

“In this new century, water, its sanitation, and its equitable distribution pose great social challenges for our world. We need to safeguard the global supply of healthy water and to ensure that everyone has access to it.” -- UN Secretary - General Kofi Annan, 2001.

HUMAN RIGHTS

What is a human right?

According to the World Health Organization (WHO), human rights are universal and the birthright of every human being. Human rights safeguard the dignity and equal worth of each person and cannot be taken away. Many human rights are related and interdependent. Human rights are often written in a way that delegates the countries (or states) as responsible for ensuring that people can enjoy their human rights.

Is water considered a human right?

Under international human rights laws, water is protected as a human right. In the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, and the 1966 International Covenant on Civil and Political Rights, water is not explicitly mentioned as a human right. It was, however, implied through other human rights, such as the right to life, right to an adequate standard of living, and the right to health.

In 2002, the United Nations officially adopted water as a human right. General Comment 15, of the International Covenant on Economic, Social and Cultural Rights states the following: “The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.” This means that the 145 countries who have endorsed the International Covenant on Economic, Social and Cultural Rights have to ensure fair and equal access to safe drinking water.

What does it mean if water is a human right?

The right to water has several dimensions. The quantity of water must be, at a minimum, sufficient to meet basic needs, in terms of drinking, bathing, cleaning, cooking and sanitation. For more information about water quantity and consumption, see the [Water Consumption](#) fact sheet.

The quality of the water must be safe and free from contamination. Though the quality of water can vary with its use (for example, drinking, sanitation and agriculture require different qualities), water should never contain anything that could pose a health threat.

The third aspect of the right to water is accessibility. Water must be physically accessible, meaning that water facilities must be within the house or in close proximity of the house. If a person must walk for hours to get water, then they are not enjoying their right to water. Water must also be economically accessible, meaning that fees should not be so high that people must either drink contaminated water, or sacrifice other basic human rights to be able to afford safe drinking water. Lastly, water must be accessible for all people, including the most vulnerable and marginalized people.

The government is obliged to ensure that people can enjoy their basic human rights. There are three levels of obligation. First, the government must respect the right, and not do anything to interfere with the right. In the case of drinking water, this means that the government cannot deny anyone access to safe drinking water. The second level of the government's duty is to protect the right, by preventing third party interference. For drinking water, this may involve the establishment of legislation that prohibits manufacturing companies from polluting drinking water. The third level of obligation is to fulfill the right, when necessary. In the case of drinking water, this may require the government to establish a water treatment plant or construct wells to provide safe drinking water.

Many conflicts around the world are results of competition for resources, including water. For example, the Darfur war, in Sudan, began when drought and desertification forced Arab nomads to move to the southern Darfur region, where they had to compete with African farmers for water. Experts speculate that, because much of the conflict in Darfur is due to present water shortages, the recent discovery of a large underground lake may assist in ending the unrest. For more information about the underground lake, and how it is expected to ease conflict, read the BBC news articles, "[Water find 'may end Darfur war.'](#)"

What is being done to improve access to water and recognize the human right?

There are obstacles to overcome in fulfilling the human right to water. These obstacles include poor management of freshwater, lack of planning, unequal distribution of water and sanitation services and privatization of water services. In 2000, the WHO established that 1.1 billion people did not have access to an improved water supply that was able to provide each person with 20 or more litres of safe water each day. 80 percent of these 1.1 billion people live in rural areas. 2.4 billion people were without adequate sanitation and 2.3 billion suffer from waterborne diseases each year. Each day, between 14,000 and 30,000 people die from avoidable water-related diseases. Currently, one-third of the world's population lives in countries where there is moderate to severe water stress. By 2025, it is estimated that two thirds of the world's population will be living in areas experiencing water stress.

One of the goals of the Millennium Development is to ensure environmental sustainability. The target of this goal, in particular, is to halve the proportion of people without sustainable access to safe drinking water and sanitation by the year 2015.

From 1990 to 2002, the number of people receiving improved water coverage in developing countries rose from 71 percent to 79 percent. Some regions saw great improvements, such as South Asia, where water coverage rose from 71 percent to 84 percent, and Sub-Saharan Africa, where water coverage rose from 49 percent to 58 percent. Other regions saw less improvement, such as North Africa, where water coverage rose from 88 percent to 90 percent. Rural areas have experienced the greatest improvement in water services, but these areas have started from a much lower base and still require a great amount of improvement.

Due to global population growth, 275,000 people need to gain access to water supplies each day until 2015, if the goal is to be met. The United Nations reports that, for this to happen, four things must happen:

1. Governments and countries need to recognize that water is a human right that must be accessible and affordable to all, including those who are too poor to pay.

2. Governments and countries need to develop national strategies that will improve water and sanitation services, as well as reduce poverty.
3. International aid in this sector must double.
4. A global action plan needs to be developed to emphasize the priority of providing adequate water and sanitation services to all.

How does the privatization of water fit into the human rights issue?

According to the definition of water as a human right, governments are responsible for ensuring that everyone has access to safe drinking water. As well, human rights cannot be sold. That means that water should not be withheld, even when people cannot afford to pay. This right has been violated in a number of countries, where prepaid water meters are used. The picture to the right shows a water meter, which distributes water when a plastic card that has been purchased is inserted into the slot. The idea behind this form of water supply is that the water company does not have to cut off the water supply when people cannot pay, and water consumption is reduced.



Children Filling Water from a Water Meter

However, there are several flaws to this rationale. First of all, the water companies say that people “self-disconnect” when they cannot afford to pay for the water; this is a weak attempt to avoid taking responsibility for denying the basic human rights of people. Secondly, water meters are prevalent in parts of Africa, such as Namibia, Swaziland and Tanzania, where water consumption is already extremely low. The cost of using a water meter can be up to ten times higher than piped water would be. Furthermore, when people cannot afford safe drinking water, they are forced to use contaminated water, which results in an increase in waterborne diseases. For example, when free, communal standpipes in one South African province, KwaZulu Natal, were converted to water meters, many households were unable to get safe drinking water. As a result, between August 2000 and February 2002, there were 113,966 reported cases of cholera, 259 of whom died, just in this one province. In the previous 20 years, there had been only 78 deaths from cholera in the same region.

Even developed countries have not had good results when a company privatizes the water. In the 1980s, the British water system was privatized. In the first five years, 18,636 households had their water supply cut off because they could not afford the price of water, which had increased by more than 50 percent.

What is Canada's stance on drinking water rights?

Canada has voted against water as a human right on multiple occasions, including at the World Water Forum in 2000, in Kyoto in 2003, and in Mexico City in 2006. Of 53 countries, Canada held the single vote against water rights at the United Nations Commission on Human Rights.

The Canadian government believes that they have good reasons to vote against water as a human right, even though 97 percent of Canadians disagree with the federal government. The Canadian government has expressed several reasons for voting against water rights. While they agree that water is an important issue, the Canadian government feels that each country should be responsible for providing access to water.



World Social Forum in Nairobi, Kenya;

<http://www.canadians.org/publications/CP/2007/spring/RTW.html>

The provincial governments are responsible for drinking water provisions, except for on military reserves, national parks, and in First Nations communities, which are under federal jurisdiction. First Nations communities tend to have extremely poor drinking water. In 2006, Sierra Legal published a report card of drinking water quality. While most provinces showed improvement in their drinking water, the federal government received the only failing grade, for their failure to ensure safe drinking water for First Nations, among other things. So, while Canada claims that they are voting NO because each country should take responsibility, they themselves are not taking responsibility.

The United Nations General Comment 15 states that the right to water is implied in the International Covenant on Economic, Social and Cultural Rights. Canada believes that supporting this comment would force them to share Canadian waters with others. As well, the Canadian government expresses concern that, if they were to recognize water as a human right, the United States would be able to demand Canadian water under Human Rights Laws. This would be very unlikely to happen, as human rights claims must meet very strict criteria.

However, don't get the impression that Canada wants to protect our water sources for Canadians, now and in the future. While the government is against sharing water, they are considering selling it. And the price tag will be high. The Canadian Environmental Law Association (CELA) states that this will only widen the gap between rich and poor, because exported water will only be accessible to the wealthy.

So is the government denying the human right of water to First Nations communities?

In one word, yes. But let's go through the dimensions of the right to water that were listed above. First of all, people need enough water to meet their basic needs. The quantity of water is generally not a problem in First Nations communities. Secondly, the quality of water must be safe and free from contamination. The water quality in First Nations communities is comparable with the water in developing countries. First Nations communities report more than twice the number of cases of shigellosis as the overall Canadian rate. Health Canada estimates that nearly 30 percent of community water systems in First Nations communities are of concern, due to health and safety risks, and only 25 percent of water systems are running without problems. They also estimate that 16 percent of community wastewater systems are of concern, and only 40 percent are not experiencing problems. However, SDWF scientists predict that over 90 percent of First Nations communities cannot produce drinking water that meets Canadian Drinking Water Quality Guidelines.

The third aspect of the right to water is accessibility. This means that water facilities must be in near proximity to the house. While 2,145 of 89,897 on-reserve houses do not have water service, water trucks generally provide water for these communities. Fourthly, water should be affordable, and this is not always the case in First Nations communities, especially when you consider that First Nations communities are paying more for poor quality water.

The last dimension of the right to water is accessibility for all, including the most vulnerable and marginalized people. In this case, water is accessible, but First Nations communities are often forced to pay more for poor quality water, which is a discriminatory action on the part of the federal government.

Let's also analyze the water situation in First Nations communities from the three levels of government involvement that are involved in a human right. First, the government should respect the right to water, and not deny access to anyone. In 2006, Indian Affairs Minister Jim Prentice announced some details regarding the plan for safe drinking water on reserves.

The plan involved developing federal water quality standards, and requiring drinking water treatment plants on reserves to meet the provincial or federal standards (whichever is higher) or risk losing funding. This could be considered equivalent to denying some reserves the right to safe drinking water, because many reserves do not have the funds required to maintain water treatment facilities that can produce drinking water on par with the guidelines.

The second level of government obligation is to protect the right to safe drinking water. In July 2006, a sewage spill occurred in the Albany River, in northern Ontario. A nearby First Nations community had been on a Boil Water Advisory since the spring, and in October 2006, after the spill, the Chief of Marten Falls First Nation brought the issue to the attention of the media, because the government was treating the sewage spill with very little urgency. Fortunately, after the issue gained public attention, the government addressed the problem, but there are many other First Nations communities that have been on Boil Water Advisories for many years. Another aspect of this level of duty is that the government should establish standards for water quality. Provincial regulations do not apply to reserves and, as of yet, the federal government has not established any standards for drinking water quality on reserves. There is speculation that this may be because the government does not want the responsibility of implementing them.

The third level of government involvement requires the government to fulfill the right to water, when necessary. While the federal government already allocates money to drinking water

treatment on reserves, this duty may also require them to provide additional funding to provide a long-term solution, including building an effective water treatment plant and wastewater treatment system, training operators to run the facilities, and ensuring that First Nations communities have the funds that are necessary to be sustainable.

For more information about the drinking water concerns that most First Nations communities across Canada have, read [Watered Down Excuse, According to one scientist, high cost is no excuse for lack of safe drinking water in First Nations communities](#), an article published in The Dominion about the drinking water at Saddle Lake Cree Nation.

The Safe Drinking Water Foundation has educational programs that can supplement the information found in this fact sheet. Operation Water Drop looks at the chemical contaminants that are found in water; it is designed for a science class. Operation Water Flow looks at how water is used, where it comes from and how much it costs; it has lessons that are designed for Social Studies, Math, Biology, Chemistry and Science classes. Operation Water Spirit presents a First Nations perspective of water and the surrounding issues; it is designed for Native Studies or Social Studies classes. Operation Water Health looks at common health issues surrounding drinking water in Canada and around the world and is designed for a Health, Science and Social Studies collaboration. Operation Water Pollution focuses on how water pollution occurs and how it is cleaned up and has been designed for a Science and Social Studies collaboration. To access more information on these and other educational activities, as well as additional fact sheets, visit the Safe Drinking Water Foundation website at www.safewater.org.

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