THE HUMAN RIGHT TO CLEAN WATER:
A COMPARATIVE ANALYSIS

Mr. Anjum Parvez
Assistant Professor,
Law College Dehradun,
Dehradun, Uttarakhand, India

Dr. Chander Bhushan Nagar
Assistant Professor, Dep’t of Political Science,
Government Degree College,
Khowai, Tripura, India

Abstract

Man is born free, but, everywhere he is in chains, observed- Rousseau. The cannon of this observation has been reflected and translated as a global phenomenon and has been incorporated as a necessary, essential and sacrosanct conditions of all human lives. For the last few decades, water and sanitation has been seen as a purely development or technical issue, with the legal and political dimensions underplayed. If we see from the angle of ‘Human Rights Jurisprudence’ the concept of Human Rights stands on the foundation of human dignity. Every thing which helps in maintaining human dignity should be provided to human beings because the same concept of dignity lays the foundation for right to life and basic liberties. Water is essential for life, and, thus, right to water is an element that is in dissociable from human dignity. Right to have Access to ‘Clean and Fresh Water’ is a Human Right of an individual. This right is inalienably link with the dignity of the human beings. This paper tries to explore the legal dimensions of this right by analysing the legal provisions in various states and also explains the challenges in the implementation of Right to Water.

Introduction:

Man has born free, but, everywhere he is in chains, observed Rousseau. The cannon of this observation has been reflected and translated as a global phenomenon and has been incorporated as a necessary, essential and sacrosanct conditions of all human lives. The nature has given not only a life to all human beings but as well as freedom to act according to their choice and to flourish as a human being. Freedom which is *sine-qua-non* for the physical, mental, psychological, spiritual etc. development of human beings without which, the human personality would be incomplete. The rationale behind such freedom is not only an individual empowerment, but the pathology of its lay the foundation for the collective, universal development of the society at large.¹ For the last few decades, water and sanitation has been seen as a purely development or technical issue, with the legal and political dimensions underplayed. Yet, as shown in the U.N.D.P. Human Development Report 2006 – Beyond scarcity: Power, poverty and the global water crisis, lack of access to basic levels of water and sanitation is primarily due to exclusion and neglect of the poor and not, as commonly assumed, lack of sufficient water resources or lack of technical solutions. If implemented properly in national and international governance frameworks, the right to water and sanitation can help to maintain the equality among the masses.

Foundation of Right to Clean Water

If we see from the angle of ‘Human Rights Jurisprudence’ the concept of Human Rights stands on the foundation of *human dignity*. And every thing, which helps in maintaining human dignity, should be provided to human beings, if possible, because the same concept of dignity lays the foundation for right to life and basic liberties. **Water is essential for life, and, thus, right to water is an element that is indissociable from human dignity.** Right to have Access to ‘Clean and Fresh Water’ is a Human Right of an individual. This right is inalienably link with the dignity of the human beings. All Human Rights derived from the dignity and the worth inherent in the human person and that the human person is the central subject of human rights and Fundamental Freedoms. In simple terms, whatever adds to the dignified and free existence of human being should be regarded as Human Right. For this reason to provide dignified life to every person, it has become and remains a moral duty of States and their administrative agencies to listen, to reflect on, to propose and to act so that the unfettered provision of drinking water and its corollary, sanitation, can gradually become a reality.² It is submitted that in this contemporary world, no one can deny that every human beings including the children, the women, the men, who populate our planet, have an elementary right: the right to live with human dignity. It is submitted that the relevancy of right to water is increased in the context of dignity of human beings, because without water, no living being can survive on this earth. Denial to access of water to any person would amount to violation of human dignity, which is an indispensable element of basic human rights of the people.

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¹ Dr. Dilip Ukey and Tejaswini Malegaonkar, “Right To Life And Personal Liberty – Challenges And Judicial Response”, XXX(4) Indian Bar Review 2003, p.537.

² Celine Dubreuil, “Right To Water-From Concept To Implementation, World Water Council, 2006.
Water for Everyone as a Natural Gift

Water is a gift of nature to every living being. Not a single living organism including human being can survive on this earth without water. Though, water has not received the attention it deserves as a public good, because few decades ago it was considered as a resource, which is in abundant amount in the world. Water is one of the most abused resources in India. But after the scientific investigations and growing demand, it is revealed that water, which is essential for life, is a depleting resource. There are increasing and conflicting demands on its use, which are compounded by the fact that water resources, especially rivers are being polluted or badly managed by the public authorities, causing a further depletion of safe water sources. Very soon water may become as desperately sought after as oil, but there is no doubt that water is essential for life while oil is not. The problem is that in India water continues to be treated as an almost free resource for mankind.\(^3\) Water has been established as a public or common good, but its role as an economic good often overrides this. The usefulness of water in its various functions is evident. And with the exponential demand of water for its various uses, fresh water has become a rare asset, which accentuates its role as an economic good. Treating water as a purely economic good implies that its various functions are considered as interchangeable values that can, therefore, be measured in monetary terms. However, the values linked to water are often complementary and, thus, cannot be replaced by money. For instance, the fundamental values of life, which are essential for dignified living conditions by people or communities, are link intrinsically to the values of preservation of the environment and aquatic ecosystems; the values of intra- and inter-generational equity or the values of social cohesion that water-distribution services bring. The value of these functions should not be administrated, according to market rules, since they cannot be measured in monetary terms.

However, it is important to distinguish different categories of values at stake and the ethical criteria of fairness and sustainability in order to establish an order of priority among user rights, as well as management criteria for each level.

Necessity of Water for Living Beings

The different functions and values of water can be divided in three complementary levels:

- **Water for life** concerns providing water for the survival of both human beings (individual and collective) and other living beings. This must be recognized as the highest priority in order to guarantee the sustainability of ecosystems so that access for all to a minimum quantity of good quality water is recognized as one of the human rights.

- **Water for citizens** concerns providing water for general interest purposes, as regards public health or the promotion of values of equity or social cohesion, must be ranked at the second level of priority, in connection with citizen’s social rights and in the general interest of society as a whole. This is the role of public institutions.

\(^3\) Sanjay Kirloskar, C.M.D. in an address to “Second Indo ASEAN Summit”, New Delhi, (6\(^{th}\) June, 2003).

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• Water for development is an economic function relating to production activities, which in general concerns private interests like irrigation for agriculture, hydroelectricity, or industry and should occupy the third level of priority. This function consumes the largest part of all water resources from rivers and aquifers, and is, therefore, largely responsible for the problems of scarcity and pollution arising in the world. This production-based demand must be managed in accordance with economic efficiency, social equity and environmental sustainability.

The Human Right to Water “entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses”⁴. This definition has been provided by the General Comment No.15, which interprets Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred as I.C.E.S.C.R.)⁵ referring respectively to the right to an adequate standard of living and the right to the highest attainable standards of health. It goes on to state that ‘an adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements’.

The importance of water for a range of different purposes to realize many other rights is referred to, including the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate food. According to the C.E.S.C.R., ‘Nevertheless, priority in the allocation of water must be given to the right to water for personal and domestic uses’.

The ‘right to water’ should be distinguished from ‘water rights’ which generally refers to accessing or using water for specific purposes. Law concerning water rights may define who can use water and under which circumstances. Individuals can be allocated water rights which may consist of a predefined amount of water for specific purposes under specific conditions (e.g. farmers have water rights for irrigation purposes). However, these two types of right are interlinked. The Human Rights to Water (hereinafter referred as H.R.T.W.) focuses on the amount of water necessary for basic human needs (about 50 litres per person per day), which is a small amount in comparison to the large quantities used for economic development. The right to drinking water does not broach general issues linked to environmental protection or integrated management of resources. In most cases, the taking of water to implement the human right to water does not affect the other uses which are subjected to general water rights.

Right to Water and International Law

The right to water has been explicitly recognized in a number of legally binding treaties. The right to water is also an integral part of other human rights, such as the right to

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⁴ General Comments 15, Committee On Economic Social, And Cultural Rights (CESCR), 2002.
⁵ See International Covenant on Economic, Social and Cultural Rights, 1966. This Covenant is one of the major human rights treaties that have been adopted and are being monitored within the framework of the United Nations human rights system. It has been in force since 1976 and currently 153 States have ratified the treaty and are therefore legally bound by it. This means they are obliged to implement the provisions of the treaty at the national level.
life, which is contained in the International Covenant on Civil and Political Rights (1966), and the rights to health, food, housing and an adequate standard of living, which are included in the International Covenant on Economic Social and Cultural Rights (1966). These rights are also provided for in a series of other international and regional treaties. As the right to water has been interpreted under other human rights, such as the right to life and the right to health, the section includes both explicit and implied references to the right to water.

An analysis of various International Treaties, Conventions, Accords, Conferences and Declarations dealing with ‘Right to Clean Water’ is given below:

During times of conflict, the Geneva Conventions of August 1949, and their Additional Protocols of 8 June 1977, provide protection to combatants and civilians alike. They are founded on the idea of respect for the individual and his or her dignity and provide for the supply of basic needs, including water. The Additional Protocols stipulate that the parties to the conflict and the combatants shall not attack the civilian population and civilian objects, including water installations, and shall conduct their military operations in conformity with the recognized rules and standards of humanity.

The Geneva Conventions are binding on virtually every country in the world. Of the total number of 189 State Members of the United Nations, 189 have ratified or acceded to the Geneva Conventions, although fewer states are bound by the two protocols. Some of the provisions of the Geneva Conventions and Protocols such as the prohibitions of deliberate attacks on civilian populations are declaratory of customary international laws and are thus binding on all states even those that have not ratified these instruments.


Article 20 of the Geneva Convention on Treatment of Prisoners of War provides that the Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. Similarly, Article 26 provides that sufficient drinking water shall be supplied to prisoners of war by the detaining State or States. As regard with the Right to Sanitation, the Convention provides that Article 29 the Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics. Also, apart from the baths and showers with which the camps shall be furnished prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

Further, to ensure that Prisoners of War have been provided with basic necessities of life the Convention states that the Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention.

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9. Id., Article 46.
Geneva Convention IV (Protection of Civilian Persons in Times of War, 1949):

Geneva Convention on Protection of Civilian Persons in Times of War was enacted with the objective of protection of persons and properties belong to civilian population of the enemy State or States. This Convention also recognizes and secures the access to water resources to the civilians or non-combatants. It provides that sufficient drinking water shall be supplied to internees or the civilian population, which are detained or seized by the Occupant State. The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. Article 85 of the Convention provides about Right to Sanitation. It provide that the Detaining State or States are bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health...Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available.

Additional Protocol-I to the Geneva Conventions (1949- Protection of Victims of International Armed Conflict, 1977):

Additional Protocol Geneva Conventions, 1977 forbids the combating nations to attack on objects of Civilian Character. Attack on Water Sources is strictly prohibited. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party. However, the prohibitions of attacks on various civilian objectives including water resources shall not apply to such of the objects covered by it as are used by an Adverse Party or in case - if not as sustenance, then they are utilized for the direct support of military actions of rival power.

It is further provided, however, that in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement. It is obligatory on the Combating Parties that care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use

10. Geneva Convention IV - Protection of Civilian Persons in Times of War, 1949, Article 8
11. ibid. Article 127.
13. ibid.
14. ibid
of methods or means of warfare, which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.\textsuperscript{15}


Additional Protocol II to the Geneva Conventions, 1949– Protection of Victims of Non-international Armed Conflict, 1977 has been adopted by the States to extend protection to the victims of civil war or internal war within a State. It provides that persons whose liberty has been restricted...shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene.\textsuperscript{16} Further, while recognizing the right to life of civilian population of combating parties, Article 14 of the Protocol provide that it is therefore prohibited to attack, destroy, remove or render useless for that purpose, objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Thus, under International Humanitarian Law, right to clean water and sanitation has been recognized, not only for the civilian population, but also for the Prisoners of War, and those combatants, who become unable to fight or \textit{hors de combat}.

The Right to Water in International Human Rights Law


\textit{Legally binding upon States that have signed them, there is explicit reference to the right to water in two core international human rights treaties:}

(i) \textit{The Convention on the Elimination of Discrimination Against Women, 1979:} The Convention provides that State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to women the right....to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communication.\textsuperscript{17}

(ii) \textit{The Convention on the Rights of the Child, 1989:} Article 24 (1) The Convention provides that the States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health...(2) State Parties shall pursue full

\textsuperscript{15} Id., Article 55.


implementation of this right and, in particular, shall take appropriate measures: (c) to combat disease and malnutrition, including within the framework of primary health care, through, *inter alia*, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution.\(^\text{18}\)

**Right to Water in Regional Instruments:**

(i) **The African Charter on the Rights and Welfare of the Child, 1990**\(^\text{19}\): The African Charter on the Rights and Welfare of the Child, 1990 has been adopted by the African Nations for the Natural and proper growth of Children of the Continent and to prevent them from the mal-nutrition. Article 14 of the Charter provides that: Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.\(^\text{20}\) It further imposes an obligation on State Parties to the present Charter that they shall undertake to pursue the full implementation of this right and in particular shall take measures: (c) to ensure the provision of adequate nutrition and safe drinking water.

(ii) **The Protocol on Water and Health to the 1992 Convention on the Use of Transboundary Watercourses and International lakes, European Commission of the United Nations for Europe, 1999**\(^\text{21}\): The Protocol provides both for right to Clean Water and right to Sanitation. It says that Parties of the Protocol shall, in particular, take all appropriate measures for the purpose of ensuring: (a) adequate supplies of wholesome drinking water...; (b) adequate sanitation...\(^\text{22}\) Recognizing the Concept of Equality, the Protocol further provides that Parties shall be guided in particular by the following principles and approaches: (1)...equitable access to water, adequate in terms of both quantity and of quality, should be provided for all members of the population, especially those who suffer a disadvantage or social exclusion.\(^\text{23}\) Article 6 of the Protocol imposes an obligation on the State Parties that they shall pursue the aims of: (a) access to drinking water for everyone; (b) provision of sanitation for everyone.\(^\text{24}\)

(iii) **Senegal River Water Charter, 2002**\(^\text{25}\): Article 4 of the Senegal River Water Charter, 2002 provides that right to clean water is a Human right of every person and it is the duty of the State Parties they should ensure the access to clean water to every person.

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\(^{19}\) Adopted on 11 July 1990 and entered into force on November, 1999.


\(^{21}\) Ratified by 16 countries and entered into force on August, 2005.


\(^{23}\) Id., Article 5.

\(^{24}\) Id., Article 6 (1).

\(^{25}\) Signed by the Republic of Mali, the Republic of Mauritania and the Republic of Senegal.
Therefore, after analyzing the abovementioned International Conventions, it can be said that World Community has recognized the need of water for the development of human beings and asserted the same in the form of Conventions and Treaties. Recognition of the right to water is now also reflected in other international legislation concerning water. For instance, in 2001, the Committee of Ministers of the Council of Europe\footnote{General Comments 15, Committee On Economic Social, And Cultural Rights (CESCR), 2002.} adopted the \textbf{European Charter on Water Resources} (Rec. (2001)14). Article 5 is entitled "Everyone has the right to a sufficient quantity of water for his or her basic needs" and provides:

"International human rights instruments recognize the fundamental right of all human beings to be free from hunger and to an adequate standard of living for themselves and their families. It is quite clear that these two requirements include the right to a minimum quantity of water of satisfactory quality from the point of view of health and hygiene."

The right to water has been enshrined in other regional instruments that have not yet entered into force. In addition, various United Nations agencies, regional human rights bodies and national and local courts have interpreted the right to water as being implicit under other human rights, such as the right to life, the right to an adequate standard of living and the right to health. These have been enshrined in international, regional and national human rights instruments. In addition to recognizing the rights to life, health, and/or standard living, the national legislation of several countries has explicitly recognized a right to water and/or the obligation of the state to provide everyone with access to clean water.

\textbf{Proposed National Legislation and Policy on the Right to Water}

The recognition of water as a human right\footnote{Note from \url{http://www.org.uk/code/legislation_5.asp}} has been steadily increasing since the 1977 \textit{Mar del Plata Declaration. General Comment No. 15} (Nov 2005) of the Committee on Economic, Social and Cultural Rights has given additional impetus to the calls for new legislation to protect this right at the national level. Two examples of current proposals follow:

Bolivia has appointed a Minister for Water, Mr Abel Mamani. At the Alternative Water Forum, 2005, he presented the Government policy in a document entitled "A human vision of water in Bolivia". This clearly defines water as a public good and confirms that access to water is a right for humans and other living beings. The Government recognises that in order to fulfill its responsibility to provide sufficient high-quality water to the whole of the population, a genuinely public-owned company must be established. Policies must be effective, responsive and transparent, with socially responsible prices and all surpluses being reinvested. A new body (called the Technical Social Committee) has been created within the ministry to enable civil society to participate in making strategic decisions.

\textbf{France Water Bill} (December 2006)

In 2006 the French Senate adopted the following amendment to the French Water Bill "Article 1 provides that “As part of laws and regulations as well as rights previously established, the usage of water belongs to all and every natural person, for their food and hygiene, everyone has the right to right to access drinking water in conditions affordable to all”.

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(II) **Right to Clean Water in the Constitution of the Various Countries:**

Right to Clean Water has found place in the Constitutions of many Countries. These countries are:

(i) **South African Constitution (1996) Chapter 2, Bill of Rights**

Section 27 of Chapter 2, Bill of Rights provides that:

1. Everyone has the right to have access to:
   (a) health care services, including reproductive health care;
   (b) sufficient food and water; and
   (c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance

2. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights.

**Constitution of Uganda, 1995.** The Constitution of Uganda provides that the State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that... all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, decent shelter, adequate clothing, food, security and pension and retirements benefits.  

**Constitution of Zambia, 1996.** Article 112 of the Constitution of Zambia provides that the State shall endeavour to provide clean and safe water.

**Constitution of Ethiopia.** Article 90(1) of the Ethiopian Constitution provides that Every Ethiopian is entitled, within the limits of the country’s resources, to … clean water.

It is submitted that many other countries have used other rights enshrined in national legislation, such as the right to a healthy environment, to enforce the right to water. Several states have made formal commitments to providing a right to water, and more and more countries have introduced an explicit right to water in their Constitution. One such example is South Africa. Section 27(1b) of the Bill of Rights of the Constitution of South Africa states: “Everyone has the right to access to sufficient food and water”. Other countries like the Congo, Ethiopia, Gambia, Uganda, Zambia and Ecuador also either mentions explicitly the right to water or the right to basic social services in their Constitution. More recently, in Uruguay, a public referendum in 2004 enacted the Human Right to Water into its Constitution. Over 64% of the population voted in favour of the amendment. This approach is recent and is being increasingly adopted. For example, the new draft Kenyan Constitution (proposed in 2005) recognizes the right to water and sanitation.

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29. Article 65: “Every person has the right to water in adequate quantities and of reasonable quality.”

30. Article 66: “Every person has the right to a reasonable standard of sanitation.”
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 the right exists or how to implement it.

In order for the right to water, to be implemented, the leadership and initiative of key actors, including Government departments and NGO’s and international agencies are required as ‘boosters’ to help revise laws and policies, provide education and provide assistance to communities, and ensure their effective participation in decision making. The fact that the right to water and sanitation is included in International law and increasingly in national law—is only a preliminary step and will not automatically lead to implementation. However, these rights provide the tools to authorities and the key actors to advocate and implement the right to water.  

It is submitted that The Countries in which Right to Clean Water has been recognized as fundamental right under the Constitutions, are all developing countries and, India, as a leader of developing nations, should step further to recognize Right to Clean Water, explicitly in her Constitution.

Contents of Right to Clean Water

General Comment No.15 is the first official UN document that fleshes out in detail the content of the right to water. It 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”.

**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.

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31. Supra note 6, at p. 7.

32. The General Comment No. 15 (GC15) on the right to water is an official legal interpretation issued in 2002 by the Committee on Economic, Social and Cultural Rights (CESCR) which is the monitoring treaty body to the ICESCR. The GC15 is an interpretation and not a treaty. Therefore it is not legally binding itself. However, it is based on the provisions of the ICESCR and on the general acceptance of fundamental human rights like the right to life and the right to health.

33. General Comment No. 15, CESCR, 2002.
Affordable. Water should be affordable and must not affect a person’s ability to buy other essential goods.

As with any human right, the right to water imposes three types of obligations on State Parties:

Respect. Governments must refrain from unfairly interfering with people’s access to water, for example, by disconnecting their water supply.

Protect. Governments must protect people’s access to water from interference by others, for example, by preventing pollution.

Fulfil. Governments must adopt the necessary measures directed towards full realisation of the right, for example, by passing legislation, devising and implementing programmes, allocating budgets and monitoring their progress.

The CESCR calls for progressive realization of the right to water and acknowledges that – due to limits of available resources – immediate realization of this human right may be constrained. While full realization may take time, certain steps must be undertaken immediately. General Comment No.15 stipulates that these steps must be deliberate, concrete and targeted towards the full realization of the right to water. Particular focus should be put on nine core obligations, which are as follows:

Challenges to the Acceptance to the Human Right of Clean Water

Although the right to water has been recognized as a right at the international level, significant work is required to ensure its implementation at the domestic level. Its effectiveness will depend on the will and capacity of States to assume responsibility in terms of implementation, monitoring and enforcement. Implement access to water as a human right requires those responsible to consider how a human rights based approach may be applied in view of economic and technical limitations. It implies identification of priorities in government policies, with limited resources.

The lack of proper understanding of the meaning of the right to water, as well as its implications and obligations, may explain why some governments are hesitant to accept the HRTW. Thus, it is important to look closely at some of the affirmations in order to dispel any misunderstanding.

• Does the HRTW mean that water must be free for all users?
• Does the HRTW mean that every dwelling must be served by water distribution systems and sewer systems?
• Does the implementation of the HRTW mean significant additional expenditure?
• Does the HRTW mean that any individual without access to water will be able to seek legal redress against public authorities?
• Does the HRTW mean that the public authorities must manage the water services directly?
• Does the HRTW mean that the safe water of one country must be supplied to neighbouring countries that lack that resource?

Conclusions:

Thus, after assessing the International Treaty Documents and Constitutions of various countries, one can easily conclude that “right to clean water” is extremely important, because without water, life is impossible. There are many countries, where significant numbers of
people are living without sufficient access to clean water and sanitation because water resources are scarce in these countries. Moreover, these countries lack financial resources for implementing the right to water. The concept of the right to water, therefore, should be accepted as a challenge by International Community, and all countries should assist each other by utilizing their available resources to the cases of greatest need, and in taking progressive steps to implement this precious right, on the basis of mutual assistance. Thus, the right to clean water also bolsters the case for international assistance and cooperation necessary to ensure at least the core obligations related to the right to water. It is no doubt, a fact, that any war shall be fought for obtaining certain rights if those rights were not given to the citizens by the State. The Right to Water can minimise at least one cause of war among the citizens, provided that water should be made accessible to common man without any hindrance or with minimum hindrance.

References:


3. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art.14, June 8,

4. 1977, 1125 U.N.T.S. 609 at http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/d67c3971bcff1c10c125641e0052b545.


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