

## Right to Water

Citation	Summary
<p><b>Books</b></p> <p>The Human Rights to Water and Sanitation</p> <p>Léo Heller</p> <p>Cambridge: Cambridge University Press, 2022</p>	<p>A comprehensive overview of the human rights to water and sanitation, exploring theoretical, conceptual, and practical aspects.</p> <p><a href="https://doi.org/10.1017/9781108938679">https://doi.org/10.1017/9781108938679</a></p>
<p>Water Politics: Governance, Justice, and the Right to Water</p> <p>Editors: Farhana Sultana &amp; Alex Loftus</p> <p>New York, NY: Routledge 2020.</p> <p>K3260.W38 2020</p>	<p>Scholarship on the right to water has proliferated in interesting and unexpected ways in recent years. This book broadens existing discussions on the right to water in order to shed critical light on the pathways, pitfalls, prospects, and constraints that exist in achieving global goals, as well as advancing debates around water governance and water justice. The book shows how both discourses and struggles around the right to water have opened new perspectives and possibilities in water governance, fostering new collective and moral claims for water justice, while effecting changes in laws and policies around the world. In light of the 2010 UN ratification on the human right to water and sanitation, shifts have taken place in policy, legal frameworks, local implementation, as well as in national dialogues. Chapters in the book illustrate the novel ways in which the right to water has been taken up in locations drawn globally, highlighting the material politics that are enabled and negotiated through this framework in order to address ongoing water insecurities. This book reflects the urgent need to take stock of debates in light of new concerns around post-neoliberal political developments, the challenges of the Anthropocene and climate change, the transition from the Millennium Development Goals (MDGs) to the Sustainable Development Goals (SDGs), as well as the mobilizations around the right to water in the global North. This textbook is essential reading for students of water governance, environmental policy, politics, geography, and law. It will be of great interest to policymakers and practitioners working in water governance and the human right to water and sanitation.</p> <p>The right to water in a global context: challenges and transformations in water politics / Farhana Sultana and Alex Loftus  Valuing water: rights, resilience, and the UN High-Level Panel on Water / Jeremy J. Schmidt  Making space for practical authority: policy formalization and the right to water in <u>Mexico</u> / Katie Meehan  Turning to traditions: three cultural-religious articulations of fresh waters' value(s) in contemporary governance frameworks / Christiana Zenner  The right to bring waters into being / Jamie Linton  The rights to water and food: exploring the synergies / Lyla Mehta and Daniel Langmeier  Water-security capabilities and the human right to water / Wendy Jepson, Amber Wutich and Leila M. Harris  Rights on the edge of the city: realizing of the right to water in informal settlements in Bolivia / Anna Walnycki  Human right to water and bottled water consumption: governing at the intersection of water justice, rights and ethics / Raúl Pacheco-Vega</p>

	<p>Against the trend: structure and agency in the struggle for public water in Europe / Andreas Bieler  Remunicipalization and the human right to water: a signifier half full? / David A. McDonald  Citizen mobilization for water: the case of Thessaloniki, Greece / Jerry van den Berge, Rutgerd Boelens and Jeroen Vos  Race, austerity and water justice in the United States: fighting for the human right to water in Detroit and Flint, Michigan / Cristy Clark  Class, race, space and the "right to sanitation": the limits of neoliberal toilet technologies in Durban, South Africa / Patrick Bond.</p>
<p>The Human Right to Water in Latin America: Challenges to Implementation and Contribution to the Concept</p> <p>Anna Berti Suman</p> <p>Leiden: Brill, 2018</p> <p>KH574.B47 2018</p>	<p>The author investigates the development of the right to water and of water law in the Latin American context. By examining the significance of Latin American constitutional evolution, doctrine, and jurisprudence, the author illustrates the Latin American contribution in stimulating the social, political, and economic debate on the right to water, regionally and worldwide. Through an overview on the right to water in Latin American constitutions and of the main Latin American water management systems, author argues that an analysis of the right to water has to take account of its application in specific contexts. The intrinsic connection between the right to water and the role of the private sector is examined through topical insights into the highly privatized Chilean water services. In the conclusion, the relevance of the lessons learnt from the Latin American experience for the global debate on the right to water is convincingly proved.</p>
<p>The Human Right to Water: Theory, Practice and Prospects</p> <p>Editors: Malcolm Langford &amp; Anna FS Russell</p> <p>Cambridge: Cambridge University Press, 2017</p> <p>K3260.H85 2017</p>	<p>In a short space of time, the right to water has emerged from relative obscurity to claim a prominent place in human rights theory and practice. This book explores this rise descriptively and prescriptively. It analyses the recognition, use and partly impact, of the right to water in international and comparative law, civil society mobilisation and public policy. It also scrutinises the normative implications of the right to water with a focus on challenges and puzzles it creates for law and policymaking. These questions are explored globally and comparatively within different dynamics of the sector - water allocation, water access and urban and rural water reform - and in conjunction with the right to sanitation. This multi-disciplinary volume reveals the diverse ways in which the right to water has been adopted, but also its limitations when faced with the realities of political economy, political ecology and partly, traditional legal thought.</p> <p>Introduction: the right to water in context / Malcolm Langford and Anna F.S. Russell  Water allocation, customary practice and the right to water: rethinking the regulatory model / Barbara van Koppen  Indigenous peoples and the sale of water rights: the case of Chile / Domingo A. Lovera Parmo  Water for food: a human rights perspective / Inga T. Winkler  Tapping transboundary waters: implications of the right to water for states sharing international watercourses / Anna F.S. Russell and Stephen McCaffrey  Climate change and the right to water / Mac Darrow  Determining progress on access to water and sanitation: the case of South Africa / Jackie Dugard, Malcolm Langford and Edward Anderson  Quantifying the affordability standard: a comparative approach / Henri Smets  Engendering the right to water and sanitation: integrating the experiences of women and girls / Anne Hellum  The human right to sanitation / Malcolm Langford, Jamie Bartram and Virginia Roaf  Development cooperation and extraterritorial obligations / Ashfaq Khalfan  The Occupied Palestinian Territory: challenges to progressive realisation / Lara El Jazairi</p>

	<p>Privatisation and the right to water / Malcolm Langford  Piped water in Jakarta: a political, economic or social good? / Nicola Colbran  Privatisation and regulatory autonomy: the right to water in international economic law / Andrew Lang  Bilateral investment treaties and investment arbitration / Luke Eric Peterson  A poor choice?: public policy, social choice and the human right to water / Robert A. Hope  Socio-cultural norms, human rights and access to water and sanitation / Nandita Singh  Reflections on the right to water from a political ecology perspective: tensions in Zimbabwe's water governance / Bill Derman and Emmanuel Manzungu  The right to water in rural India and drinking water policy reforms / Philippe Cullet.</p> <p><a href="https://doi.org/10.1017/9780511862601">https://doi.org/10.1017/9780511862601</a></p>
<p>The human right to water: a legal comparative perspective at the international, regional and domestic level</p> <p>Jimena Murillo Chávarro</p> <p>Cambridge: Intersentia [2015]</p> <p>K3260.M87 2015</p>	<p>This book summarises the history of the human right to water and examines its main content and the obligations that derive from this right. The main purpose of the recognition of the human right to water is to guarantee to everyone access to sufficient, safe and affordable drinking water to satisfy personal and domestic uses. This book discusses whether the human right to water is recognised as a derivative right or as an independent right at three levels - at universal, regional and domestic - where human rights are recognised and enforced. At the domestic level a case study approach has been used with focus on Argentina, Bolivia, Chile and Colombia. Freshwater resources are not static; they are constantly flowing and crossing international boundaries. This situation and the relative scarcity of water resources have a direct impact on a state's capacity to realise the human right to water. The human right to water is examined in a transboundary water context, where the use and management of an international watercourse in one riparian state can directly or indirectly affect the human right to water in another riparian state. For this reason, this book analyses whether the core principles of international water law can be used to contribute to the realisation of the extraterritorial application of the right to water.</p> <p>Emergence, definition and core content of the human right to water  Recognition of the human right to water at the international level  Recognition of the human right to water at the regional level  Recognition of the human right to water at the domestic level: a case study approach  Extraterritorial application of the human right to water in a transboundary watercourse context</p> <p><a href="https://doi.org/10.1017/9781780685557">https://doi.org/10.1017/9781780685557</a></p>
<p>The extraterritorial application of the human right to water in Africa</p> <p>Takele Soboka Bulto</p> <p>Cambridge: Cambridge University Press, 2013</p>	<p>International human rights law has only recently concerned itself with water. Instead, international water law has regulated the use of shared rivers, and only states qua states could claim rights and bear duties towards each other. International human rights law has focused on its principal mission of taming the powers of a state acting territorially. The author challenges the established analytic boundaries of international water law and international human rights law. By demonstrating the potential complementarity between the two legal regimes and the ensuing utility of regime coordination for the establishment of the human right to water and its extraterritorial application, he also shows that human rights law and the international law of watercourses can apply in tandem with the purpose of protecting non-national non-residents in Africa and beyond. This book joins the debate (albeit mainly from the perspective of the African human rights system) but, more importantly, goes ahead of the current</p>

<p>KQC581.B85 2014</p>	<p>controversy and analyses the immediate implementation problems triggered by declaration of the right given the shared nature of scarce water resources in regions such as Africa. Unlike or beyond the necessities of implementing other socio-economic rights, the human right to water often depends primarily on a uniquely international resource for its realisation. Of the 54 African states, 51 states are dependent for drinking and sanitation water on international rivers that are shared between/among 2-10 co-riparian states.</p> <p>The human right to water at the global level  The human right to water in the African human rights system  The human right to water and states' domestic obligations  The human right to water and states' extraterritorial obligations  Extraterritoriality of the human right to water in international water law  The human right to water and extraterritorial remedies</p> <p><a href="https://doi.org/10.1017/CBO9781139381215">https://doi.org/10.1017/CBO9781139381215</a></p>
<p>The Human Right to Water: Significance, Legal Status and Implications for Water Allocation</p> <p>Inga T Winkler</p> <p>London: Bloomsbury Publishing, 2014</p> <p>Book Review by: Dan Furukawa Marques</p> <p>35 Hum. Rts. Q. 785 (2013)</p>	<p>The United Nations General Assembly and the Human Rights Council recognised the human right to water in 2010. This formal recognition has put the issue high on the international agenda, but by itself leaves many questions unanswered. This book addresses this gap and clarifies the legal status and meaning of the right to water through a detailed analysis of its legal foundations, legal nature, normative content and corresponding State obligations. The human right to water has wide-ranging implications for the distribution of water. Examining these implications requires putting the right to water into the broader context of different water uses and analysing the linkages and competition with other human rights that depend on water for their realisation. Water allocation is a highly political issue reflecting societal power relations, with current priorities often benefitting the well-off and powerful. Human rights, in contrast, require prioritising the most basic needs of all people. The human right to water has the potential to address these underlying structural causes of the lack of access to water rooted in inequalities and poverty by empowering people to hold the State accountable to live up to its human rights obligations and to demand that their basic needs are met with priority.</p> <ol style="list-style-type: none"> <li>1. Introduction</li> <li>2. Background: Water Availability and Competing Demands</li> <li>3. Legal Foundations of the Human Right to Water</li> <li>4. Legal Characteristics of the Human Right to Water</li> <li>5. Human Rights Implications for Water Allocation</li> <li>6. Benefits of Understanding Water as a Human Right</li> <li>7. Conclusion and Outlook</li> </ol> <p><a href="http://dx.doi.org/10.5040/9781472566089">http://dx.doi.org/10.5040/9781472566089</a></p> <p><a href="https://doi.org/10.1353/hrq.2013.0042">https://doi.org/10.1353/hrq.2013.0042</a></p>
<p>The right(s) to water: the multi-level governance of a unique human right</p>	<p>Politicians and diplomats have for many years proclaimed a human right to water as a solution to the global water crisis, most recently in the 2010 the UN General Assembly Resolution The human right to water and sanitation. To what extent, however, can</p>

<p>Pierre Thielbörger</p> <p>London: Springer, 2014.</p> <p>K3260.T45 2014</p> <p>Book Review by: Courtney Wood</p> <p>33 U. Tas. L. Rev. 363 (2014)</p>	<p>a right to water legally and philosophically exist and what difference to international law and politics can it make? This question lies at the heart of this book. The books answer is to argue that a right to water exists under international law but in a more differentiated and multi-level manner than previously recognised. Rather than existing as a singular and comprehensive right, the right to water should be understood as a composite right of different layers, both deriving from separate rights to health, life and an adequate standard of living, and supported by an array of regional and national rights. The author also examines the right at a conceptual level. After disproving some of the theoretical objections to the category of socio-economic rights generally and the concept of a right to water more specifically, the manuscript develops an innovative approach towards the interplay of different rights to water among different legal orders. The book argues for an approach to human rights including the right to water as international minimum standards, using the right to water as a model case to demonstrate how multilevel human rights protection can function effectively. The book also addresses a crucial last question: how does one make an international right to water meaningful in practice? The manuscript identifies three crucial criteria in order to strengthen such a composite derived right in practice: independent monitoring; enforcement towards the private sector; and international realization. The author examines to what extent these criteria are currently adhered to, and suggests practical ways of how they could be better met in the future.</p> <p><a href="https://doi.org/10.1007/978-3-642-33908-0">https://doi.org/10.1007/978-3-642-33908-0</a></p> <p>The current legal status of the right to water  Philosophical and conceptual approaches to a human right to water  Implementation: independent monitoring, enforcement against the private sector, and international realization</p>
<p>The Right to Water: Politics, Governance and Social Struggles</p> <p>Farhana Sultana &amp; Alex Loftus</p> <p>New York: Earthscan, 2012.</p>	<p>The right to clean water has been adopted by the United Nations as a basic human right. Yet how such universal calls for a right to water are understood, negotiated, experienced and struggled over remain key challenges. The Right to Water elucidates how universal calls for rights articulate with local historical geographical contexts, governance, politics and social struggles, thereby highlighting the challenges and the possibilities that exist. Bringing together a unique range of academics, policy-makers and activists, the book analyzes how struggles for the right to water have at.</p> <p>The right to water: possibilities and prospects / Farhana Sultana and Alex Loftus  Commons versus commodities: debating the human right to water / Karen Bakker  The human right to what? water, rights, humans, and the relation of things / Jamie Linton  A right to water: geographico-legal perspectives / Chad Staddon, Tom Appleby and Evadne Grant  The political economy of the right to water: reinvigorating the question of property / Kyle Mitchell  Scarce or insecure? the right to water and the ethics of global water governance / Jeremy Schmidt  The right to water as the right to identity: legal struggles of indigenous peoples of Aotearoa New Zealand / Jacinta Ruru  Legal protection of the right to water in the European Union / Marleen van Rijswijk and Andrea Keessen  Rights, citizenship and territory: water politics in the West Bank / Ilaria Giglioli  Water rights and wrongs: illegality and informal use in Mexico and the U.S. / Katharine Meehan  The centrality of community participation to the realisation of the right to water: the illustrative case of South Africa / Cristy Clark  The right to the city and the eco-social commoning of water: discursive and political lessons from South Africa / Patrick Bond  Anti-privatization struggles and the right to water in India: engendering cultures of opposition / Krista Bywater</p>

	Seeing through the concept of water as a human right in Bolivia / Rocio Bustamante From Cochabamba to Colombia: travelling repertoires in Latin American water struggles / Verónica Perera.
The human right to water and its application in the occupied Palestinian territories  Amanda Cahill Ripley  New York: Routledge, 2011	This book provides an overview and examination of the human right to water as determined under international human rights law, including establishing its current legal status and substantive content and dealing with general questions and issues related to economic, social and cultural rights which affect the right to water. The book goes on to look more specifically at the application of the human right to water in the Occupied Palestinian Territories. As well as exploring the human right to water under international human rights law the book also analyses the international humanitarian law per.  The historical legal and political context of the right to water The human right to water: legal status and normative content Obligations correlative to the right to water The right to water in the occupied Palestinian territories (West Bank): part I: international legal sources The right to water in the occupied Palestinian territories (West Bank): part II: bilateral and domestic legal sources The right to water in the occupied Palestinian territories (West Bank): part III: a case study in the southern West Bank Where do we go from here?: conclusions and recommendations for developing the right to water Practical measures.
Blue Covenant: The Global Water Crisis and the Coming Battle for the Right to Water  Maude Barlow  Toronto: McClelland & Stewart, 2007  HD1691.B366 2007	Imagine a world in twenty years, in which no substantive progress has been made to provide basic wastewater service in the Third World, or to force industry and industrial agriculture production to stop polluting water systems, or to curb the mass movement of water by pipeline, tanker and other diversion, which will have created huge new swaths of desert. Desalination plants will ring the world's oceans, many of them run by nuclear power; corporate nanotechnology will clean up sewage water and sell it to private utilities who will sell it back to us at a huge profit; the rich will drink only bottled water found in the few remote parts of the world left or sucked from the clouds by machines, while the poor die in increasing numbers. This is not science fiction. This is where the world is headed unless we change course.  Where has all the water gone? Setting the stage for corporate control of water The water hunters move in The water warriors fight back The future of water Is Canada's water for sale?
The Human Right to Water: Legal and Policy Dimensions  Salman M A Salman & Siobhán Alice McInerney-Lankford  World Bank, 2004	The book traces the issue of the right to water through a number of international legal instruments, particularly General Comment No. 15, issued in 2002 by the Committee on Economic, Social and Cultural Rights, which recognizes a human right to water. It analyzes the international legal regime for human rights and argues that the development-water-human rights nexus is rapidly evolving.  1. Genesis of the debate on the right to water 2. Evolution of the International Legal Regime for Human Rights 3. General comments issued by the Committee on Economic, Social and Cultural Rights

	<p>4. Legal and policy dimensions of General Comment No. 15 -- App. I. Universal Declaration of Human Rights -- App. II. International Covenant on Economic, Social and Cultural Rights -- App. III. International Covenant on Civil and Political Rights -- App. IV. Economic and Social Council Resolution 1985/17 on the Committee on Economic, Social and Cultural Rights -- App. V. General Comment No. 15 -- the right to water.</p> <p><a href="https://perma.cc/XDR8-H9CG">https://perma.cc/XDR8-H9CG</a></p>
<p>The right to take water from streams and lakes for public water supply</p> <p>Rome Green Brown</p> <p>F.W. Shepperd (New York), [1895]</p>	<p>Paper read at the Fifteenth Annual Convention of the American Water Works Association, held at Atlanta, Georgia, May 28-30, 1895.</p> <p>Reproduction of original from Harvard Law School Library.</p>
<b>Articles</b>	
<p>Human right to water under international law regime: an overview</p> <p>Nehaluddin Ahmad</p> <p>46 Commonwealth L. Bull. 415 (2020)</p>	<p>The worldwide water crisis is alarming in recent years due to climate change, a growing world population and increasing demands for water, making the situation challenging. A large number of countries are facing a difficult situation where water supplies are not adequate to satisfy even the minimum needs of the people. While international regulation of water has traditionally operated from the perspective of the state, recent human rights instruments have shifted the debate. Despite the lack of a universal treaty containing an explicit human right to water, the UN General Assembly has adopted resolutions expressly recognizing the human right to water, and the right is furthermore incorporated in the new Sustainable Development Goals. In this context, the aim of this paper is to examine the present status of the right to water in international law. It attempts to dialogue with the different existing perspectives regarding the impact of its international recognition as a human right. It then explains the development of the right to water in legal and judicial spheres. Finally, it considers the urgency and challenge of monitoring the human right to water and sanitation and discusses important implications for public policies.</p> <p><a href="https://doi.org/10.1080/03050718.2020.1770618">https://doi.org/10.1080/03050718.2020.1770618</a></p>
<p>An introduction to the human right to water: Law, politics, and beyond</p> <p>Emanuele Fantini</p> <p>7 Wiley Interdisc. Revs.: Water e1405 (March/April 2020)</p>	<p>In spite of its official recognition by the United Nations in 2010, the human right to water remains a contested notion as illustrated by three main debates: (a) the definition of its scope, content, and indicators to monitor its implementation; (b) the conceptual appropriateness and effectiveness of the human rights approach in countering water services privatization; (c) the call for decolonizing or decentering the western, liberal, individualistic, and anthropocentric approach of the human right to water. The article introduces the main themes and insights within these debates and concludes by pointing at potential future research at their intersection, in relation to (a) other species' rights, (b) culture and religion, and (c) technology and infrastructure.</p> <p><a href="https://doi.org/10.1002/wat2.1405">https://doi.org/10.1002/wat2.1405</a></p>
<p>The no significant harm principle and the human right to water</p> <p>Otto Spijkers</p>	<p>Access to water has been recognized as an international human right at least since 2010, when both the United Nations General Assembly and the Human Rights Council adopted resolutions to this effect. The no significant harm principle can be found in the UN Watercourses Convention, and in numerous other global, regional, and watercourse-specific treaties. This paper provides an explanation of how the no significant harm principle and the human right to water supplement each other, by jointly protecting both the State and the individual from significant harm done, by another State, to a watercourse on which they depend. The</p>

<p>20 Int'l Env't Agreements: Pols., L. &amp; Econs. 699 (2020)</p>	<p>dispute between Chile and Bolivia relating to the status and use of the Silala waters is used as a case study, to illustrate the way in which these two international legal regimes (international water law and international human rights law) supplement each other.</p> <p><a href="https://doi.org/10.1007/s10784-020-09506-3">https://doi.org/10.1007/s10784-020-09506-3</a></p>
<p>Against the human right to water?</p> <p>Michael Tiboris</p> <p>41 Hum. Rts. Q. 916 (2019)</p>	<p>The moral intuition behind the human right to water is powerful, and the right has now been explicitly listed in international declarations, yet its normative grounding remains obscure. This is surprising given the widely incanted idea that "water is life." This article argues that unique features of water as a resource create serious obstacles for understanding the normative foundation of the human right to water and for successfully institutionalizing and surviving practical obstacles to implementation. It concludes by considering how the right might bear on claimed abuses in places like Detroit, Michigan.</p> <p><a href="https://doi.org/10.1353/hrq.2019.0067">https://doi.org/10.1353/hrq.2019.0067</a></p>
<p>Measuring the human right to water: An assessment of compliance indicators</p> <p>Jennifer Schiff</p> <p>6 Wiley Interdisc. Revs.: Water e1321 (Jan./Feb. 2019)</p>	<p>According to the United Nations, over a billion people lack access to clean drinking water. As a call to action regarding deficient water availability, the UN has recognized formally the prescriptive norm of a "human right to water" within treaty legislation for over a decade. The right to water requires states to ensure that water is available, accessible, safe, affordable, and acceptable, but little consensus exists regarding the conditions that constitute adequate compliance with this norm. In general, structural, process, and outcome indicators are considered to be the bench- mark of right to water compliance, but these terms remain ambiguously defined on the international level, which leaves states without a specific national roadmap for compliance. This analysis attempts to clarify the confusion surrounding right to water indicators by (a) explaining the historical context behind the creation of each distinct type of indicator for water access, (b) reviewing the salient literature on human rights compliance, and (c) reflecting critically on the utility of the existing indicator matrix. Ultimately, the evidence suggests that structural, process, and out- come indicators are necessary, but insufficient on their own to determine whether a state has complied with its human right to water obligations. As an alternative, a move to integrate the existing indicator categories in order to evaluate a state's capacity to provide the human right to water may serve as a more effective tool assessing how able states are to provide a right domestically to which they may have agreed internationally.</p> <p><a href="https://doi.org/10.1002/wat2.1321">https://doi.org/10.1002/wat2.1321</a></p>
<p>Sustainable Access to Water for All: How to Conceptualize and to Implement the Human Right to Water</p> <p>Erik Gawel &amp; Wolfgang Bretschneider</p> <p>13 J. Eur. Env't &amp; Plan. L. 190 (2-16)</p>	<p>After having adopted the UN Sustainable Development Goals (SDGs) in 2015 including once again the right to water (RTW) for all by 2030 implementation issues are growing in importance now. It is widely acknowledged that even EU Member States, in general, are faced with this challenge. However, any implementation of the RTW requires a sound specification first. Since the RTW commonly refers to enabling sufficient "access" to water the crucial question here is under what conditions "access" ever might be "denied". Up to now, little progress has been made to give a clear and convincing answer to this question. This article offers an innovative analytical framework of "sustainable access" taking explicitly into account potential barriers to access that may or not refer to sustainability requirements themselves. Thus, social concerns are confronted with aspects of functionality. This allows for an explicit assessment of water supply situations with respect to the RTW in an overall sustainability framework which is particularly in line with the SDG approach.</p> <p><a href="https://doi.org/10.1163/18760104-01302005">https://doi.org/10.1163/18760104-01302005</a></p>



<p>The human right to water and sanitation: a new perspective for public policies.</p> <p>Colin Brown, Priscila Neves-Silva &amp; Léo Heller</p> <p>21 <i>Ciência &amp; Saúde Coletiva</i> 661 (2016)</p>	<p>The recognition of the human right to water and sanitation (HRtWS) by the United Nations General Assembly and Human Rights Council in 2010 constituted a significant political measure whose direct consequences are still being assessed. Previous to this date, the HRtWS and its link to a healthy life and adequate standard of living had been recognised in diverse legal and judicial spheres worldwide, in some cases under the pressure of the initiatives of strong social movements. However, while the HRtWS is recognised by the UN State Members, it constitutes a concept in construction that has not been approached and interpreted in consensual ways by all concerned stakeholders. The present article presents a formal definition of this right with a base in human rights regulation. It attempts to dialogue with the different existing perspectives regarding the impact of its international recognition as a human right. It then elucidates the progressive development of the HRtWS in law and jurisprudence. Finally, it considers the urgency and challenge of monitoring the HRtWS and discusses important implications for public policies.</p> <p><a href="https://doi.org/10.1590/1413-81232015213.20142015">https://doi.org/10.1590/1413-81232015213.20142015</a></p>
<p>Implementing the human right to water and sanitation: a study of global and local discourses</p> <p>Madeline Baer &amp; Andrea Gerlak</p> <p>36 <i>Third World Q.</i> 1527 (2015)</p>	<p>This article explores global and local discourses on how to implement the newly recognised human right to water and sanitation (HRtWS). We analyse the potential limitations of the human rights frame in the context of critiques that human rights are a liberal, Western discourse that does not reflect the lived experiences of non-Western countries. Through two case studies we find that there are two discourses emerging on how to implement the HRtWS. At the global level, as seen in the work of the UN Special Rapporteur on the HRtWS, we find a hegemonic discourse that is state-centric and market-friendly. In Bolivia, a country currently implementing a human rights-based approach to water services, we find a counter-hegemonic discourse on implementation. We argue that the hegemonic discourse is incomplete and does not fully address barriers to fulfilment of the right, such as state corruption and the needs of peri-urban residents.</p> <p><a href="https://doi.org/10.1080/01436597.2015.1043993">https://doi.org/10.1080/01436597.2015.1043993</a></p>
<p>Re-Conceptualizing the Human Right to Water: A Pledge for a Hybrid Approach</p> <p>Pierre Thielbörger</p> <p>15 <i>Hum. Rts. L. Rev.</i> 225 (2015)</p>	<p>This article develops and discusses an altered conceptualization of the human right to water. Previously the right has been seen as derived from Article 11 of the International Covenant on Economic, Social and Cultural Rights and considered -not- to be part of international custom. The article's alternative conceptualization builds upon and alters these two existing assumptions. It conceptualizes the right on the one hand as a right derived from several (rather than one) treaty-based rights. On the other hand, it refutes the widespread assumption that the right is not part of international custom. It will be argued that the right to water's multi-faceted nature (relating to several civil-political and socio-economic rights such as life, health and an adequate standard of living) and its consideration under flexible approaches to the notion of custom support these conclusions. Taken together, the suggested 'hybrid' conceptualization offers several advantages in securing the right's practical implementation.</p> <p><a href="https://doi.org/10.1093/hrlr/ngv008">https://doi.org/10.1093/hrlr/ngv008</a></p>
<p>Water (in)security: securing the right to water</p> <p>Alex Loftus</p> <p>181 <i>Geographical J.</i> 350 (2015):</p>	<p>This paper rereads debates over water security and insecurity through the tools of critical geographical scholarship. It seeks to demonstrate the value of such a critical perspective in achieving access to water for all. While rejecting a simplistic dismissal of mainstream discourses on water security, the paper notes the failure to adequately politicise the processes and relationships that reproduce water inequalities. Finding lessons in recent writings on political ecology, the hydro-social cycle and on the right to water, the paper concludes with a Gramscian claim to build from the fragmented but situated knowledges implicit in struggles to achieve democratic access to water.</p> <p><a href="https://doi.org/10.1111/geoj.12079">https://doi.org/10.1111/geoj.12079</a></p>

<p>The Human Right to Water: The Importance of Domestic and Productive Water Rights</p> <p>Ralph P Hall, Barbara Van Koppen &amp; Emily Van Houweling</p> <p>20 Sci. &amp; Eng'g Ethics 849 (2014)</p>	<p>The United Nations (UN) Universal Declaration of Human Rights engenders important state commitments to respect, fulfill, and protect a broad range of socio-economic rights. In 2010, a milestone was reached when the UN General Assembly recognized the human right to safe and clean drinking water and sanitation. However, water plays an important role in realizing other human rights such as the right to food and livelihoods, and in realizing the Convention on the Elimination of All Forms of Discrimination against Women. These broader water-related rights have been recognized but have not yet been operationalized. This paper unravels these broader water-related rights in a more holistic interpretation of existing international human rights law. By focusing on an emerging approach to water services provision—known as 'domestic-plus' services—the paper argues how this approach operationalizes a comprehensive range of socio-economic rights in rural and peri-urban areas. Domestic-plus services provide water for domestic and productive uses around homesteads, which challenges the widespread practice in the public sector of planning and designing water infrastructure for a single-use. Evidence is presented to show that people in rural communities are already using their water supplies planned for domestic uses to support a wide range of productive activities. Domestic-plus services recognize and plan for these multiple-uses, while respecting the priority for clean and safe drinking water. The paper concludes that domestic-plus services operationalize the obligation to progressively fulfill a comprehensive range of indivisible socio-economic rights in rural and peri-urban areas.</p> <p><a href="https://doi.org/10.1007/s11948-013-9499-3">https://doi.org/10.1007/s11948-013-9499-3</a></p>
<p>Translating the Human Right to Water and Sanitation into Public Policy Reform</p> <p>Benjamin Mason Meier, Georgia Lyn Kayser, Jocelyn Getgen Kestenbaum, Urooj Quezon Amjad, Fernanda Dalcanale &amp; Jamie Bartram</p> <p>20 Sci. and Eng'g Ethics 833 (2014)</p>	<p>The development of a human right to water and sanitation under international law has created an imperative to implement human rights in water and sanitation policy. Through forty-three interviews with informants in international institutions, national governments, and non-governmental organizations, this research examines interpretations of this new human right in global governance, national policy, and local practice. Exploring obstacles to the implementation of rights-based water and sanitation policy, the authors analyze the limitations of translating international human rights into local water and sanitation practice, concluding that system operators, utilities, and management boards remain largely unaffected by the changing public policy landscape for human rights realization. To understand the relevance of human rights standards to water and sanitation practitioners, this article frames a research agenda to ensure that human rights aspirations lead to public policy reforms and public health outcomes.</p> <p><a href="https://doi.org/10.1007/s11948-013-9504-x">https://doi.org/10.1007/s11948-013-9504-x</a></p>
<p>How Participation as a Right Enhances Realization of the Rights to Water and Sanitation</p> <p>Celestine Nyamu Musembi</p> <p>33 Waterlines 317 (2014)</p>	<p>'User participation' and 'community ownership' have been part of the lexicon of the water and sanitation sector since the adoption of the integrated water resource management approach in the 1980s. However, these terms have their origin in an era of budget cuts, and therefore participation has been invariably evaluated and justified in instrumental terms - what it can do for project outcomes such as sustainability. This article argues that participation is a right and ought to be incorporated into all stages of decision-making concerning water and sanitation. The human rights standard for participation is that it should be 'active, free and meaningful'. This article identifies and analyses the elements of active, free, and meaningful participation, as elaborated in various international human rights documents and selected national experiences. The implications of this analysis are then considered at the various stages of decision-making: planning and formulation of policy and legal frameworks, finance and budgeting, service delivery and monitoring.</p> <p><a href="https://doi.org/10.3362/2046-1887.2014.033">https://doi.org/10.3362/2046-1887.2014.033</a></p>

<p>The Right to Sanitation: Time to Delink from the Right to Water</p> <p>Keri Ellis &amp; Loretta Feris</p> <p>36 Hum. Rts. Q. 607 (2014)</p>	<p>Within the human rights arena, water and sanitation are very often presented as linked together. This article examines the historical roots of this linkage as well as its manifestation at both the international and domestic level in countries that have formally recognized a right to water and sanitation. The analysis leads to a conclusion that a continuation of the linkage is not historically warranted, nor does it offer clear advantages for realization of a right to water or a right to sanitation.</p> <p><a href="https://doi.org/10.1353/hrq.2014.0038">https://doi.org/10.1353/hrq.2014.0038</a></p>
<p>Water Distribution in the Public Interest and the Human Right to Water: Swiss, South African and International Law Compared</p> <p>Vanessa Rüegger</p> <p>10 Law Env't &amp; Dev. J. 16 (2014)</p>	<p>The legal norms governing the distribution of water are integral to how access to water is determined. This paper analyses the idea that water should be used in the interest of the public from a legal point of view. Taking Swiss and South African law as examples it examines what the notion of 'public interest' actually means. A close look at the notion of 'water distribution in the public interest' reveals important insights: water distribution in the public interest balances a variety of different economic, ecological and social interests. In this process the human right to water is attributed the role as protective shield. Hence its effective implementation is crucial in order to safeguard water for basic human needs. After analysing how Swiss and South African water regimes are currently structured and the role of the public interest clause therein, the paper examines whether the human right to water as conceived in Swiss, South African and international law effectively ensures protection of domestic water users. The paper concludes that this is the case under some, but not all circumstances. Especially the interests of those users whose access to water is not yet sufficient do not always receive adequate legal protection by the respective legal orders. The paper concludes by stressing the necessity to evolve the concept of the human right to water to reach comprehensive protection of basic human needs. Consciousness of the social risks associated with using the human right to water as general placeholder for basic human needs despite its shortcomings will hopefully encourage efforts to establish substantive legal protection.</p> <p><a href="https://perma.cc/4BX9-MQ7C">https://perma.cc/4BX9-MQ7C</a></p>
<p>The Human Right to Water: Will Its Fulfillment Contribute to Environmental Degradation?</p> <p>Alezah Trigueros</p> <p>19 Ind. J. Glob. Legal Studs. 599 (2012)</p>	<p>Human rights and environmental protection are two often overlapping bodies of law, each of which by their nature seeks to take priority over other applicable law. For this reason, these two bodies of law often find themselves in tension with one another. This Note aims to illustrate the tension between human rights and environmental protection in the context of the recent push for a codified human right to water. My thesis is that ideally these two bodies of law should balance each other out—a human right to water would be subject to environmental safeguards, and, likewise, conservation efforts would be subject to human rights concerns—but when this balancing does not occur the consequences would be potentially severe.</p> <p><a href="https://doi.org/10.2979/indjglolegstu.19.2.599">https://doi.org/10.2979/indjglolegstu.19.2.599</a></p>
<p>Human Right to Water: Contemporary Challenges and Contours of a Global Debate</p> <p>Oriol Miroso &amp; Leila M Harris</p> <p>44 Antipode 932 (2012)</p>	<p>In recent years, significant debate has taken place around the concept of the “human right to water”. In this paper, we seek to respond to recent critiques and clarify the terms of the debate by presenting an in-depth exploration of the human right to water. We explore several critiques of the concept, situate it in the context of the current neoliberalization of water provision and in relation to contemporary water challenges, and present some examples of how it has been deployed to further the cause of access to water for vulnerable populations in varied contexts. We conclude that, rather than abandoning the concept as critics have suggested, the human right to water maintains importance as a discourse and strategy in the contemporary moment.</p> <p><a href="https://doi.org/10.1111/j.1467-8330.2011.00929.x">https://doi.org/10.1111/j.1467-8330.2011.00929.x</a></p>

<p>Implementation of the Human Right to Water: Comparative Approaches</p> <p>Francine Rochford</p> <p>19 Willamette J. Int'l L. &amp; Disp. Resol. 103 (2011)</p>	<p>The paper discusses responses in Australia to address current and projected water scarcity. Looks at the Murray-Darling basin Plan and its proposals for significant changes in the allocation of water to agricultural communities. Uses the Colorado Basin as an area for comparison.</p>
<p>The Road to the Well: An Evaluation of the Customary Right to Water</p> <p>Rebecca Bates</p> <p>19 Rev. Eur. Cmty. &amp; Int'l Env't L. 282 (2010)</p>	<p>The unequal nature of water resource distribution threatens the physical and economic survival of over a billion people across the world. A number of international and domestic instruments have sought to address this need by providing for a right to water. However, there is no single instrument that can be said to establish categorically or define the right. This article examines the central documents that provide for the right to water and asks whether, in unison, these instruments establish a customary right to water. It will also explore the nature of the obligations imposed by such a right.</p> <p><a href="https://doi.org/10.1111/j.1467-9388.2010.00687.x">https://doi.org/10.1111/j.1467-9388.2010.00687.x</a></p>
<p>The Human Right to Water: Moving Towards Consensus in a Fragmented World</p> <p>Joyeeta Gupta, Rhodante Ahlers &amp; Lawal Ahmed</p> <p>Review of European Cmty &amp; Int'l Env't L. 294 (2010)</p>	<p>The problem of unmet water and sanitation service needs of one-sixth to one-third of humanity has been recognized by the UN General Assembly's 2010 Resolution on the human right to water and sanitation. However, this raises a number of questions. First, does the consensus within the General Assembly imply that all governance actors accept the right and the accompanying responsibilities and does it override other governance discourses dominant in the global arena? Second, why is a human rights discourse superior to other discourses used to address the above problem? Third, what are the challenges in implementing such a discourse and what are the potential solutions? This article argues that although there is growing consensus on the human right to water, the fragmentation of water governance implies that the impact of the consensus is limited. It argues further that there is a real and pressing need to discuss access issues in terms of human rights; but that given the implementation challenges, there is a more active need to move from public-private partnerships to public-non-governmental organization partnerships.</p> <p><a href="https://doi.org/10.1111/j.1467-9388.2010.00688.x">https://doi.org/10.1111/j.1467-9388.2010.00688.x</a></p>
<p>Climate Change and the Human Right to Water</p> <p>Laura Westra</p> <p>1 J. Hum. Rts. &amp; Env't 161 (2010)</p>	<p>The author argues that earlier understandings of water as a sacred resource form an invaluable backdrop to contemporary reflections upon the damage caused by climate change, and can, moreover, be related to the modern concept of biological integrity. Linking climate change damage to the violation of human rights, in particular to the human rights of indigenous populations, the author offers a critique of the current failure to respond adequately to climate change damage, linking this to consumerism and globalization. She argues for the adoption of a focus on climate change justice that clearly enmeshes climate change and human rights, including the human right to water, which she argues should now be explicitly adopted as an international human right.</p> <p><a href="https://doi.org/10.4337/jhre.2010.02.02">https://doi.org/10.4337/jhre.2010.02.02</a></p>
<p>Missing the Green: Golf Course Ecology, Environmental Justice, and Local "Fulfillment" of the Human Right to Water</p>	<p>As global supplies diminish and climate change threatens future supplies even more, water as a human right has received increasing attention among human rights scholars and in international commissions and agreements. In this article, the author argues that the right to water should be recognized as a basic right in and of itself, not merely as a component of the right to development or to a healthy life. The right to water, described both substantively and procedurally, is an "emergent" right that</p>

<p>Richard P Hiskes</p> <p>32 Hum. Rts. Q. 326 (2010)</p>	<p>uniquely connects present and future generations into a relationship of justice involving reciprocity. As such, the human right to water needs to be not only a part of international politics and law, but must also percolate down to the local level in specific policy decisions regarding land use, zoning, and development. It is time for human rights to return to those "small places, close to home" where Eleanor Roosevelt famously claimed that they invariably originate. A primary example is the local regulation of golf courses, especially in light of their profligate water usage. A golf course's impact on neighboring communities and, by implication, on a global water system is, therefore, a legitimate focus of human rights litigation and advocacy.</p> <p><a href="https://doi.org/10.1353/hrq.0.0148">https://doi.org/10.1353/hrq.0.0148</a></p>
<p>Revisiting the Human Right to Water</p> <p>Pooja Parmar</p> <p>28 Austl. Feminist L.J. 77 (2008)</p>	<p>This paper examines the discourse on right to water and argues that the current formulations of the right are narrow and inadequate. Having evolved through developments in the fields of human rights law and sustainable development (itself often a troubled merger of environmental concerns and the right to economic development), the current discourse on a right to water reproduces their problematic assumptions and collective histories of exclusion. What is most crucial is that current formulations of the right are unlikely to address the stated purpose of such a right. The critique offered here is not an attempt to discredit the significant contributions made to the emerging law on human right to water in certain contexts, but is rather aimed at identifying the inclusions and exclusions of values, interests and lived experiences that current formulations of the right represent.</p> <p>Theorizing Lived Experiences  Critiquing Human Rights: Human Rights and Human Suffering  Revisiting the Human Right to Water: Right to Water and the Development Discourse; Entitlement to Water; Right to Water as a Consumer Right; Right to Water as a Freedom.</p> <p><a href="https://doi.org/10.1080/13200968.2008.10854396">https://doi.org/10.1080/13200968.2008.10854396</a></p>
<p>Right to water and access to water: an assessment</p> <p>P B Anand</p> <p>19 J. Int'l Dev. 511 (2007)</p>	<p>This paper examines the scope for a rights-based perspective on the Millennium Development Goals (MDGs) by focusing on right to water. The paper adapts Hohfeldian framework of elements of a right developed by Wenar. According to this, a right should be interpreted in terms of powers, privileges, claims and immunities. This framework highlights the inter-connections between various aspects of governance and the effectiveness of a right to water. The conjecture whether the poor are more likely to have access to water when there is a right to water is examined with data (from WHO-UNICEF Joint Monitoring Programme) pertaining to a small sample of countries where a right to water has been promulgated and some others where such right has not been promulgated. The impact of governance on improving access to water is examined using indicators from Governance Matters V (Kaufman et al., 2006). This analysis suggests that mechanisms of governance may be more important in improving access to water than a formal articulation of a right to water. Some challenges to operationalising a right to water are discussed.</p> <p><a href="https://doi.org/10.1002/jid.1386">https://doi.org/10.1002/jid.1386</a></p>
<p>The Human Right to Water</p> <p>Malgosia Fitzmaurice</p> <p>18 Fordham Env't L. Rev. 537 (2007)</p>	<p>Discusses the problem of water scarcity.</p> <p><a href="https://perma.cc/6V8Z-VM25">https://perma.cc/6V8Z-VM25</a></p>

<p>The Implications of Formulating a Human Right to Water</p> <p>Erik B Bluemel</p> <p>31 Ecology L.Q. 957 (2004)</p>	<p>We made from water every living thing. This Comment explores the content, legal forms, and implications of recognizing an international human right to water. The concept of water as a human right developed from the recognition that treating the right to water as an economic good may result in an affordability problem for some communities, depriving them of access to water. To counter these effects, a human right to water is being developed. This human right to water, though not fully defined by existing international law or practice, has been protected as necessary to secure other human rights, such as those to health, well being, and life. Given the structure of international law, State obligations depend upon which human right a right to water is found to support or whether such a human right to water is ultimately found to be a separate and independent human right from other recognized human rights. Whether a human right to water is ultimately established as a right subordinate to other human rights or as an independent human right, recognition of a human right to water will have far-reaching effects. This Comment analyzes legal developments in South Africa, India, and Argentina to illustrate some of the ways in which States have implemented a legal right to water. The Comment then identifies some of the key challenges and development constraints in ensuring a right to safe water within reasonable distance for all persons. These challenges include modifying riparian and prior-appropriation systems of water rights, defining and limiting impacts upon other legal doctrines, and making economic adjustments associated with providing water to meet the "basic needs" of all persons. The Comment concludes that while recognition of a human right to water is necessary, its implementation is fraught with difficulties.</p> <p><a href="https://perma.cc/4342-HELX">https://perma.cc/4342-HELX</a></p>
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### United States

Citation	Summary
<p><b>Articles</b></p> <p>The Human Right to Water: A 20-Year Comparative Analysis of Arsenic in Rural and Carceral Drinking Water Systems in California</p> <p>Jenny Rempel, Isha Ray, Ethan Hessel, Jasmine Vazin, Zehui Zhou, Shin Kim, Xuan Zhang, Chiyu Ding, Ziyi He, David Pellow &amp; Alasdair Cohen</p> <p>130 Env't Health Persps. 97701 (2022)</p>	<p>In this article, we present a comparative analysis of 20 years of data (2001–2021) on arsenic concentrations in the CWSs serving Kern Valley State Prison (KVSP) and three neighboring rural communities: Allensworth, Delano, and McFarland. Our objective was to better understand trends in water quality, compliance, and treatment following adoption of the revised arsenic the maximum contaminant level (MCL) and to elucidate differences, if any, between neighboring incarcerated and nonincarcerated populations.</p> <p><a href="https://doi.org/10.1289/EHP10758">https://doi.org/10.1289/EHP10758</a></p>
<p>Water affordability and human right to water implications in California</p>	<p>Water affordability is central to water access but remains a challenge to measure. California enshrined the human right to safe and affordable water in 2012 but the question remains: how should water affordability be measured across the state? This paper</p>

<p>Jessica J. Goddard, Isha Ray and Carolina Balazs</p> <p>16 Pub. Libr. Sci. (Jan. 20, 2021)</p>	<p>contributes to this question in three steps. First, we identify key dimensions of water affordability measures (including scale, volume of water needed to meet 'basic' needs, and affordability criteria) and a cross-cutting theme (social equity). Second, using these dimensions, we develop three affordability ratios measured at the water system scale for households with median, poverty level, and deep poverty (i.e., half the poverty level) incomes and estimate the corresponding percentage of households at these income levels. Using multiple measures conveys a fuller picture of affordability given the known limitations of specific affordability measures. Third, we analyze our results disaggregated by a key characteristic of water system vulnerability-water system size. We find that water is relatively affordable for median income households. However, we identify high unaffordability for households in poverty in a large fraction of water systems. We identify several scenarios with different policy implications for the human right to water, such as very small systems with high water bills and low-income households within large water systems. We also characterize how data gaps complicate theoretical ideals and present barriers in human right to water monitoring efforts. This paper presents a systematic approach to measuring affordability and represents the first statewide assessment of water affordability within California's community water systems.</p> <p><a href="https://doi.org/10.1371/journal.pone.0245237">https://doi.org/10.1371/journal.pone.0245237</a></p>
<p>Mobilizing Health Metrics for the Human Right to Water in Flint and Detroit, Michigan.</p> <p>Nadia Gaber</p> <p>21 Health &amp; Hum. Rts. J. 179 (2019)</p>	<p>The ongoing water crises in Detroit and Flint, Michigan, offer dramatic cases of retrogression in realizing the human right to water-particularly striking in a region that enjoys access to one-fifth of the world's freshwater and a country that has historically enjoyed near-universal access to water and sanitation. Efforts to secure safe, sufficient, affordable, acceptable, and accessible water in these cities reveal a troubling inability to protect the human right to water through legal measures. Compounding the challenge is the lack of reliable government data on the scope and impacts of the water crises-a void that residents have organized to fill. Activists have engaged a number of citizen-led research projects to demonstrate the health impacts of unsafe and unaffordable water. This paper discusses the process and potential of such projects to advance the substance of the human right to water in the United States, considering their effects within and outside the law. These research efforts have significant methodological and legal constraints with respect to widespread water insecurity, exposing a serious vulnerability in communities' ability to protect drinking water and public health in the United States through legal means. However, drawing on Amartya Sen's theory of human rights, I elaborate the extra-judicial powers of human rights, emphasizing their power to galvanize action and articulate ethical demands. Citizen science is a powerful mode of engaging residents in the articulation-and quantification-of those human rights demands, as I demonstrate with local cases.</p> <p><a href="https://perma.cc/R9HR-GHWA">https://perma.cc/R9HR-GHWA</a></p>
<p>Complexity of Protections and Barriers in the Implementation of the Human Right to Water in the United States</p> <p>Patricia A Jones</p> <p>106 ASIL Ann. Meeting Procs. 46 (2012)</p>	<p>Discusses developments in the law related to the human right to water and sanitation in the United States.</p> <p><a href="https://doi.org/10.5305/procanmmeetasil.106.0046">https://doi.org/10.5305/procanmmeetasil.106.0046</a></p>

<p>The Struggle for a Right to Water as a Human Right: No More Deaths and the Limits of Legality in the Ninth Circuit Decision of United States v. Millis</p> <p>Gary Minda</p> <p>19 Willamette J. Int'l L. &amp; Disp. Resol. 140 (2011)</p>	<p>Highlights the story of a small group of faith-based activists in Arizona, known as No More Death, using direct action and civil disobedience to develop public awareness regarding the importance of water as a human right.</p>
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### North, South & Latin America

Citation	Summary
<p><b>Articles</b></p>	
<p>The human right to water in Mexico: Challenges and opportunities</p> <p>Margaret O. Wilder, Polioptro F. Martínez Austria, Paul Hernández Romero &amp; Mary Belle Cruz Ayala</p> <p>13 Water Alts. 28 (2020)</p>	<p>This article analyses Mexico's 2012 constitutional guarantee of the human right to water and the new General Water Law that is required to implement it. Mexico has struggled to find consensus regarding a new law, but none has as yet been adopted. We examine three key questions regarding the 2012-2019 period: How is the human right to water defined in the Mexican context? What is the legal and institutional framework for implementing it? What are the opportunities and challenges involved in institutionalising it in light of the proposed water legislation? This research is based on a literature review, participation and observation at public forums, and in-depth interviews with key actors. Two principal legal proposals emerged in 2015, contrasting a technocratic approach with a socially inclusive one; neither was adopted but both remain relevant to the current discourse. The 2018 election re-energised social mobilisation around the right to water, and the government launched a new process for developing legal proposals. Using legal geography and political ecology as theoretical framings, we find that the new law creates opportunities for transforming access to water for marginalised communities, yet faces social, political and structural obstacles. Despite the challenges, the constitutional guarantee of the right to water is a positive foundation for democratising water governance in Mexico.</p> <p><a href="https://perma.cc/U47D-FBUJ">https://perma.cc/U47D-FBUJ</a></p>
<p>The Implementation of the Human Right to Water in Argentina and Colombia</p> <p>M Belén Olmos Giupponi &amp; Martha C Paz</p> <p>15 Anuario Mexicano de Derecho Internacional 323 (2015)</p>	<p>The article deals with the recognition of access to water as a human right in various international legal instruments offering a comparative perspective from the practice in Argentina and Colombia. The essay explores the human right to water providing with new insights about the enforceability (referred to as "justiciability") of the right to water in light of recent rulings issued by the Colombian Constitutional Court and different judgements by Argentine courts. In the analysis the authors further underline main obstacles in the enforcement of the human right to water and the challenges for its protection in the context of climate change</p> <p>I. Introduction.  II. The International Recognition of the Access to Water as a Human Right.  III. Right to Water and Climate Change.</p>



	<p>IV. Justiciability of the Right to Water in Argentina and Colombia. V. Concluding Remarks.</p> <p><a href="https://doi.org/10.1016/j.amdi.2014.09.006">https://doi.org/10.1016/j.amdi.2014.09.006</a></p>
<p>The Right to Water in the Case-Law of the Inter-American Court of Human Rights</p> <p>Jimena Murillo Chávarro</p> <p>7 ACDI - Anuario Colombiano de Derecho Internacional 39 (2014)</p>	<p>The human right to water is nowadays more broadly recognised, mainly due to the essential societal function that this resource plays; likewise, because of the present water scarcity is generating conflicts between its different uses. Thus, this right aims at protecting human beings by guaranteeing access to clean water that is essential to satisfy vital human needs. Similarly, access to clean water is an important element to guarantee other rights including the right to life and health. The recognition of the right to water is mainly achieved in two ways: as a new and independent right and as a subordinate or derivative right. Concerning the latter, the right to water can emanate from civil and political rights, such as the right to life; or can be derived from economic, social and cultural rights, including the right to health, the right to an adequate standard of living, and the right to housing. This contribution explores the position of the Inter-American Court of Human Rights regarding the right to water, and analyses whether the Court has recognised the right to water and, if so, in which manner.</p> <p><a href="https://perma.cc/87B9-SZ34">https://perma.cc/87B9-SZ34</a></p>
<p>Contours of an Indigenous Peoples' Right to Water in Latin America under International Law</p> <p>Marco Parriciatu &amp; Francesco Sindico</p> <p>1 Int'l Hum. Rts. L. Rev. 211 (2012)</p>	<p>This article critically assesses the nature and the content of a possible human right to water for Indigenous People in the Latin American context. On the one hand, after introducing the deliberately unclear definition of Indigenous People, the article considers that a human right to water is embedded in Indigenous Peoples' customary laws, which, according to legal pluralism, are to be considered as a legitimate source of law. The article then moves to the content of a possible human right to water for Indigenous People in the Latin American context. The importance of the jurisprudence of the Inter American Court of Human Rights is highlighted, and the obligation for States to consult with Indigenous People when dealing with their water resources is hailed as one of the key elements of a human right to water.</p> <p><a href="https://doi.org/10.1163/22131035-00102001">https://doi.org/10.1163/22131035-00102001</a></p>
<p>Deriving the Right to Water from the Right to Life, Liberty and Security of the Person: Section 7 of the Canadian Charter of Rights and Freedoms and Aboriginal Communities in Canada</p> <p>James Harnum</p> <p>19 Rev. Eur. Cmty. &amp; Int's Env't L. 306 (2010)</p>	<p>Regardless of whether or not there is a free-standing human right to water, the breadth of constitutional guarantees such as the right to life may allow for a water right to be derived from other more commonly recognized fundamental rights. This article examines the question of whether a right to safe drinking water can be derived from the right to life, liberty and security of the person that is protected in the Canadian Charter of Rights and Freedoms. By examining the situation of Aboriginal communities in Canada and the jurisprudence of the Supreme Court of Canada, it appears that a right to water may, in certain circumstances, be derived from other fundamental human rights.</p> <p><a href="https://doi.org/10.1111/j.1467-9388.2010.00689.x">https://doi.org/10.1111/j.1467-9388.2010.00689.x</a></p>

## Europe

Citation	Summary
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Articles	
<p>Water Movements' Defense of the Right to Water: From the European Arena to the Dutch Exception</p> <p>J van den Berge, J Vos, R Boelens, S Kishimoto &amp; P Jonker</p> <p>J. Legal Pluralism &amp; Unofficial L. 438 (2021)</p>	<p>In 2012 public service trade unions and water activists started a European Citizens' Initiative to get the human right to water implemented in European law. It became the start of the "Right2Water" movement that successfully defended drinking water supply in the European Union against European Commission plans for liberalisation, marketisation and the subsequent threat of privatisation. In countries with a good functioning public water system, resistance against privatisation of water was high, especially in Germany, Austria and Belgium, but surprisingly this level of resistance was absent in the Netherlands, which has a similarly good and well-known public water supply system. In this article we interview two persons that have both experience in European as well as in the Netherlands' water policies and legislation, and in water services provision. We investigate how the right to water is defined, legally decreed and socially interpreted and defended at different levels. We also investigate the apparent paradox with regards to water in the Netherlands, where people seemed very committed to and proud of their public water management, but did not stand up against a privatisation threat, whereas around the globe water privatisation plans are met with great resistance.</p> <p><a href="https://doi.org/10.1080/07329113.2021.2013001">https://doi.org/10.1080/07329113.2021.2013001</a></p>
<p>Road to 2015: The European Union and the Realisation of the Human Right to Water</p> <p>Vivien Deloge</p> <p>16 N.Z. J. Env't L. 1 (2012)</p>	<p>Following the formal recognition of the human right to drinking water and sanitation by the United Nations (UN) General Assembly and Human Rights Council in 2010, one can wonder to what extent the normative content of the right to water is efficiently implemented in the European Union in accordance with the obligations of result laid down under arts 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. Adopting a rights-based approach, this article considers the realisation of the quality, accessibility and affordability contents of the right to water in the EU legislation and its compliance with Member States' obligations under international and European human rights instruments, before examining the institutional endorsement of the right in the EU legal order.</p>
<p>Time for Implementation of the Right to Water and Sanitation—e.g. The Missing Implementation in Germany</p> <p>Dr. Silke Ruth Laskowski</p> <p>9 J. Eur. Env't &amp; Plan. L. 164 (2012)</p>	<p>Access to safe water supplies and basic sanitation are necessary for maintaining public health, and water is needed to support healthy ecosystems, which in turn provide critical environmental goods and services. As water demand and availability become more uncertain, all societies become more vulnerable to a wide range of risks associated with inadequate water supply, including hunger and thirst, high rates of disease and death, economic crises, and degraded ecosystems. This endangers the enforcement of the Human Right to Water and Sanitation. Against this background the paper reviews the current political development to strengthen the legal enforcement of the Right to Water; describes the importance of its legal implementation regarding poor populations in Europe; exemplifies the need for implementation and legal action in view of Germany; and addresses to strengthen enforcement of the Human Right to Water and Sanitation with a view to Environmental Justice.</p> <p><a href="https://doi.org/10.1163/187601012X639835">https://doi.org/10.1163/187601012X639835</a></p>
<p>Implementing the Human Right to Water in Europe: Lessons from French and British Experiences</p> <p>Marie Tsanga Tabi</p>	<p>Paper discussing water infrastructure in Europe through a study of France and the United Kingdom</p>

19 Willamette J. Int'l L. & Disp. Resol. 1 (2011)	
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### Australia

The Human Right to Water in Australia and Internationally 17 Hum. Rts. Defs. (2008)	The entire issue of this publication is devoted to the human right to water in Australia and internationally. The issue includes: Implementing the Human Right to Water in Australia – Janice Gray The Human Right to Water and Aboriginal Water Rights in New South Wales – Tony McAvoy Traditional Owners’ Battle for Exclusive Rights to Waters – Peta MacGillvray Water Rights in a Changing Climate: Challenges for the Murray-Darling and the Mekong Basins – Racheline Jackson Because the Water is Life – Cristy Clarke
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### Africa

Citation	Summary
<b>Articles</b>	
Falling Short of Constitutional Norms: Does “Normative (In)Congruence” Explain the Courts' Inability to Promote the Right to Water in South Africa?  Richard Stacey  43 Law & Soc. Inquiry 796 (2018)	In South Africa, municipal noncompliance with legislation promoting the constitutional right to sufficient water is both a failure of the rule of law and a betrayal of that right. Judicial intervention has prompted formalistic compliance with water law, but the underlying commitment to sufficient water remains unfulfilled. Does the inability of courts to achieve social justice despite enforcing social legislation confirm the thesis that commitments to the rule of law and to social justice are inconsistent, that upholding the rule of law may not advance social justice? This article offers an alternative to this “inconsistency thesis,” arguing that the rule of law can accommodate social justice if it demands normative congruence alongside congruence with formal rules. Empirical investigation reveals that structural challenges and the multifarious normative demands on officials create a condition of normative incongruence that impedes the pursuit of social justice, even as courts compel congruence with formal rules.  <a href="https://doi.org/10.1111/lsi.12273">https://doi.org/10.1111/lsi.12273</a>
Water Security and the Right to Water in Southern Africa: An Overview  CB Soyapi  20 PER: Potchefstroomse Elektroniese Regsblad 1 (2017)	The Southern African region's water-related problems are quite diverse. From the struggles of indigenous communities in Botswana to the cholera outbreaks in Zimbabwe; from the difficulties of poor communities in accessing basic water services to the disputes between municipal councils and individual well-to-do water users, it is abundantly evident that water security is a goal/vision that needs to be pursued by governments. Yet, much of the holistic scholarly focus on water security within the region has been on transboundary water management, to the exclusion of local/national water constitutional frameworks. Through four cases from Botswana, South Africa, Zambia and Zimbabwe the paper addresses selected aspects of the varied water issues, in particular the constitutional right to water and how that impacts on water security within the region. The literature and case law reviewed in the paper indicate that while there are benefits to constitutionalising the right to water as a fundamental right, courts are still able to read the right to water into existing rights, especially the right to life. However, reading in has its own limitations, including that courts sometimes leave hanging/unpronounced government duties/responsibilities where the right to water is not provided for. Accordingly, the paper attempts to show that while the right to water could be read into other existing rights like the

	<p>right to life, water security could be better achieved through an independent constitutional human right to water, which creates constitutional duties on the state.</p> <p><a href="http://dx.doi.org/10.17159/1727-3781/2017/v20n0a1650">http://dx.doi.org/10.17159/1727-3781/2017/v20n0a1650</a></p>
<p>Towards Rights-Duties Congruence: Extraterritorial Application of the Human Right to Water in the African Human Rights System</p> <p>Takele Soboka Bulto</p> <p>29 Neth. Q. Hum. Rts. 491 (2011)</p>	<p>Since 85 per cent of African freshwater comes from international rivers, the realisation of the newly emerging human right to water depends on the volume and quality of shared water resources. Each continental African State shares a river with at least one other State. Thus, a State has the capacity to hamper the realisation of the right in other co-riparian States by reducing the volume or polluting the shared river unless they are legally prevented from jeopardising the right abroad. The right would prove an empty promise for the right holders unless they are given legal avenues to hold third States accountable for their (in)actions that produce extraterritorial consequences. This article examines the extraterritorial reach of States' human rights duties in the African human rights system in the light of the regional case law and comparative jurisprudence.</p> <p><a href="https://doi.org/10.1177/016934411102900405">https://doi.org/10.1177/016934411102900405</a></p>
<p>Building the role of local government authorities towards the achievement of the human right to water in rural Tanzania</p> <p>Alejandro Jiménez &amp; Agustí Pérez-Foguet</p> <p>34 Nat.Res. F. 93 (2010)</p>	<p>In recent decades, many changes have occurred in the approach to financing and operating water services in developing countries. The demand-responsive approach is now adopted in many countries in a context of donor-supported decentralization processes, which gives more responsibility to end users. However, the government's responsibility at different levels is enforced by the international recognition of the human right to water. This paper examines specific actions that build the role of local government authorities in this scenario. A collaboration between an international NGO and a rural district in Tanzania from 2006 to 2009 is used as an action research case study that is representative of local capacity-building needs in decentralized contexts and rural areas. Three main challenges were detected: i) lack of reliable information; ii) poor allocation of resources in terms of equity; and iii) lack of long-term community management support from the district. Two mechanisms were established: i) water point mapping as a tool for information and planning; and ii) a District Water and Sanitation Unit Support (DWUS) for community management. The results show how the framework provided by the goal of human right to water helps to define useful strategies for equity-oriented planning and post-project support at the local level.</p> <p><a href="https://doi.org/10.1111/j.1477-8947.2010.01296.x">https://doi.org/10.1111/j.1477-8947.2010.01296.x</a></p>

## Asia

Citation	Summary
<b>Articles</b>	
<p>The Human Right to Water in Israel: A Case Study of the Unrecognised Bedouin Villages in the Negev</p> <p>Sharmila L Murthy, Mark Williams &amp; Elisha Baskin</p>	<p>In the case 9535/06 Abadallah Abu Massad and Others v Water Commissioner and Israel Lands Administration (2011), the Israeli Supreme Court ruled that the right to water deserves constitutional protection under Israel's Basic Law: Human Dignity and Freedom. The Court also found support for the right to water under both international human rights law and Israeli statutory law. At the same time, the Court held that the right to water is not absolute but must be balanced against the rights of the state. The case was brought by residents of unrecognised Bedouin villages in the Negev, a desert region in southern Israel, who do not have access to household water. The Court found that in exercising its discretion regarding additional water access points, the Israeli Water Authority could consider the 'illegal' nature of these villages. Applying the criteria of reasonableness and</p>

<p>46 Isr. L. Rev. 25 (2013)</p>	<p>proportionality, the Court ultimately affirmed the Israeli Water Authority's policy in unrecognised villages in the Negev. Despite this administrative deference, the invocation of constitutional and international human rights law raises the level of scrutiny that should be applied to a review of the Israeli Water Authority's exercise of discretion. The Court's opinion is coloured and influenced by long-standing land disputes between the indigenous Bedouin population and the State of Israel. Drawing on empirical research conducted in December 2011, the analysis attempts to place the Abu Massad decision in its proper historical and political context. The dispute over land in the Negev can be traced back to the days of the Ottoman Empire. More recent efforts by the Israeli government as set out in the Goldberg Report and the Prawer Plan, and the international community's response to these efforts, are discussed. In light of the history and current political context, it may be prudent for the Israeli Water Authority to re-assess the effectiveness of its existing water policy in unrecognised Bedouin villages in the Negev.</p> <p><a href="https://doi.org/10.1017/S0021223712000283">https://doi.org/10.1017/S0021223712000283</a></p>
<p>Right to Water in India - Plugging Conceptual and Practical Gaps</p> <p>Philippe Cullet</p> <p>17 Int'l J. Hum. Rts. 56 (2013)</p>	<p>This article examines the content of the human right to water. It starts from the premise that the right is firmly anchored in international and national law. It thus moves beyond debates concerning either the existence or the legal status of the right in favour of a more in-depth discussion of its content. It focuses on India, a country where the right is well entrenched at a broad level but where the actual content of the right is not well defined in legal instruments. It considers some of the aspects of the right that are most critical at this juncture from a policy perspective, including the need to ensure that the universality of the right in theory is matched by universal realisation, the need for the core content of the right to be provided by the state and the need to recognise the right as including a free water component if it is to make a difference for the overwhelming majority of poor people.</p> <p><a href="https://www.ielrc.org/content/a1301.pdf">https://www.ielrc.org/content/a1301.pdf</a></p>
<p>The Significance of Justiciability: Legal Rights, Development, and the Human Right to Water in the Philippines</p> <p>27 SAIS Rev. Int'l Affs. 139 (Summer-Fall 2007)</p>	<p>Water is essential for social and physical health and is a key factor in promoting development. A vast majority of people in the lesser-developed world, especially those who live in urban areas, lack any established right to water within domestic legal regimes. The international community has begun to recognize the significance of water, acknowledging that it is a human right necessary to sustain life. This article focuses on Manila, Philippines—the site of many recent changes in water policy—to demonstrate the precarious legal position of urban water users, who have no secure water rights and face declining quality and increased costs due to privatization. Domestic implementation of the human right to water could alleviate this problem by recognizing an individual justiciable right of water users, thus protecting accessibility, affordability, and quality.</p> <p><a href="https://doi.org/10.1353/sais.2007.0031">https://doi.org/10.1353/sais.2007.0031</a></p>