

# International Declarations and Recommendations on Water and Sanitation

## Summary

At least 165 States have signed up to declarations recognising the right to water. The 118 members of the Non-Aligned Movement and the 47 members of the Council of Europe have recognised the right to water in international declarations.

At least 106 States have signed up to declarations recognising the right to sanitation (and water). This occurred in a series of recent declarations at the 2006 Africa-South America Summit (ASA), the 2007 Asia-Pacific Water Summit and the 2008 South Asian Conference on Sanitation. As Africa, East and South Asia and Latin America contain the vast majority of the people lacking access to basic water and sanitation, it is important for all States – including those in the global North - to support efforts towards international recognition of the rights to water and sanitation. Such international recognition will facilitate international cooperation to support national efforts to realise the rights of those denied access to water and sanitation.

177 States recognised that water and sanitation are components of the right to an adequate standard of living, alongside food, clothing, and housing. This occurred at the 1994 Cairo Conference on Population and Development, the declaration of which was supported by the 177 UN Member States attending. Similar wording was in the outcome document of the Second United Nations Conference on Human Settlements (Habitat II) in 1996), supported by the 171 States that participated in that conference.

## List of Declarations and Recommendations

- The Programme of Action adopted by consensus of all 177 participating States at the 1994 International Conference on Population and Development, Cairo stated in Principle 2: “Countries should ensure that all individuals are given the opportunity to make the most of their potential. They have the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation.”
- The 1996 Habitat Agenda adopted by consensus of all 171 participating States at the Second United Nations Conference on Human Settlements (Habitat II), Istanbul, recognised in paragraph 11 that “Everyone has the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation, and to the continuous improvement of living conditions.”

- In the Abuja Declaration adopted at the First Africa-South America Summit (ASA) in Abuja, Nigeria, on 30 November 2006, 53 African and 12 South American States committed to “promote the right of our citizens to have access to clean and safe water and sanitation within our respective jurisdictions.”
- At the 1st Asia-Pacific Water Summit, held in Beppu, Japan, 3-4 December 2007, 37 States from the wider Asia-Pacific region unanimously adopted the “Message from Beppu”, which recognises the “people’s right to safe drinking water and basic sanitation as a basic human right and a fundamental aspect of human security.”
- The Delhi Declaration, adopted by eight South Asian countries at the Third South Asian Conference on Sanitation (SACOSAN III), 16-21 November 2008, recognises in Paragraph 1 that “access to sanitation and safe drinking water is a basic right, and according national priority to sanitation is imperative.”
- The Mar Del Plata Action Plan adopted at the 1977 United Nations Water Conference recognised the right to water. Agenda 21 adopted at the 1992 UN Conference on Environment and Development quoted the paragraph of the Mar Del Plata Action Plan recognising the right.
- Recommendation (2001) 14 of the Committee of (Foreign) Ministers to member States on the European Charter on Water Resources states: “International human rights instruments recognise the fundamental right of all human beings to be free from hunger and to an adequate standard of living for themselves and their families. It is quite clear that these two requirements include the right to a minimum quantity of water of satisfactory quality from the point of view of health and hygiene” (para. 5).
- The Final Document of the XIV Summit Conference of Heads of State and Government of the Non-Aligned Movement in Havana, Cuba, 11-16 September 2006, stated as follows: “The Heads of State or Government recalled what was agreed by the UN Committee on Economic, Social and Cultural Rights in November 2002, recognised the importance of water as a vital and finite natural resource, which has an economic, social and environmental function, and acknowledged the right to water for all.” An identical provision was included in the Final Document of the 15th Ministerial Conference of the Non-Aligned Movement, Teheran, 27-30 July 2008, and in the Final Document of the XV. Summit of Heads of State and Government of the Non-Aligned Movement, Sharm El Sheikh, Egypt, 11 to 16 July 2009.
- The UN Committee on Economic, Social and Cultural Rights, the treaty body responsible for monitoring and interpreting the ICESCR, has clarified that the right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. (General Comment No. 15: The right to water, para. 3). It has also stated that access to water and sanitation are essential to the realization of other realization of other rights

under the ICESCR including the rights to housing and health. (General Comment No. 14: The right to the highest attainable standard of health, para. 43 (c) and General Comment 4, The Right to Adequate Housing, para. 8 (b).

- Article 27 of the UN Convention on the Rights of the Child (CRC) recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. This Article has consistently been interpreted by the Committee on the Rights of the Child, the treaty body responsible for monitoring and interpreting the CRC, to include access to clean drinking water and sanitation.
- The UN Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation states has called upon states to support recognition of sanitation as a right: “International human rights law entails clear human rights obligations related to access to sanitation. The inextricable links between sanitation and so many human rights mean that international human rights law requires States to ensure access to sanitation that is safe, hygienic, secure, affordable, socially and culturally acceptable, provides privacy and ensures dignity in a non-discriminatory manner. However, only looking at sanitation through the lens of other human rights does not do justice to its special nature, and its importance for living a dignified life. In this regard, although the discussion about recognition of a distinct right to sanitation is ongoing, the independent expert supports the current trend of recognizing sanitation as a distinct right. In line with these conclusions, the independent expert offers the following recommendations: ... States are encouraged to support legal and political developments at all levels towards broader recognition of sanitation as a distinct human right...” (Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Human Rights Council, July 2009, para 81).
- The UN Independent Expert on human rights obligations related to safe drinking water and sanitation has also emphasized the importance of sanitation for human dignity: “Dignity closely relates to self-respect, which is difficult to maintain when being forced to squat down in the open, with no respect for privacy, not having the opportunity to clean oneself after defecating and facing the constant threat of assault in such a vulnerable moment. Therefore, the independent expert believes that lack of access to sanitation constitutes demeaning living conditions; it is an affront to the intrinsic worth of the human being and should not be tolerated in any society.” (para. 57)... “Due to the essential importance of sanitation for maintaining a life with human dignity, it could be argued that it is as important as other explicit components of the right to an adequate standard of living, such as food, clothing and housing, and could be implied under that right. The independent expert has found considerable precedents - both in international political declarations as well as in the work of United Nations human rights mechanisms – for this position.” (para. 58).