



General Assembly Second Committee
Topic 2: Water and Development¹

30 September 2011

Of Earth's water supply, 97 percent is saltwater. Much of the remaining 3 percent is polluted beyond use.² Approximately 884 million people lack access to safe and clean drinking water. Another 2.6 billion do not have access to basic sanitation. 1.5 million children die each year due to water- and sanitation-related diseases.³ Approximately 14 to 30 thousand people die everyday due to avoidable water-related diseases. If the current situation continues, by 2025 two-thirds of the world will be living with serious water shortages or have no access to fresh water.⁴

Although water has not traditionally been viewed as a basic human right, a lack of safe drinking water and poor sanitation has implications for all aspects of life. The definition of a "right to water" varies, but can generally be understood as "the right to access sufficient water" of both the necessary quality and quantity to meet basic human needs.⁵ According to the 2002 World Summit on Sustainable Development in Johannesburg, "[t]he availability of clean, fresh water is one of the most important issues facing humanity today--and will be increasingly critical for the future, as growing demands outstrip supplies and pollution continues to contaminate rivers, lakes and streams."⁶

Although the human need for water is not debated, whether or not such a need extends to the level of a guaranteed right remains controversial. The best means to distribute water and ensure adequate supplies are also debated. Some argue that because water is so essential to human life, the government should guarantee a water supply of adequate quality and quantity to meet the daily needs of every citizen. Others argue that such a supply should be provided, but that it can be done more effectively through private (corporate) systems of water distribution, which turn water into a commodity to be sold to the highest bidder. Thus there are many important questions for the General Assembly to address. Should access to water be framed in a human rights model? Should water be recognized as an economic commodity? Can water be both a right and a commodity? What role should the private sector play in providing water resources?

¹ This background guide was written by Samantha Stephens, research assistant, with contributions from Karen Ruth Adams, faculty advisor. Copyright 2011 by Samantha Stephens.

² *Blue Gold: World Water Wars*, film directed by Sam Bozzo, Los Angeles, CA; Purple Turtle Films, 2009.

³ United Nations, General Assembly, 64th Session, "Resolution 292: The human right to water and sanitation," August 3, 2010, available at <http://www.un.org/depts/dhl/resguide/r64.shtml>.

⁴ John Scanlon, Angela Cassar and Noemi Nemes, "Water as a Human Right?" IUCN Environmental Law Programme, Policy Paper No. 51, 2004, p. 1, available at <http://data.iucn.org/dbtw-wpd/edocs/EPLP-051.pdf>.

⁵ Scanlon, Cassar and Nemes, "Water as a Human Right?" p. 1.

⁶ United Nations Press Release, *Water Year 2003: International Year Aims to Galvanize Action on Critical Water Problems*, UN Department of Public Information, DPI/2293A, December 2002.

History and Current Events

Ancient civilizations built their societies around water and water resources. Mesopotamia, or the “land between rivers” rose as the “cradle of civilization” surrounded by the Tigris-Euphrates Rivers. This area has been a battleground for the major powers of the world from then until the present day. Similarly, Egyptian society rose along the shores of the Nile, the Indus Valley Civilization spread out from the Indus River, and Russia established all of its major cities in the drainage basin of the Volga River.

Consequently, conflict over water rights and access to water have been common themes throughout history. As early as 2500 BC King Urukagina of Lagash in the Middle East diverted water from the boundary of his kingdom to canals to cut off his enemy’s water supply. Throughout the 6th and 7th centuries AD Assyrian kings used water as a weapon by destroying irrigation networks, cutting off the enemy’s access to water, and drying up and poisoning enemy wells.⁷ As recent as September 2011, the United Nations condemned Colonel Qaddafi’s regime in Libya for violating international law by vandalizing water pumps to cutoff the water supply of rebel forces in Tripoli.⁸

Water has also played a central role in religious teaching and texts. According to the Koran, “By means of water we give life to everything.” Water also plays a recurring theme in the Bible, from the great flood that cleansed the earth (Noah’s Ark) to Moses’ parting of the Red Sea.

However, water shortages, droughts and inadequate sanitation have also caused major civilizations to experience major crises or even outright collapse. The Mayan Civilization was one of the most culturally advanced societies in the pre-Columbian New World. As its civilization grew, it began to cause widespread damage to its environment through deforestation and overuse of resources. Subsequently, droughts spread throughout the Mayan cities, causing them to collapse as water sources dried up.⁹ Although not the only factor that led to the fall of the Mayans, water—or a lack thereof—played a major role in the collapse of this powerful civilization.

Poor sanitation has also exacerbated major health crises to the point of threatening state stability. Although the black plague was not a water-born illness, deficient sanitation systems facilitated its spread. At its peak in 1665, the Black Death killed over 6,000 per week in London.¹⁰ This paled in comparison with the Influenza Pandemic of 1918, which killed between 20 and 40 million people (compared to the 10 million that died in the First World War).¹¹

The Concept of Human Rights

“Rights” have been a subject of political and philosophical debate for centuries. Early civilizations and many of the world’s great religions provided for some kind of rights, usually either for citizens (on the basis of their membership in a certain community) or for all people (on the basis of their humanity). Over time, these rights have been codified in various ways. It was not until the 20th century, however, that they were widely thought to apply to basic human needs.

⁷ “Water Conflict Chronology Map,” Pacific Institute, available at <http://www.worldwater.org/conflict/map/>, accessed 20 August 2011.

⁸ Peter Gleick, “Water as a weapon: Qaddafi’s last desperate gamble,” *Forbes*, September 3, 2011, available at <http://www.forbes.com/sites/petergleick/2011/09/03/water-as-a-weapon-qaddafis-last-desperate-gamble/>.

⁹ Jared Diamond, *Collapse: How Societies Choose to Fail or Succeed* (New York: Penguin Books, 2005), pp. 157 – 177.

¹⁰ “The Great Plague of London – 1665,” Britain Express, available at <http://www.britainexpress.com/History/plague.htm>, accessed September 4, 2011.

¹¹ “The Influenza Pandemic of 1918,” available at <http://virus.stanford.edu/uda/>, accessed September 4, 2011.

Most of the early efforts to codify rights were done on a state-by-state basis. For example, in 1215, England's King John was "forced by his lords to sign the Magna Carta acknowledging that free men are entitled to judgment by their peers and that even a sovereign is not above the law." In 1689, this was incorporated into the British Bill of Rights, which was strongly influenced by John Locke's notions of natural rights to life, liberty, and property. In turn, the British notion of natural rights influenced the authors of the US Declaration of Independence and the French Declaration of the Rights of Man and Citizen.¹²

Other than religious statements of natural rights for all people, the earliest statements of human rights on a global scale came from Grotius, a 16th century Dutch legal scholar, who spoke of the "brotherhood of humankind and the need to treat all people fairly." But it was not until the Congress of Vienna in 1815 that statesmen first acknowledged human rights, in general, not just the rights of their own subjects. At the Congress, European leaders declared that people had a right to determine their own religion. They also discussed civil rights (such as the right to free speech) and political rights (such as the right to vote), and condemned the slave trade. Thirty years later, Russia, France, Prussia, Austria, and Great Britain signed the first international treaty to protect human rights, the Treaty of London (1841), in which they agreed to abolish slavery. In the US, slavery was outlawed in 1865, with passage of the 13th Amendment.¹³

A Right to Water

A "right to water" is found both implicitly and explicitly throughout a number of international agreements and treaties. Although the UN Charter does not explicitly reference water, Article 55 calls for:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.¹⁴

Guaranteeing access to clean drinking water and proper sanitation may be the only avenue to achieving a number of these goals. Additionally, Article 25 of the UN Declaration of Human Rights states "[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services..." Although this list does not include "water," it is not considered exhaustive and sanitation is often considered a necessary component of social services. Water is explicitly mentioned in the Geneva Conventions and the Additional Protocols, but it primarily focuses on a right to clean drinking water. The relevant provisions are: Articles 20, 26, 29 and 46 of the Third Geneva Convention (1949); Articles 85, 89 and 127 of the Fourth Geneva Convention (1949); Articles 54 and 55 of the Additional Protocol I (1977); and, Articles 5 and 14 of the Additional Protocol II (1977).

Article 6 of the 1966 International Covenant on Civil and Political Rights affirms the "right to life" that can be broadly construed as including a right to water. Although this article is commonly interpreted to only apply to political and civil rights, the Human Rights Council noted in its general comments "that the right to life has been too often narrowly interpreted. The 'inherent right to life' cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures."¹⁵ Articles 11 and 12 of the International

¹² Franklin and Eleanor Roosevelt Institute, "Ongoing Struggle for Human Rights: The Universal Declaration of Human Rights," March 2001 [timeline], available at <http://www.udhr.org/history/timeline.htm>.

¹³ Franklin and Eleanor Roosevelt Institute, "Ongoing Struggle for Human Rights."

¹⁴ "United Nations Charter," Article 55, available at <http://www.un.org/en/documents/charter/>.

¹⁵ Human Rights Committee, General Comment No. 6 adopted at the Sixteenth session (1982) on Article 6 of ICCPR.

Covenant on Economic, Social and Cultural Rights contain provisions similar to Article 55 of the UN Charter, guaranteeing an “adequate standard of living” and “highest attainable standard of physical or mental health.”¹⁶ The UN Committee on Economic, Social and Cultural Rights explicitly extended these rights to include a “right to water” as it stated: “The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.”¹⁷

The Action Plan created during the United Nations Water Conference in 1977 (Mar del Plata Action Plan) launched the International Drinking Water Supply and Sanitation Decade (1980-1990) and the “Water and Sanitation for All” campaign. This represented the first UN Conference entirely devoted to the issue of water. The Mar del Plata Action Plan recognized water as a basic human right and asserted that everyone has a right to an adequate quality and quantity of water to meet basic human needs.¹⁸

The only two human rights treaties that refer directly to a “right to water” are the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child. In Article 14, CEDAW provides that: “State parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure...the right [t]o enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”¹⁹ The Convention on the Rights of the Child emphasizes water quality and the health implications of poor access to water and sanitation. Article 24 states: “State parties...shall take appropriate measures [t]o 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...”²⁰

Some who oppose the creation of a “right to water” do so out of a fear of diluting the concept of “rights.” Since the end of the Second World War, human rights conventions have proliferated. Adding concepts such as “water” into the rights paradigm raises questions regarding the relative importance of other rights. This fear of diluting the rights regime also stems from the ambiguity and interpretations surrounding what it means to have a “right to water.”²¹ Another criticism of placing the “right to water” in a human rights framework is that this particular area may already be covered by a number of environmental and developmental treaties focused on clean water and sustainable development.²²

¹⁶ United Nations, International Covenant on Economic, Social and Cultural Rights, Articles 11 and 12, 1966, available at <http://www2.ohchr.org/english/law/cescr.htm>.

¹⁷ United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, General Comment No. 15 (2002). The right to water (Arts. 11 and 12 of the International Convention on Economic, Social and Cultural Rights) Twenty-ninth session, Geneva, 11 - 29 November 2002. E/C 12/2002/11.

¹⁸ “Preamble,” Report of the United Nations Water Conference, Mar Del Plata, March 1997, available at http://www.internationalwaterlaw.org/bibliography/UN/Mar_del_Plata_Report.pdf.

¹⁹ United Nations, Division for the Advancement of Women, “Convention on the Elimination of All Forms of Discrimination against Women,” Article 14(2)(h), 1979, available at <http://www.un.org/womenwatch/daw/cedaw/>.

²⁰ United Nations, Office of the United Nations High Commissioner for Human Rights “Convention on the Rights of the Child,” Article 24(2)(c). 1989, available at <http://www2.ohchr.org/english/law/crc.htm>.

²¹ Ling-Yee Huang, “Not Just Another Drop in the Human Rights Bucket: The Legal Significance of a Codified Human Right to Water,” *Florida Journal of International Law*, Volume 20, 2008, p. 367.

²² Ling-Yee Huang, “Not Just Another Drop in the Human Rights Bucket,” p. 367.

Water Rights and Efforts to Eliminate Poverty

According to the 2006 Human Development Report, “Water pervades all aspects of human development.”²³ The United Nations Development Program has determined that every person needs a minimum of 20 liters of clean water per day.²⁴ Some argue the water scarcity experienced by much of the developing world is not a physical lack of supply, but rather institutional and political restraints that determine who gets access to that supply. “There is more than enough water in the world for domestic purposes, for agriculture and for industry. The problem is that some people—notably the poor—are systematically excluded from access[.]”²⁵ According to UN Department of Economic and Social Affairs, Division for Sustainable Development, “all social and economic activities rely heavily on the supply and quality of freshwater.”²⁶

In 2000, the General Assembly adopted the Millennium Declaration, establishing the Millennium Development Goals (MDGs). The MDGs include 8 goals to improve living standards across the globe. The goal regarding environmental sustainability includes three elements, one of which is the reduction by half of the proportion of people without sustainable access to safe drinking water by 2015. In 2002, the UN Summit on Sustainable Development added the additional component of halving the proportion of people without sustainable access to sanitation. According to the MDG website, the world is on track to achieve its drinking water targets and since 1990, over 1.7 billion people have gained access to safe drinking water. However, sanitation targets “[appear] to be out of reach” and the population lacking access to sanitation is expected to grow from 2.6 billion to 2.7 billion by 2015.²⁷

A good example of the impact water issues can have on society is that of modern day India. India faces major challenges in providing adequate access to water and proper waste disposal services. The problems India faces in the areas of clean water and sanitation have impacted the nation’s agricultural production and economic growth. According to Sunita Nartain, director of the Center for Science and Environment in New Delhi, “If we become rich or poor as a nation, it’s because of water.”²⁸ Approximately 45 percent of the population of New Delhi—one of India’s most populous cities—is not connected to the public sewer and over 700 million people nation-wide lack adequate sanitation.²⁹

Without proper sanitation, it is very hard to protect people from waterborne diseases, such as cholera, typhoid fever and hepatitis A, which are caused by bacteria, and dysentery, which is caused by parasites. According to the World Health Organization,

²³ United Nations Development Program, “Human Development Report 2006: Beyond Scarcity: Power, poverty and the global water crisis,” 2006, p. 2, available at <http://hdr.undp.org/en/reports/global/hdr2006/>.

²⁴ United Nations Development Program, “Human Development Report 2006,” p. 4.

²⁵ United Nations Development Program, “Human Development Report 2006,” p. 3.

²⁶ United Nations, Department of Economic and Social Affairs, Division for Sustainable Development, “Agenda 21: Chapter 18,” available at http://www.un.org/esa/dsd/agenda21/res_agenda21_18.shtml.

²⁷ United Nations, “Millennium Development Goals: We Can End Poverty 2015: Goal 7,” available at <http://www.un.org/millenniumgoals/environ.shtml>, accessed September 4, 2011.

²⁸ Somini Sengupta, “In Teeming India, Water Crisis Means Dry Pipes and Foul Sludge,” *The New York Times*, September 29, 2006, available at <http://www.nytimes.com/2006/09/29/world/asia/29water.html?adxnnl=1&ref=water&adxnnlx=1314030818-qj9TbYNUxBYGcjmkLzUYAA>.

²⁹ Sengupta, “In Teeming India, Water Crisis Means Dry Pipes and Foul Sludge.”

At any given time, close to half the population of the developing world is suffering from waterborne diseases associated with inadequate provision of water and sanitation services. ...There are about four billion cases of diarrhea disease per year, resulting in about one or two million deaths, some ninety percent of which, tragically, are in children under the age of five."³⁰

Water and the Environment

Water has traditionally been thought of as one of the world's major natural resource, one that will never run out. However, it is becoming clear that water is not a fully renewable resource, rather one that requires sustainable use. Created in 1972, the Stockholm Declaration calls for the protection of "the natural resources of earth, including water" for the "benefit of present and future generations through careful planning or management..."³¹ The two major sources of the world's water are the hydrologic cycle and groundwater reserves. Through the hydrologic cycle, water evaporates into the atmosphere where it condenses and rains back down to the surface. This then naturally replenishes the groundwater supply as it soaks into the earth. However, if water is taken out of the groundwater supply faster than it is replenished by this natural cycle, the groundwater supply gets depleted and eventually disappears. Approximately 30 billion gallons of groundwater is pumped everyday, which is 2-7 barrels of water for every one barrel of oil extracted. At this rate, the world is pumping fifteen times more water than is being returned to the ground. The impacts of this continual depletion are even more concerning because there is no reliable method to accurately measure current groundwater reserves.³²

The consequences of depleting groundwater sources are many. As watersheds get depleted the land above them literally sinks into the ground. This can be seen in Mexico City, where the entire region has sunk due to its failing watershed. Additionally, as natural root systems are removed and deforestation ensues, soil erodes, hardening the earth and lessening the ability of rainwater to get into the ground. This leads to desertification because when water is unable to be absorbed into the earth, there are often floods that destroy more usable land.³³

Pollution and contamination of existing water supplies have also become a major environmental concerns. Damming of major rivers has led to greater soil erosion, more run off and increased desertification. Additionally, dams prevent water-borne nutrients from flowing downriver, impacting entire ecosystems. The destruction of wetlands also affects the world freshwater supply as over 60 percent of the world's wetlands have been destroyed. This has greatly impacted the world's usable water supply as wetlands act as "nature's filter" cleaning the water of pollutants and contaminants.³⁴ The Yamuna River in India provides a powerful example of the consequences of poor sanitation and overuse of New Delhi's primary water source. Although the river is considered sacred to those of the Hindu faith, 950 million gallons of sewage are poured into it everyday.³⁵

Although a number of environmental treaties include provisions for the protection and proper management of water, many argue these types of agreements are not enough to guarantee that individuals will receive the water they need to survive. Rather, for nations to truly achieve some of these environmental goals, water rights must be approached through a human rights framework as opposed to environmental one. According to proponents of a

³⁰ Jessica Berman, "WHO: Waterborne Disease is World's Leading Killer," Voice of America, 17 March 2005, available at <http://www.voanews.com/english/news/a-13-2005-03-17-voa34-67381152.html>

³¹ United Nations Environmental Programme, Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), June 1972, Principle 2; available at <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&articleid=1503>.

³² *Blue Gold* (2009).

³³ *Blue Gold* (2009).

³⁴ *Blue Gold* (2009).

³⁵ Sengupta, "In Teeming India, Water Crisis Means Dry Pipes and Foul Sludge."

rights-based approach, sustainable use of water resources for both the wellbeing of the environment and the people using the water resources is the only way to guarantee proper long-term management.³⁶

According to Agenda 21, a UN Division on Sustainable Development's publication, the current water crises encompasses three elements: access to water, the quality of water available and the quantity necessary to meet basic human needs. Chapter 18 of this publication states that water is to be viewed as "a natural resource and a social and economic good, whose quantity and quality determine the nature of its utilization."³⁷ Here, again, is the question: is water a good or a right? Can it be both?

Privatization of Water Resources

Proponents of privatization argue that private sector involvement and investment are the best ways to improve existing water infrastructures and management. The general premise of the argument for increased privatization of water resources is that it will lead to more individual conservation (due to the implicit worth of water) and incentivize corporations to expand and improve water services.³⁸ A number of major cities and areas of the world now have privatized water systems; some of these include: Buenos Aires, Argentina; Puerto Rico; Jakarta, Indonesia; and Santiago, Chile.³⁹ The World Bank has estimated the world water market to be worth over \$1 trillion USD, and some of the world's largest water companies rank among the top 150 of *Fortune's* Global 500 companies.⁴⁰ However, it is estimated that only 3 to 5 percent of the world's water supply is currently provided through the private sector.⁴¹

Opponents of privatization of water object to the framing of a basic need as an economic commodity. In 1992 at the International Conference on Water and the Environment, the United Nations adopted the Dublin Principles, recognizing water as "a finite and vulnerable resource."⁴² This statement was the first time the United Nations designated water as an "economic good," saying that it is "the basic right of all human beings to have access to clean water and sanitation at an affordable price."⁴³ However, this view of water as an economic commodity remains controversial. In his address to the Fifth World Water Forum, the UN General Assembly President Miguel D'Escoto Brockmann stated, "we must challenge the notion that water is a commodity to be bought and sold on the open market."⁴⁴

³⁶ Ling-Yee Huang, "Not Just Another Drop in the Human Rights Bucket," p. 359.

³⁷ United Nations Department of Economic and Social Affairs, Division for Sustainable Development, "Agenda 21," Par 18.18.

³⁸ Timothy O'Neill, "Water and freedom: the privatization of water and its implications for democracy and human rights in the developing world," *Colorado Journal of International Environmental Law and Policy*, Vol. 17:2, 2006, p. 359.

³⁹ *Blue Gold* (2009).

⁴⁰ O'Neill, "Water and freedom," p. 359.

⁴¹ Raul Rodriguez, "The debate on privatization of water utilities: a commentary," *International Journal of Water Resources Development*, 20:1, 2004, p. 109.

⁴² United Nations, Dublin Statement on Water and Sustainable Development, Principle 1, 1992, available at www.cawater-info.net/library/eng/l/dublin.pdf.

⁴³ United Nations, Dublin Statement on Water and Sustainable Development, Principle 4.

⁴⁴ Fifth World Water Forum, Statement by Miguel d'Escoto Brockmann, "To the Fifth World Water Forum Delivered by Maude Barlow, Senior Advisor on Water to the President," Istanbul, March 19, 2009, available at <http://www.un.org/ga/president/63/statements/water190309.shtml>.

In 1999, this clash of viewpoints came to the limelight in Cochabamba, Bolivia, when the local population rose up and opposed the privatization of their water system. The resulting six-month conflict became known as “La Guerra del Agua” or “Water War,” and it left one dead, a unknown number injured and over \$20 million USD in property damage. Privatization in Bolivia began in the mid-1980s, when the president attempted to appease international financial organizations in the face of a massive economic downturn.⁴⁵ As the privatization trend spread to the water sector, Bolivia’s third largest city Cochabamba was proposed as a potential model for privatization.

All sides of the debate agreed that municipal water company was inadequate and unsafe. However, once the system was fully privatized by the end of 1999, water prices rose by over 400 percent.⁴⁶ The private company blamed the increased cost on increased usage by the people, but the numbers did not support that. Additionally, the agreement between the company and the city gave the private company control over private wells, which it now charged residents for using. At this point some 15,000 to 20,000 took to the streets demanding the contract with the private company be cancelled. This led to continued rioting and public protests until the government finally ended the contract and turned the service back over to the municipal water supplier.⁴⁷

There may be a gray area developing between full privatization of water and full state control, as nations look to take advantage of the capital provided by the private sector to strengthen their own water infrastructure programs.⁴⁸ However, as the focus on water shortages continues, a number of governments and private companies have turned to creating new water resources, through programs such as desalination.

New Sources of Water? Desalination and other Solutions

Desalination “refers to the wide range of technical processes designed to remove salts from waters of different qualities.”⁴⁹ Currently, the only major desalination facility is located in the Persian Gulf and half of all desalination operations occur in this region. Throughout the rest of the world, a number of small operations exist to provide water for small island communities and--in a few limited instances--to provide water for industrial or commercial operations. However, some form of desalination technology is in use in 130 countries worldwide.⁵⁰ The areas that are primarily interested in developing desalination plants are generally those facing water scarcity or experiencing rapid population growth. Some of these areas include Singapore, Israel and California.⁵¹

Desalination can be achieved a number of different ways. Most of the larger, older operations use a thermal evaporation or distillation technique that resembles the natural hydrologic cycle (salt water is transformed into water vapor that is then condensed into fresh water). This process is still used in 40% of the plants. However, since the 1970s the use of membrane technology has increased. Membrane technology mimics osmosis and generally costs less than thermal systems but is sometimes not as effective (e.g. if the salt content is fairly high).⁵² The amount of fresh water produced through desalination efforts has increased by approximately 7 percent per year,

⁴⁵ O’Neill, “Water and freedom,” p. 361.

⁴⁶ O’Neill, “Water and freedom,” p. 367.

⁴⁷ O’Neill, “Water and freedom,” pp. 368, 371.

⁴⁸ Rodriguez, “The debate on privatization of water utilities,” p. 112.

⁴⁹ Peter H. Gleick, Heather Cooley and David Katz, *World’s Water 2006-2007: The Biennial Report on Freshwater Resources* (Washington, DC: Island Press, 2006), p. 52.

⁵⁰ Percentage of global desalination capacity in 2006: Saudi Arabia (18%), US (17%), United Arab Emirates (13%), Spain (6%), and Kuwait (5%).

⁵¹ Gleick, Cooley and Katz, *World’s Water 2006-2007*, p. 51.

⁵² Gleick, Cooley and Katz, *World’s Water 2006-2007*, p. 54.

and the current plants have the capacity to produce around 13 cubic kilometers of freshwater a year. Although this may seem like a lot of water, this only covers three one-thousandths of total global freshwater use.⁵³

Other than a potential inability to fulfill even limited freshwater demands, desalination operations are also criticized for being expensive and using an enormous amount of energy compared to small amount of water produced.⁵⁴ Another potential disadvantage of using desalination plants as a source of freshwater is the impact it can have on water quality and health. The potential for water contamination can be higher because the desalination process because both biological and chemical contaminants are added to the water during this process. Desalination plants also have a large environmental impact as they take in large amount of seawater and discharge concentrated brine (water with a very high salt and mineral content), both of which could kill local marine life.⁵⁵

On the other hand, one of the major benefits of freshwater produced through desalination efforts is the reliability of the water supply. Although the amount of water is limited by production capacity, desalination plants are not affected by variations in the weather, climate, or droughts.⁵⁶ Alternatives to desalination include treating local water sources, increasing regional water transfers, improving delivery efficiency, focusing on conservation, and attempt to accelerate water recycling and reuse. A number of non-governmental organizations have started grassroots water conservation projects as well. One project involves the creation of water catchments, which are small sieve-like dams used to slow the water down so more can be reabsorbed into the groundwater supply. Another approach to limiting inefficient use of water has been the call for more efficient irrigation methods; for example, using hydroponic irrigation systems as opposed to traditional, open-air irrigation (sprinklers).

Previous Committee Work on This Topic

In November 1980, when the UN launched the “International Water Supply and Sanitation Decade,” UN Member States agreed to implement goals and monitoring mechanisms for increasing both access and quality of water and sanitation systems. In 1990, the UN determined that the decade had not been as successful as hoped, citing factors such as significant population increase, a top-down approach, and a lack of public participation in implementation and planning.⁵⁷

On December 23, 2003, the General Assembly adopted a resolution declaring 2005 to 2015 the “International Decade for Action, Water for Life.” The primary purpose of this Decade is to aid and encourage countries to fulfill water and sanitation goals set by the MDGs by the 2015 deadline. The focus of this Decade is on creating sustainable water and sanitation infrastructures that not only help nations meet the 2015 goals, but create programs for the long-term management of their water systems.⁵⁸

On July 28, 2010, the General Assembly adopted Resolution A/RES/64/292 recognizing “the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of all human

⁵³ Gleick, Cooley and Katz, *World’s Water 2006-2007*, p. 55.

⁵⁴ Gleick, Cooley and Katz, *World’s Water 2006-2007*, pp. 65-72.

⁵⁵ Gleick, Cooley and Katz, *World’s Water 2006-2007*, p. 77.

⁵⁶ Gleick, Cooley and Katz, *World’s Water 2006-2007*, p. 53.

⁵⁷ Salman M.A. Salman, “United Nations General Assembly Resolution: International Decade for Action, Water for Life, 2005 -2015,” International Water Resources Association, *Water International*, Volume 30:3, p. 2, September 2005, available at <http://waterlaw.org/bibliography/articles/Salman/UNDecadeForActionArticle.pdf>.

⁵⁸ United Nations – Water, “International Decade for Action: Water for Life, 2005-2015,” available at <http://www.un.org/waterforlifedecade/background.shtml>

rights.”⁵⁹ The resolution received 122 votes in favor and 41 countries abstained.⁶⁰ The resolution also includes a provision requested by the Human Rights Council requiring the UN Independent Expert “on the issue of human rights obligations related to access to safe drinking water and sanitation” provide the UN General Assembly with an annual compliance report.⁶¹ Catarina de Albuquerque, the current Independent Expert, praised Japan following a recent visit for its nearly universal access to both clean water and sanitation services. However, Albuquerque added that not even Japan had achieved full access.⁶²

According to General Assembly President Joseph Deiss, “The human right to water and sanitation is critical to ensure that everyone has a life of dignity and freedom.”⁶³ Furthermore, he stated that achieving water and sanitation targets is necessary to achieve other goals in areas such as poverty reduction, increased primary education and disease prevention. In 2010, the UN General Assembly declared 2013 as the International Year of Water Cooperation to help aid countries in the last two years before the deadline passes for the Millennium Development Goals.⁶⁴ The next major meeting will take place when the 6th World Water Forum meets in March 2012 in Marseille, France.

Conclusion

Despite important progress in defining a human right to water, much remains to realize universal access to safe, clean drinking water and adequate sanitation. This is a considerable challenge, due to the prevalence of poor sanitation, pollution of major water sources, and conflict over water resources. How best can the GA work to ensure that the gains of the past decade are maintained and extended? As you research your country’s position on this issue, consider the following questions:

- What are the major water resources in your country?
- Is your country facing any major environmental issues relating to its ability to provide safe, clean drinking water (such as pollution, desertification, etc.)?
- Has your country privatized any of its national or municipal water systems?
- To what extent has your country achieved and/or helped other countries achieve the MDGs?
- What can and should the General Assembly do to further a right to water?

⁵⁹ General Assembly, 64th Session, “Resolution 292: The human right to water and sanitation,” August 3, 2010; available at <http://www.un.org/depts/dhl/resguide/r64.shtml>.

⁶⁰ “General Assembly declares access to clean water and sanitation is a human right,” *UN News Centre*, July 28, 2010, available at <http://www.un.org/apps/news/story.asp?NewsID=35456&Cr=SANITATION>.

⁶¹ “General Assembly declares access to clean water and sanitation is a human right,” *UN News Centre*.

⁶² “General Assembly declares access to clean water and sanitation is a human right,” *UN News Centre*.

⁶³ “Right to water and sanitation vital for achieving anti-poverty goals,” *UN News Centre*, July 27, 2011; available at <http://www.un.org/apps/news/story.asp?NewsID=39163&Cr=sanitation&Cr1>

⁶⁴ General Assembly, 65th Session, “Resolution 154: International Year of Water Cooperation, 2013,” December 20, 2010.

Recommended Reading

Berman, Jessica. "WHO: Waterborne Disease is World's Leading Killer." Voice of America. 17 March 2005. available at <http://www.voanews.com/english/news/a-13-2005-03-17-voa34-67381152.html>

This article explains the close connection between clean drinking water and proper sanitation. It provides a good overview of the extent of the sanitation challenge in developing countries today. For more information, see WHO's page on sanitation, <http://www.who.int/topics/sanitation/en/>

International Decade for Action: Water for Life, 2005-2015. Official Homepage. Available at <http://www.un.org/waterforlifedecade/index.shtml>

This website provides information about the 2005-2015 International Decade for Action regarding water and sanitation. It includes links to a number of issues the Decade is focusing on, one of which is the "Human Right to Water."

The Rights to Water and Sanitation. Available at <http://www.righttowater.info>

This website provides information about the progress that has been made in providing universal access to safe water and sanitation as well as what is needed to improve the world water situation. The site includes links to case studies in a number of different countries. One of the major focuses of the site is the legal framework for a "right to water."

Scanlon, John, Angela Cassar and Moemi Nemes. "Water as a Human Right?" IUCN Environmental Law Programme. Policy Paper No. 51. 2004. Available at <http://data.iucn.org/dbtw-wpd/edocs/EPLP-051.pdf>

This paper includes a background on the water as a right topic, focusing on the link between human rights and water resources. It also analyzes the impact such a right would have on environmental issues, sustainable development, and poverty eradication.

"Water Conflict Chronology Map." The Pacific Institute. Available at <http://www.worldwater.org/conflict/map>

This site provides an interactive world map of conflicts that have occurred over water since 2500 BC. It includes not only wars, but also major events such as dam construction and floods.

World Water Council. Available at <http://www.worldwatercouncil.org/index.php?id=1748>

This site provides a general starting point for information on the different organizations and programs that address the issue of water resources. It includes links to all of the past World Water Forums as well as what is planned for the 2012 Forum. It includes latest news in the area of water as a human right