

# What Does the Right to Water Entail?

***The U.N. Independent Expert on human rights obligations related to access to safe drinking water and sanitation is visiting the US right now.***

**By Shiney Varghese / Institute for Agriculture and Trade Policy**

This week, the U.N. Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, will visit the United States, giving us an opportunity to pause and reflect: What does right to water entail?

In early February, addressing the World Social Forum, the Bolivian President Evo Morales said "We are going to go the U.N. to declare that water is a basic public need that must not be managed by private interests, but should be for all people, including people of rural areas."

While some might disagree with his assertion that water should not be managed by private interests, few would challenge the idea that water should be for all. President Morales is calling for an expansion of right to water on two fronts, both in terms of its reach (to larger numbers) and in terms of its scope (to support life). Coming from the president of a nation, this is a very important statement in the international campaign towards the right to water. It seeks to connect the right to water to the right to life, which is central to the Universal Declaration of Human Rights (1948, Article 3.)

Given that nearly three-quarters of the "water poor" belong to rural communities, it is high time that international deliberations around the right to water focus on rural communities access to safe water. The Universal Declaration of Human Rights (1948) obliges states to protect all human rights, but first and foremost, the right to life. It also obliges states to protect its citizens' cultural diversity, and their right to an adequate standard of living, including the right to food. For rural communities, realization of each of these rights is dependent on their ability to access water in their immediate environment.

However, over the last decade, the right to water has increasingly been understood rather narrowly as an individual human being's right to have access to safe and affordable water for drinking and sanitation. It is based on the idea that individuals, as members of households, are hooked up to centralized water supply and sanitation schemes.

In this understanding of the right to water, there is a lack of comprehension of the history and cultures of communities in the global south. In many traditional societies, access to water was realized through the protection of community water sources. Sanitation habits varied from community to community. Production methods and habits varied too, but as low-consumption societies, they did not deplete their resources and could manage their waste without polluting their land and water resources.

This is no longer the case. Even where rural communities continue the ways of their ancestors, they are no longer able to control the fate of their land and water resources. A case in point is the more than decade-long experience of the Kalahari Bushmen: denied the rights to their ancestral land, water and way of life.

We all depend on rural resources to continue with our high-consumption lifestyle. We need the food they produce, the cotton they plant, but also all kinds of metals and minerals, precious stones and oils for the goods we use every day. In order to meet these needs, private and public corporations enter into rural areas and often displace communities, destroy their sources of livelihoods, and deplete or pollute their water resources.

Sand mining in Tamilnadu, as in other parts of India and the world, is an example of the violation of the right to water of rural inhabitants living in the watershed of the river. Here, sand is removed from riverbeds in order to support the principally urban construction boom. This reduces the ability of the riverbed to retain water and replenish surrounding lands that is already strained by chemical- and water-intensive industrial agricultural practices.

It is not as if these stories are confined to India, Asia or developing countries such as Botswana. Similar issues affect Indigenous communities in North America.

These initiatives can cross national boundaries. For example, the U.S. Commercial

Service is organizing a Water Trade Mission to India from February 28 to March 4, 2011. According to their analysis “India faces a critical shortage of reliable, safe water for personal consumption and for industrial use. In recent years rapid industrialization and a growing population have placed increasing demands on the country’s limited water resources. [...] most of India’s water resources are allocated to the agricultural sector, leaving little or no resources for other uses.”

While these facts cannot be disputed, what the U.S. Commercial Service sees in India is an opportunity to “expose U.S. firms to India’s rapidly expanding water and waste water market and to assist U.S. companies *to seize export opportunities in this sector.*” The assumption here is that the water problems in India can be resolved with the help of technology and investments. This kind of quick fix may end up disregarding (or even worsening) the real issue behind the water crisis, which is the ecological crisis caused by unfettered consumption habits.

It does not seem to occur to the U.S. Commercial Service that the diversion of water from rural areas, for industrial water use and/or for urban water supply, may result in water scarcity and livelihood insecurity for rural communities. The rural people who could be affected by these investments should have a role in decisions on whether or not to allow such investments, and a democratic process where they can figure out ways to address the ecological crises in ways that can help realize the right to water of both urban and rural communities.

As the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, visits the United States this week, I hope she is able to help define the right to water in a broader sense so as to help bring the majority of the often neglected rural communities under the protection of right to water.

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