Human rights and water

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Human Rights and Water
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Outline

1) The Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs)

2) Human needs and the law applicable to transboundary water resources

3) Emergence and recognition of a right to safe drinking water and sanitation
1. The Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs)

2000 Millennium Development Goals (MDGs) – Goal 7

To halve, by the year 2015, the proportion of people without access to safe drinking water and basic sanitation

- Almost 750 million people lack access to an improved source of drinking water
- Almost one billion people are still without access to basic sanitation
1. The Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs)

2015 Sustainable Development Goals - Goal 6

Ensure availability and sustainable management of water and sanitation for all

- 6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all

- 6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations
1. The Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs)

**Principles of human rights law**

- Progressive elimination of inequalities in access to water
- Water must be free from contamination
- Price for water and sanitation services must not present a barrier to accessing water
2. Human needs and the law applicable to transboundary water resources


- Principle of equitable and reasonable utilisation
- Prohibition on causing significant damage
- Notification of planned measures
2. Human needs and the law applicable to transboundary water resources

1994 ILC Memorandum of Understanding (UN Watercourses Convention)
- Priority of utilization for satisfaction of vital human water needs is defined as “sufficient water to sustain human life, including both drinking water and water required for the production of food in order to prevent starvation”

2004 International Law Association - Rules on Water Resources
- Vital human needs means “waters used for immediate human survival, including drinking, cooking, and sanitary needs, as well as water needed for the immediate sustenance of a household”
2. Human needs and the law applicable to transboundary water resources

Vital human needs, regional and river basin instruments


3. Emergence and recognition of a right to drinking and safe water and sanitation

General Comment No. 15 on the Right to Water – UN Committee on Economic, Social and Cultural Rights (2002)

“The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use”

- Availability: sufficient and continuous water
- Quality: safe water
- Accessibility: indiscriminate and affordable
3. Emergence and recognition of a right to drinking and safe water and sanitation

Resolution adopted by the General Assembly 64/292: The human right to water and sanitation (July 2010)

“Recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”
[122 in favour, 0 against and 41 abstentions]
3. Emergence and recognition of a right to drinking and safe water and sanitation

Resolution adopted by the Human Rights Council 15/9: Human rights and access to safe drinking water and sanitation (October 2010)

“The human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity”

[Adopted without a vote]
3. Emergence and recognition of a right to drinking and safe water and sanitation

Implications of the right to water and sanitation

- Obligations with immediate effect: States must ensure that actors – public and private – comply with the requirements of the human right to water and sanitation

- Obligations implying gradual implementation of the right to water and sanitation: development of national laws depending on the means and capacities available
Final remarks: human rights and water

“The doctrine of human rights has aspired from the outset to be universal, to be a doctrine that applies everywhere to everyone, irrespective to nationality, culture, tradition, ideology or social conditions”

Thanks!

Platform for International Water Law

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