau en Afrique et en Europe», Actes de la Table ronde juridique organisée à l'UNESCO, Paris, le 25 mars 2005. www.academie-eau.org/article.php3?id_article=174

• In Latin America:

Blanco, A.C. «The right to water – The case study of Uruguay.» Green Cross International, 2006.

Fairstein, C., L. Campos, P. Ceriani, and A. Khalfan. «Promoting the right to water through community empowerment in Buenos Aires.» Centre on Housing Rights and Evictions, El Centro de Estudios Legales y Sociales, 2006. www.worldwatercouncil.org/index.php?id=1019

