



Geneva International Centre *for* Justice
Independent, non-profit, non-governmental organisation

**HUMAN RIGHTS AND THE GLOBAL WATER CRISIS:
WATER POLLUTION, WATER SCARCITY AND
WATER-RELATED DISASTERS**

The 46th Regular Session of the Human Rights Council

Geneva, 22 February – 23 March 2021

HUMAN RIGHTS AND THE GLOBAL WATER CRISIS: WATER POLLUTION, WATER SCARCITY AND WATER-RELATED DISASTERS

*Report of the Interactive Dialogue with Special Rapporteur on the issue of
human rights obligations relating to the enjoyment of a safe, clean, healthy and
sustainable environment*

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The 46th Regular Session of the Human Rights Council

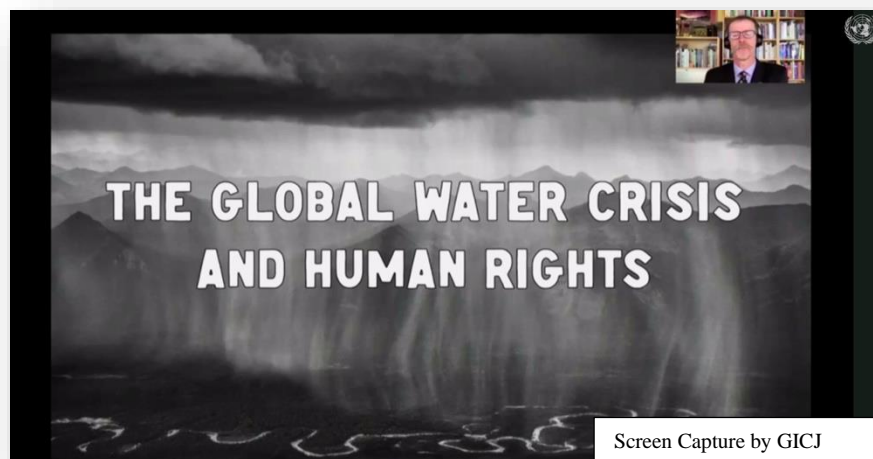
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A. INTRODUCTION

Even though water covers most of our planet's surface, the percentage of fresh and clean water is extremely limited. Less than 1 percent of the Earth's water constitutes accessible fresh water. That is to say, 97 percent of it is salt water and the remaining 2 percent is locked in polar ice caps and glaciers. As such, aquatic ecosystems, which consist of rivers, lakes, aquifers, springs, and wetlands, help to sustain the global nutrient, carbon, and hydrological cycles. Indeed, people all around the world heavily depend on freshwater for drinking, sanitation, cooking, cleaning, fishing, growing food, and many other activities. One of the key challenges of the 21st century is balancing the needs for water with the health of these ecosystems.



Today, instead of treating water with respect and care, humans continue to pollute water on all levels by either wasting too much water or destroying wastelands. For the eighth consecutive year, in 2020, the World Economic Forum placed water crises among the top five risks for the world economy. Despite progress in improving access to water or improved sanitation, billions of people continue to suffer from lack of water access and sanitation. Moreover, waterborne disease cause around 2 million preventable deaths worldwide every year, with the consequences falling on children under 5 years old.

Water pollution continues to worsen, and the quality as well as quantity of the water available to sustain ecosystems and meet human needs are affected adversely. Given the scope of this topic, the Special Rapporteur on the human rights to safe drinking water and sanitation has worked in order to define the scope and content of State obligations, ongoing challenges, and the good practices pertaining to these rights.

B. SUMMARY OF THE REPORT OF THE SR (A/HRC/46/28)

In the report on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable development, the Special Rapporteur describes sufficient and safe water as one of the most important components of the right to a safe, clean, healthy and sustainable environment. The report notes that water pollution and the degradation of ecosystems are increasing because of many factors: population growth, climate emergency, inefficient use of water, economic growth, land-use change, weak planning, regulation and enforcement, and extractivism. The report also focuses on human rights and Sustainable Development Goal (SDG) number 6, and therefore goes beyond the global provision of safe drinking water, hygiene, and sanitation. The targets of this goal address integrated water resources management, international cooperation and capacity-building, and improved water quality through reducing pollution, among other targets.



Further, the report highlights the consequences and causes of the global water crises and describes the negative effects of water scarcity, water pollution, and other water-based disasters on human rights activities. Also, the negative impact these water-related disasters have on

marginalized and vulnerable groups was highlighted throughout the report. The Special Rapporteur mentions that such concerns have been raised by special procedures and treaty bodies. For instance, the Committee on Economic, Social and Cultural Rights recognized that a regional water crisis has caused the increased prevalence of food shortages, migration, and diseases. It is also noted that without safe and sufficient water, it becomes more difficult for girls and women (who are often responsible for providing and managing household water) to lead dignified and healthy lives.

The report also focuses on the obligations of States in terms of ensuring sufficient and safe water. It is described that states must apply a rights-based approach to all aspects of using, protecting, restoring, and allocating water. The framework principles on human rights and the environment identifies three pillars of State obligations: substantive obligations, procedural obligations, and special obligations towards vulnerable groups. Such obligations are extensively explained in the report, along with other obligations which include monitoring, legal mapping, water plans and water resources management, and water-related law enforcements. In this section, the evaluation of progress as well as capacity-building and public empowerment are also important to acknowledge.

Image source: United Nations, Department of Economic and Social Affairs, Sustainable Development



The report further highlighted a set of good practices that have helped reduce or prevent water pollution, mitigate water scarcity, protect aquatic ecosystems and reduce certain risks associated with water-related disasters. Examples of good practices on an international level include global treaties and regional agreements. On a national level, good practices include, but are not limited to, strong laws, constitutional protection for water, policies that empower women, and innovative approaches to recycling and conserving water.

The Special Rapporteur has also provided a seven-step process and recommendations for actions for States to follow through a rights-based approach to water governance, and urged businesses to contribute to and support efforts in order to ensure sufficient and safe water for everyone.

C. THE INTERACTIVE DIALOGUE WITH THE SPECIAL RAPPORTEUR

At the 46th Session of the Human Rights Council, the Special Rapporteur Mr. David R. Boyd presented his report related to human rights and the global water crisis (A/HRC/46/28). The discussion was held on the 19th and the 21st meeting of the Council's Session, during which

States and Non-Governmental Organizations had the opportunity to deliver statements and to ask questions to the Special Rapporteur regarding his report.

1) Introduction of the Special Rapporteur

During his third Interactive Dialogue with the Human Rights Council on the global water crisis and its implication with human rights, the Special Rapporteur, in presenting his report, underscored that water is the lifeblood of human beings and all forms of life on earth. In fact, people depend on water for drinking, cooking, cleaning, sanitation, growing food, fishing and recreation. However, still 2 billion people lack access to safely managed drinking water, 4 billion people lack access to water for sanitation, 3 billion people are affected by water shortages and three-quarters of natural disasters are water-related. Moreover, there are 2 million premature deaths worldwide due to waterborne diseases, mainly because of contamination of waste waters released untreated in the environment.



Image source: United Nations Human Rights Office of The High Commission; David R. Boyd, Special Rapporteur on human rights and the environment.



A dry river in Basrah, GICJ Report.

The Special Rapporteur further stressed that the ongoing climate crisis is exacerbating water pollution, water scarcity and water-related disasters and the enjoyment of a wide range of human rights is therefore hindered. The rights to life, health, water, sanitation, food, a healthy environment, education,

an adequate standard of living, development and culture and the rights of the child are seriously affected by the global water crisis, as water is a precondition for the enjoyment of these rights. Mr. Boyd then drew the attention to the right to a safe, clean, healthy and sustainable environment, legally protected by more than 80 percent of States through constitutions, legislation, court decisions and regional. In this regard, he explained that safe, sufficient water

and healthy aquatic ecosystems are substantive elements of the right to a healthy environment, as recognized by regional tribunals, national laws and national jurisprudence treaties. Also, vulnerable and marginalized groups because of age, gender, poverty, indigenous status, disabilities, cultural or ethnic background require particular protection as their rights are the most jeopardized by water pollution and scarcity.

The final part of the SR's speech focused on States' and businesses obligations and responsibilities to manage, protect, use, conserve, restore and allocate water resources, stressing the need to follow a rights-based approach as it defines obligations to respect, the need for capacity building and implementation for solutions. In particular, it has been clarified that besides procedural, substantive and special obligations according to the framework principles on human rights and the environment, States must follow seven key steps to apply a rights-based approach to water governance: 1. State-of-the-water assessment, 2. Legal mapping and strengthening initiative, 3. Develop or revise water plans to incorporate a rights-based approach, 4. Implement water-related plans and enforce laws, regulations and standards, 5. Evaluate progress, 6. Build capacity and 7. Inform, engage and empower the public. There are already examples of good practices worldwide not only at the international level with transboundary cooperation treaties or agreement, but also at the national level, including water protection in constitution, acts and policies.

Image source: United Nations, Department of Economic and Social Affairs, Sustainable Development

Lastly, the Special Rapporteur called for immediate action to be taken in order to meet the Sustainable Development Goals Agenda 2030: a scale up in investments for improving water governance and infrastructures is required to fulfil the human rights of present and future generations.



As remarked by the Special Rapporteur, in this scenario it is also fundamental to finally recognize the right to a safe, clean, healthy and sustainable environment and the Human Rights Council has the power to spark progress through a resolution leading to a universal and global recognition of such rights.

2) States' Comments and Questions (Regional Groups)

African Group



Cameroon, on behalf of the African Group, mentions that Africa suffers from difficulties to access water in certain periods of the year, and that climate change, particularly, has exacerbated inequities.

As such, African countries strive for access to water, especially in the context of the COVID-19 pandemic and, of course, climate change. The African Group called for a stronger global collaboration for capacity building in relation to right to water. Togo highlighted the importance of national, regional, and international efforts in order to ensure such rights and ensure better water management. They further outline the necessity for an integrated human rights approach in order to sustain a safe and healthy environment, as well as the peaceful coexistence between and among people. The representative of Senegal mentions that its national and community plan ensures the provision of safe water to its citizens, and further puts forth the organization for the preservation of river and water resources between Gambia and Senegal. The representative also asked the Special Rapporteur on how to better involve local populations in water governance plans. Furthermore, Morocco's geographic location exposes it to significant risks from climate change, and the management of water resources is therefore a priority on its national agenda. The representative of Morocco outlined important strategies, such as the 2020-2027 irrigation plan, to ensure water



security and improve its supply. Moreover, on this issue, Morocco is working closely with other countries, including Switzerland and Slovenia, to draft a resolution on this area. In terms of water resources, Namibia shares its resources with neighboring states, whereby bilateral agreements are issued in the defective governance for the mutual benefit of their citizens. In Gabon, however, safe water is not yet accessible for vulnerable groups, and as such the country has developed a programme for increasing water supply for households in the area. As for Egypt, the country is committed to recycling and water management and is seeking the enhancement of international and regional cooperation in terms of water scarcity and human rights. The representative of Ethiopia notes that the root causes of climate change must be



Image source: UNICEF/UN0199521/Noorani

addressed first and foremost, and that Ethiopia supports transborder cooperation to ensure the equitable use of water resources rather than focusing on national strategies alone. In this case, Ethiopia disagrees that a unilateral approach is the correct approach, as it could result in mistrust.

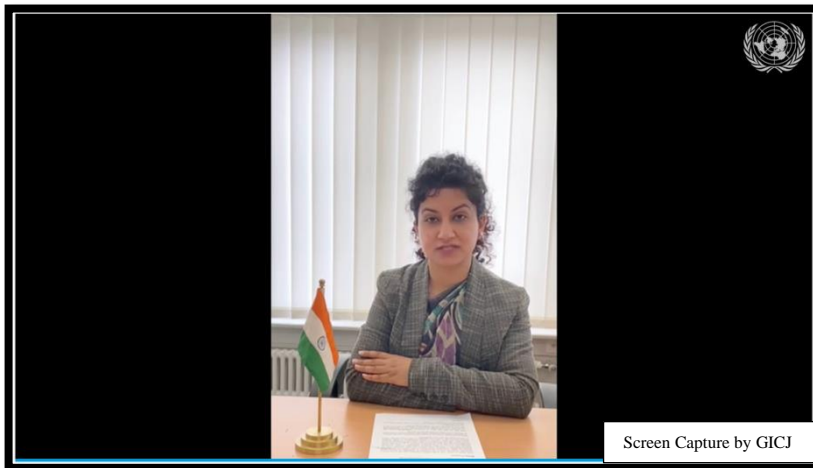
Asia and the Pacific Group

The representative of Indonesia outlined that their country has implemented an inclusive development through a community based water supply and sanitation programme, in order to enable all community members to have access to safe drinking water while, at the same time, providing equal participation of men and women in all these activities. As such, the government is promoting synergy

with local communities. The representative further asks the Special Rapporteur about the details of good practices that states are bound to apply. In another



light, Maldives is disaster prone and many instances of natural floods have occurred and are bound to happen. To counter such disasters, Maldives has embedded in its constitutional article the access to safe and clean water and the use of technology to provide that. The country is, like many others, particularly concerned about the post-covid scenario and the best approach to ensure equitable access to clean water in this light. Another case would be Marshall Islands, a country equally concerned with the leak of radioactive material into its oceans, rising sea levels, and therefore limited water resources. Marshall Islands is therefore directly experiencing the effects of climate change and urges the implementation of multilateral approaches as well as responsiveness to the dialogue, as natural responses are simply not enough. Other countries, such as Saudi Arabia, Iraq, Iran, Pakistan, and Bangladesh are working in line with the Special Rapporteur to commit to water resource management and eventually include the 7 step approach outlined in the report within their good practices and



strategies. In India, for instance, two important strategies were highlighted. First, the national water mission has been introduced under the national action plan for climate change for conservation of water,

minimizing waste, and securing more equitable distribution. Second, a composite water management index has been launched as a tool to improve and assess the performance in efficient management of water resources.

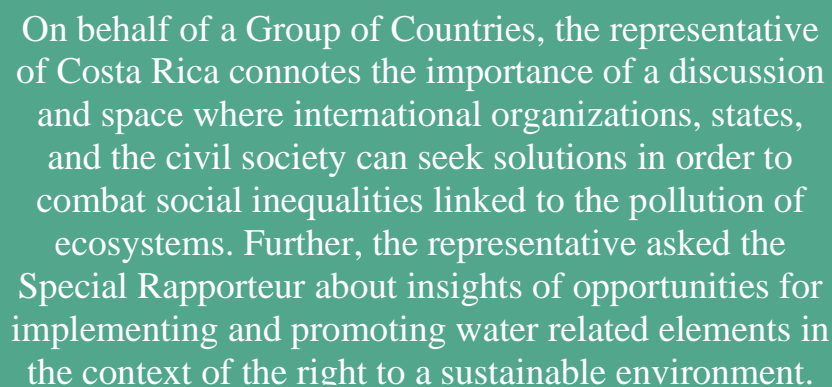
Eastern European Group

Slovenia aligns itself with the statement made by the European Union, and notably supports the recognition of the right to a healthy environment. The representative further highlights that the COVID-19 pandemic has raised the importance of protecting animals habitats and species, as well as the environment, to reduce risks of zoonotic diseases and



another pandemic in the future. The country then called upon states to preserve, restore, and protect ecosystems and the planet's biodiversity, in addition to ensuring sustainability by following a human rights based approach in their plans. As for the Russian Federation, the representative outlined the situation concerning the ongoing water brigade against Crimea in Ukraine as unacceptable and a threat. The representative further highlights this water brigade as a violation by Kiev of its international obligations. The country then called on the special rapporteur to submit a specific report on this issue. Armenia, for instance, is fully committed to the targets of the SDG 6 and will also take further steps to ensure clean sanitation. The representative also highlighted the dire conditions related to food, water, and medical aid in Armenia due to the conflict with Azerbaijan. As for Azerbaijan, attention must be devoted to arms conflict on human rights and environment, as the representative claims that water resources continue to be used as a weapon to create environmental disaster within conflict affected areas. The representative further states that Armenia has used water reservoirs to deprive the citizens of Azerbaijan from access to clean water.

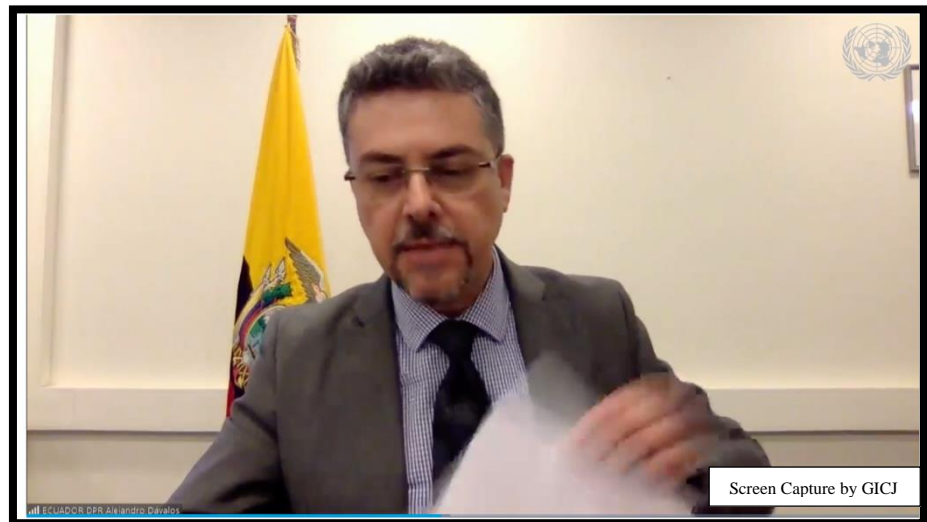
Latin American and Caribbean Group



On behalf of a Group of Countries, the representative of Costa Rica connotes the importance of a discussion and space where international organizations, states, and the civil society can seek solutions in order to combat social inequalities linked to the pollution of ecosystems. Further, the representative asked the Special Rapporteur about insights of opportunities for implementing and promoting water related elements in the context of the right to a sustainable environment.

Ecuador, Venezuela, and Peru recognized that everyone deserves to live in a healthy environment and all countries are taking steps to ensure a comprehensive plan to properly manage natural resources based on the respect of nature and biodiversity. The countries are equally concerned about the achievement of the right of a healthy environment and clean water in the context of post-COVID 19 recovery. Uruguay, for instance, created a Ministry for the Environment in August 2020, which highlights their prompt action to fight against climate

change, loss of biodiversity, pollution and waste. The representative of Cuba outlines the dire situation in their country, and highlights that water sanitation is particularly difficult

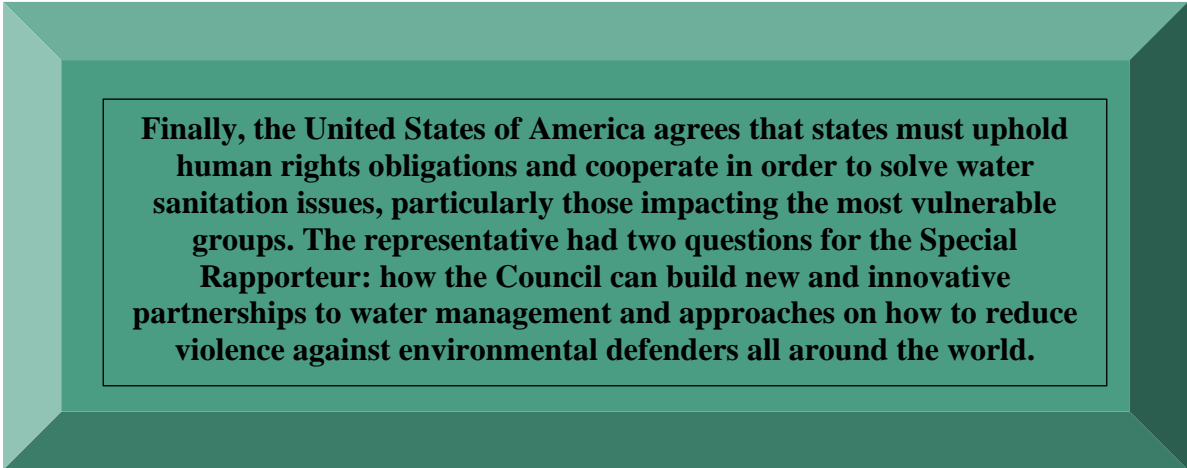


for countries with structural vulnerabilities. As climate is warmer and more extreme, water becomes challenging to manage. The country urges cooperation and dialogue as water is a right for all. Other countries, such as Panama, Chile, and El Salvador, are coordinating with national authorities in regards to water management in order to achieve SDG 6 and adopt strategies to neutralize the impact of climate change. Particularly, Panama urged the Special Rapporteur to examine the effect of armed conflict on human rights and the environment, and asked about the approaches that could be used by the Council to negotiate a new global treaty for addressing plastic reduction.

Western European and Other Group

The Nordic Baltic Countries, as introduced by Finland, agree on the significance of climate change in relation to water-related issues, and the scarcity of resources which leads to aggravated conflicts. The special attention on vulnerable groups is of utmost importance. As such, the countries believe that efforts must be enhanced to prevent climate change threats and fight against inequalities and discrimination. The countries also call on the inclusion of all people in decision-making. European countries, such as Switzerland and Monaco, as well as France and Germany which notably align themselves with the statement presented by the European Union, have introduced their initiatives and steps in order to counter the negative effects of climate change, such steps include the implementation of water-related goals of the 2030 Agenda or the Blue Peace initiative. Some notable questions asked to the Special Rapporteur were related to the approaches that could be taken in order to ensure that vulnerable groups are not treated unequally and the elaboration on the 7 step approach presented within

the report. Spain, for instance, is working with Germany to consolidate the clean water and sanitation pillar, and highlighted that Spain currently suffers from water scarcity. The country specifically focused on the inclusion of the gender perspective in the 7 step approach of the report. Furthermore, Austria has asked about the right approaches to deal with potential trade-offs between clean water and climate change mitigation measures. For Luxembourg, the SDG pertaining to water links all SDGs and will be a further link factor to success in the 2030 Agenda, and is concerned with the inclusive participation for all in drafting effective water sanitation programmes. For the United Kingdom of Great Britain and Northern Ireland, greater climate action must be ensured, such as ensuring that all countries have tools and are able to support all the issues.



Finally, the United States of America agrees that states must uphold human rights obligations and cooperate in order to solve water sanitation issues, particularly those impacting the most vulnerable groups. The representative had two questions for the Special Rapporteur: how the Council can build new and innovative partnerships to water management and approaches on how to reduce violence against environmental defenders all around the world.

3) General Consensus

Throughout the dialogue, most speakers focused on the need to protect drinking and freshwater, especially since it represents less than 1 percent of total water on the planet. Many speakers also emphasized that climate change has exacerbated the inequities and consequences associated with water scarcity, water-related disasters, and water pollution. It continues to be alarming that roughly four billion people had little to no access to drinking water services and sanitation. Water scarcity poses a particular and acute risk to small island developing States, even with the innovative solutions that they have implemented in order to mitigate this dire challenge. The pandemic has highlighted the importance of protecting our environment, biodiversity, and healthy ecosystems. Most States also welcomed the seven steps presented by the Special Rapporteur which would facilitate their obligations to ensure a rights-based approach to water management.

During the discussion, speakers were very alarmed by climate change as a risk multiplier, and thus urged all states to welcome the call for a dialogue on the possible global recognition of the right to a safe, clean, healthy and sustainable environment. Moreover, some speakers highlighted that their constitution established the right to enjoy a healthy and safe environment in the same way they have approached the right to health or life.

Other states discussed the measures taken by their governments, which include the provision of tap water connections to every rural household by 2024 or the construction of desalination dams and plants. Some speakers mentioned that the most fragile children and some vulnerable groups are usually deprived of clean water and sanitation because of this crisis.

4) Final Remarks of the Special Rapporteur

While answering the number of questions that States raised during the discussion, the Special Rapporteur emphasized that in order to tackle the global climate emergency States should include the seven key steps rights-based approach in their climate strategies and water governance plans. Mr. Boyd also encouraged states to include the seven steps approach in shaping the Nationally Determined Contributions (NDCs) in accordance with the Paris Agreement.

The COVID-19 pandemic is exposing deep inequalities between the enjoyment of human rights, also in relation to water distribution. A human rights-based approach is therefore crucial to produce more effective and equitable outcomes. The global economic recovery from the COVID-19 crisis should have human rights as its core, thereby investments in water, sanitation, renewable energies are expected to be taken.

The Special Rapporteur also reminded that water is a priority for our existence and it should not be a victim of abuses and conflicts, but made available and accessible to everyone.

In this regard, Mr. Boyd called upon wealthy states to increase levels of development cooperation to achieve the 2030 Agenda, especially in providing assistance to low income states so citizens can be provided essential services.

In conclusion, by underlying that our life and health on earth depend on a healthy environment, the Special Rapporteur reiterated the request to the Human Rights Council to support the initiative for a resolution to recognize the right to a safe, clean, healthy and sustainable environment. In fact, human activities, if not conducted with respect of the environment, cause four interconnected global crises: the climate emergency, a loss of biodiversity, air and water pollution, and the spread of infectious diseases of zoonotic origin. These have catastrophic consequences on the enjoyment of human rights and a disproportionate impact on vulnerable and marginalized groups.

5) The contributions of Non-Governmental Organizations

Many NGOs came prepared to the discussion and expressed their concern over the unfolding climate emergency that is exacerbating water scarcity and water-related disasters, leading to inequalities based on gender and income of the country concerned. In fact, it has been emphasized that water contamination, water shortages and water-related disasters have a greater impact on women and children. In particular, it has been stressed out that Palestinian women, together with children, are suffering from water scarcity and pollution, especially in the Strip of Gaza. For this reason, Israel has been urged to respect its obligations related to water and the respect for the environment under International Humanitarian Law.

Overall the message across all NGOs was that the current water global crisis should be addressed with a human rights-based approach, by respecting ecosystems. Particular attention is needed in order to protect vulnerable populations, including indigenous people and their lands, that have been under large-scale exploitation over the last years.

The general consensus of the statements was that the Human Rights Council must internationally recognize the right to a safe, clean, healthy and sustainable environment as it is a priority for the enjoyment of all human rights. Moreover, proper investments are needed to adequately manage environmental-related disasters and to strengthen the resilience of the most affected areas by the climate and water crisis.

D. The position of Geneva International Centre for Justice

Geneva International Centre for Justice (GICJ) together with International-Lawyers.Org submitted a joint statement to the Human Rights Council on the present issue. However, we did not have the opportunity to deliver it as the Council accommodated only a few NGOs due to time limitations.

GICJ commends the Special Rapporteur on Environment for his comprehensive report which focuses on the dire consequences of the unfolding global water crisis interfering with the full enjoyment of human rights. Moreover we would like to remind States that they have extensive obligations to prioritize effective strategies to ensure access to safe and sufficient water. Billions of people still lack access to drinking water and even basic water services, and nearly 2 million people die worldwide annually due to waterborne diseases. States and businesses must respect water-related obligations, which are not options, but legally binding.

GICJ believes that the international community must focus on finding a relevant solution for vulnerable and marginalized groups who require special monitoring as they suffer disproportionately. In this regard, we are particularly concerned on how low-income countries can find solutions when they have insufficient financial resources to meet water's security targets. In this regard, it is imperative to adopt an effective strategy to tackle the climate emergency and to increase resilience towards its effects, as the increase of global temperatures and its related consequences are accelerating ecosystems' degradation and threatening water resources on our planet.

By underlying that this is a pivotal moment to take an aligned action to address the water crisis, GICJ strongly recommends states to accelerate and strengthen the full implementation of the key seven steps of rights-based water governance as they promote the achievement of Sustainable Development Goal 6 under Agenda 2030.

Lastly, we join the request of the Special Rapporteur and other NGOs to the Human Rights Council, to internationally promote the recognition of the right of a safe, clean, healthy and sustainable environment as it is a precondition to the full enjoyment of other human rights, including the right to life, food, water, health, and allows for life to prosper on our planet

E. CONCLUSION

Just as the Special Rapporteur, Mr. Boyd, stated during the interactive dialogue, “instead of treating water – this unique, life-supporting and indispensable substance – with care, respect and reverence, humans are polluting surface water and groundwater, using too much water, destroying wetlands and inflicting catastrophic damage on freshwater ecosystems”.

However, we have taken steps forward by acknowledging the ongoing global water crisis, by bringing the issue in an international debate and establishing a commitment towards water governance following a human rights-based approach. After the present discussion, the international community is expected to cooperate in order to ensure accessible safe water to everyone, to improve water management and to scale up investments in water and sanitation as the benefit is immeasurable for present and future generations. Further, this might be the right time for the Human Rights Council to officially recognize the right to a safe, clean, healthy and sustainable environment and to promote its safeguard among states.

Water is life, thereby it must be protected in the same way we are supposed to respect and preserve the environment that hosts us.

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