## Human right to water potentially lead to improved water access

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#### **Abstract**

There is no life without water. However, today, over one billion poor people of the word lack access to safe drinking water and two and a half billion are without improved sanitation due to lack of water. Lack of safe drinking water and poor sanitation are claiming the lives of 3,900 children under the age of five everyday and more than two million people are dying every year because of water related diseases. Despite this alarming situation, a human right to water is not adequately developed. International laws have not fully incorporated or affirmed the principle of human right to water. This paper study and assess the potential of human right to water in providing water access to the poor. A human right to water consists of the right to have access to the amount of water that a human being needs in order live, without any discrimination. A human right to water requires cautious management of water resources to provide water for everyone today and the future generations. At the current state of international law, the human right to water is an implicit component of recognized rights. This makes the enforcement of human right to water only possible indirectly through right to life, right to healthy environment and right to development. Lack of access to sufficient clean water

by the poor is not only a result of water scarcity or of inadequate technological or financial resources, but also lack of political will and accountability of the national governments. Furthermore the hesitance by the international community to recognize and enforce a human right to water. The legal recognition of human right to water will not immediately improve the lives of people, however, it will give these people a possibility to expose discriminaition in water provision and defend their rights to improved living conditions and dignified life.

**Keywords**: Human Right to Water, Dignity, Poverty, Water Privatization, Indigenous People, Politics

### 1. Introduction

There is roughly 1.2 x  $10^{18}$  m<sup>3</sup> of water on earth, but only about 2% of this amount is available for human consumption. Water is the most essential, next to air, to human survival. Worldwide freshwater availability has decreased from 17000 m<sup>3</sup> per capita per year in 1900 to 7000 m<sup>3</sup> per capita per year in 2000 and the rate of growth in consumption is itself increasing [1]. Advancement in technology, economic development and environmental degradation are rapidly destroying water's life–giving capacities. Industrial and domestic wastes, mine drainage and agricultural chemicals runoffs are contaminating our water sources and make this vital resource under stress and restrictive in use through time. These factors coupled with increased in population sharpen competing demand for finite water and its uses and in turn make prioritization of different uses and guaranteeing access water to the poor difficult [2].

Over a billion individuals in the world have no choice but to access water from unsafe sources such as polluted rivers and streams which makes the lives of this people undignified. It is estimated that 1.1 billion people lacked access to safe water sources and 2.6 billion lacked access to sanitation, everyday 3,900 children under the age of

five die from water related diseases like diarrhea and 80% of all sickness in the world is attributable to unsafe water and sanitation [3]. Many women and girls, especially in Africa and Asia, face the heavy burdens of collecting water, jeopardizing their health and ability to gain an education. The lives of these people which are the poorest and the marginalized in the world had been distressed, what is more compelling is, without the access to water, enjoyment of other rights like food, health, education and other human rights have been hindered. Stated that the primary factor for this dismal situation is the lack of accountability of governments and the international community to ensure water for all; marginalized and vulnerable groups are often intentionally denied access to water [4].

The following situations which may be the reasons for some countries which have not yet taken steps to implement measures required under the right to water: a) relative lack of interest in water on the part of central government while, their national and local governments clearly express concern in implementing the right to water for their citizens; b) continued reluctance because of misunderstanding that the right to water implies exemption from payment for consumers; and c) apprehensions that human rights when applied to water may have negative implications on resource management, including international water resources [5].

International commitments have been made through the United Nation in order to give attention in providing people access to water. One of the most recent and said to have explicitly recognized right to water as fundamental human right is the UN General Comment No. 15 by the Committee on Economic, Social and Cultural Rights in November 2002. General Comment No. 15 declared that an adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements. However, in the 2005 meeting of the Commission for

Sustainable Development, countries did not agree on reference to the notion of right-based approaches and did not take an official position on the right to water [6]. Also, during the fourth World Water Forum held in Mexico City, last March 2006 with its "closing declaration" fails to affirm the internationally accepted principle of a human right to water [7].

Despite the alarming situations of the lack of access to safe water, human right to water in the concept of human right is not adequately developed. Many countries in the world do not take an official position on the human right to water, and more do not register water and sanitation as core political priorities. Further, International Laws failed to prioritize and affirmed the principle of human right to water [7], and still the number of people suffering from water shortages and water related diseases all over the world are increasing. The purpose of this study is to examine the contemporary contents of human right to water, does it exists in legal context and in uplifting social justice by improving access to water. This could be conducted through understanding the human right to water and its importance, how it has evolved, and finally, how could the human right to water be put into practice in the case of Iraq.

## 2. Methodology

To analyze the concept of human right to water in its present status and examine if this concept would lead in improving access to water for the poor, literature have been reviewed to inspect what have scientifically been written about human right to water in the past. Also relevant laws have been analysed to understand rules, laws and regulations that governs human right to water, and evaluate the contemporary concern, discussion, and debates of governments and other sectors of society on human right to water.

## 2.1 Human Right to Water

A right defines as legal or moral entitlement recognized by civil society, on the other hand, need is a condition requiring relief or anything that is necessary but lacking. While human rights refers to those rights that have been recognized by the global community in the Universal Declarations of Human Rights [8]. Therefore, right to water or the human right to water is needed because water is fundamental to human life where not all people have the access to water.

The issuance of United Nations Committee on Economic, Social and Cultural Rights of General Comment No. 15 in November 2002 confirmed and further defined Human Right to Water as "The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce risk of water-related diseases and to provide for consumption, cooking, personal and domestic hygienic requirements".

According to General Comment, the principal elements of the human right to water are availability – supply must be sufficient for personal and domestic uses including drinking, sanitation, food preparation and personal and household hygiene, quality – which means that water must be free from harmful substances, of an acceptable color, odor and taste for each type of use; and accessibility – adequate water supply must be within safe reach for all sections of population and water services must be affordable to all, inclusive of direct and indirect costs, price of water must not compromise the realization of other covenant right, and access should be non-discriminatory– with special care for vulnerable and marginalized.

The General Comment also stated that in order to comply with the human right to water, States must respect, protect and fulfil the various aspects of this right. The obligation to *respect* means that States must refrain from interfering directly or indirectly with the enjoyment of the right to water. The obligation to *protect* means that the States must prevent third parties from interfering in any way with the enjoyment of the right to water. And, the obligation to *fulfil* means that States must facilitate, promote and provide water and sanitation services for those who do not currently enjoy the right to water.

"A right to water cannot imply a right to an unlimited amount of water. Resource limitations, ecological constraints and economic and political factors limit water availability and human use. Human right to water should only apply to basic needs for drinking, cooking, and fundamental domestic uses." [9]. While economic value of water must be recognized in order to properly manage the demands, and avoid wasteful and environmentally damaging uses [2].

Considering the above description human right to water can be defined as an element of everyone's right to an adequate standard of living. It entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses but cannot imply a right to an unlimited amount of water because there are resource limitations as well as ecological, economic, social and political considerations for water availability and use.

Table 1 shows the legally binding treaties that implicitly recognize human right to water, and Table 2 shows the non-legally binding treaties. It is worth noting that almost all international legally binding talks about right to health and life [10]. It was argued that human right to water was not explicitly included under these laws because it is a component element of an adequate standard of living.

 Table 1: Legally binding treaties.

Policy/Instrument	Key Elements Related to Human Right to Water
Legally Binding	
Treaties	
United Nations Charter	Art 55 promotes higher standards of living
(1945) [11]	solutions to international health and related
	problems as well as increased respect for, and
	observance of, human rights and fundamental
	freedom for all without discrimination
International Convention	Art 6 every human being has the inherent right
on Political and Civil	to life. This right shall be protected by law. No
Rights (1966) [12]	one shall be arbitrarily deprived of his life.
International Covenant	Art 11 "the state parties to the present
on Economic, Social	Covenant recognize the right of everyone to an
and Cultural Rights	adequate standard of living adequate for
(1966) [13]	clothing, housing and to continuously
	improvement of living conditions"
	Art 12" the state partiesrecognize the right of
	everyone to the enjoyment of the highest
	attainable standard of physical and mental
	health. The steps to be takento the full
	realization of this right shall include those
	necessary forthe prevention, treatment and

control of epidemic, endemic, occupational and other diseases".

Elimination of All Forms of Discrimination against discrimination Women (1979) [14]

The Convention on the Art. 14 (2) "States parties shall take all appropriate eliminate measures to against women....to enjoy adequate living conditions, particularly relation to housing, sanitation, electricity and water supply, transport and communications.

of the Child (1989) [15]

Convention of the Rights Art.24(1) to combat disease and malnutrition including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution"

Table 2: Non-legally Binding Instruments

**Policy/Instrument Key Elements Related to** Non-legally **Binding Human Right to Water** 

**Treaties** 

Universal Declaration of Established obligatory legal norms to govern

Human Rights (1948)	international behaviour with regard to rights of
	individuals.
Mar del Plata Conference	Preamble: "all people, whatever their stage
(1977)	of development and their social and economic
	conditions, have the right to have access to
	drinking water in quantities and of a quality
	equal to their basic needs."
UN Declaration on the	Article 8 (1) States should undertake, at the
Right to Development	National Level, all necessary measures for
(1986)	the realization of the right to development and
,	shall ensure equality of opportunity for all in
	their access to basic resources"
Agenda 21 (1992) [16]	Article 18:47"All people, whatever their stage
Agenda 21 (1992) [16]	Article 18:47"All people, whatever their stage of development and their social and economic
Agenda 21 (1992) [16]	
Agenda 21 (1992) [16]	of development and their social and economic
Agenda 21 (1992) [16]	of development and their social and economic conditions, have the right to have access to
Agenda 21 (1992) [16]  Rio Declaration on	of development and their social and economic conditions, have the right to have access to drinking water in quantities and of quality
	of development and their social and economic conditions, have the right to have access to drinking water in quantities and of quality equal to their basic human needs".
Rio Declaration on	of development and their social and economic conditions, have the right to have access to drinking water in quantities and of quality equal to their basic human needs".  Principle 1: human beings are at the center of
Rio Declaration on Environment and	of development and their social and economic conditions, have the right to have access to drinking water in quantities and of quality equal to their basic human needs".  Principle 1: human beings are at the center of concerns for sustainable development. They
Rio Declaration on Environment and	of development and their social and economic conditions, have the right to have access to drinking water in quantities and of quality equal to their basic human needs".  Principle 1: human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in
Rio Declaration on Environment and	of development and their social and economic conditions, have the right to have access to drinking water in quantities and of quality equal to their basic human needs".  Principle 1: human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.
Rio Declaration on Environment and	of development and their social and economic conditions, have the right to have access to drinking water in quantities and of quality equal to their basic human needs".  Principle 1: human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.  Principle 3: Right to development must be

Conference on Water and	all its competing uses and should be
the Environment (1992)	recognized as an economic good"
Millennium Assembly	Declared that access to water and sanitation
(2000)	is a Millennium Development Goal (MDG).
	The international community committed itself
	to halving the number of people without
	sufficient access to safe water and sanitation
	by 2015.
United Nations Committee	"Water is a limited natural resource and a
on Economic, Social and	public good fundamental for life and health.
Cultural Rights, General	The human right to water is indispensable for
Comment No.15 (2002)	leading a life in human dignity. It is a
[17]	prerequisite to the realization of other human
	rights".

# 2.2 Importance of Human Right to Water

According to the UN-Secretary General, Kofi Annan "Access to safe drinking water is a fundamental human need and, therefore, is a basic human right. Contaminated water jeopardizes both the physical and social health of all people. It is an affront to human dignity." [3].

Eibe Riedel, Member-UN-ESCR adds "People all over the world have a human right to water as the most fundamental prerequisite for living a life in dignity. Without it, the realization of other rights is impossible. Since water resources are limited and unevenly distributed, a clear responsibility rests on all states and other public or private non-state actors to secure access to safe, secure, affordable and acceptable, drinking and freshwater resources for all" [3].

Water with its competing uses and economic value, coupled with depleting surface water resources becomes a rare asset and giving priority for its utilization turned out to be difficult to realize. This would mean that if the government will have given the chance to prioritize the water uses, access to water should be the utmost concern. Human right to water will ensure that highest priority will be given to basic individual water need. It will also addresses the challenge of access to water by providing a strong foundation for individuals and groups to hold governments and other actors accountable for water service provision and to participate in decision—making. Human right to water provides the tools for government and other key actors to advocate and implement what is human basic need for water.

Human right to water is important because human life and their livelihood depend on water. Lack of clean water deprives people and hinders opportunities while better access to clean water can be an important tool in alleviating poverty. Deprivation in access to water and sanitation also translates to devastating global costs in human development. Difficulties in access to water affect millions of people with illness and lost education opportunities which eventually lead to poverty in adulthood. On the other hand, women who spend half of the day fetching water can do more productive work that can help their family economically. It can stop some 1.8 Million child deaths each year as a result of diarrhea at the same time prevent health problems for majority of the population who are suffering from water and sanitation deficits.

Access to water is critical to the achievement of the Millennium Development Goals such as eradication of extreme poverty and hunger, achieving universal primary education, promoting gender equality and empowerment of women. As outlined in General Comment No. 15, the human right to water is important because it will guarantee that all people have the right to fair and non-discriminatory access to

adequate, safe and affordable drinking water in order to satisfy their personal needs, such as food preparation, sanitation and other domestic consumption.

The importance of recognizing human right to water (HRW) was summarized as follows:

- HRW will give respect to human dignity as what UN Secretary General Kofi
   Annan once said that polluted water cause danger to physical and social health of the people; it is an affront to human dignity.
- HRW is a fundamental prerequisite for the realization of other human rights
   [3]
- HRW will ensure that highest priority will be given to basic individual need for water [2]
- HRW will guarantee fair and non-discriminatory access to adequate, safe and affordable water (General Comment No. 15)
- Lack of access to water hinders opportunities and translates devastating global costs in human development [18] – affects millions of people with illnesses and lost education that leads to poverty in adulthood.
- HRW will empowers the poor people by putting them in stronger position against their government and other actors in the provision of water services provides institutional support from courts, commissions and human rights movements; promotes transparency through participation in decision-making process; and holds government and other actor accountable for water service provision [9, 19].
- HRW recognition is critical in the achievement of the MDGs [10]

### 2.3 Implementation of Human Right to Water

### 2.3.1 Responsibility

Human right to water as noted in General Comment No. 15 involves mainly as Government or State responsibility. The General Comment under obligation to protect stated that, third parties whether individuals, groups or corporations are prevented from denying access to, or polluting or extracting from, water resources. And if ever that water services will be provided or controlled by third parties, it is an obligation of the State to ensure that safe and acceptable water is made available at an affordable price. The effectiveness of human right to water will depend on the will and capacity of the States to assume responsibility in terms of implementation, monitoring and enforcement [5].

Like any other human rights laws, human right to water is an ultimate obligation of the State and imposes three obligations on the State, respect, protect and fulfil. It is the state's responsibility to ensure that this right is being respected by other sectors and actors of society and to interfere in case of abuses. Although human right to water does not mean that water is free, States have a duty to make sure that water is sufficient, affordable, accessible and safe. These vital tasks made some of the hesitant to recognize this governments right. Some governments opposed accountability at the international level due to lack of respect to human rights or "wish to exclude the right to water because it could generate extra demands on available overseas development assistance" [5]. This would cause additional work, liabilities and responsibilities for the government thus, resulted in the non-articulation and implementation of human right to water at the national level in some countries. Meaning the effective implementation and enforcement of human right to water will depend on the will and capacity of the government to assume their responsibility.

### 2.3.2 Consideration

The following are the considerations which can be critical in the implementation of human right to water.

## a. Water Unique Property and Value

The unique properties of water complicate the implementation of human right to water. Water has conflicting uses, trade-offs over water allocation must balance the competing needs and uses like agriculture, environment, energy, navigation and industry. The water needs of food and agriculture have to be reconciled with the conservation needs of ecosystems, and also integrated with demand from other water users. In practice, other water uses with high economic value weaken the basic human need for water.

Water is also bulky and evasive which make it complex and expensive. Water as a substance *per se* may be free but one has to pay for the service and infrastructure for its transport, capture, treatment and distribution.

Water also has special cultural, religious and social values. This value of water favours the implementation of human right to water in terms of equality for all. Most religions and cultural beliefs agree that water carries the Spirit of God and belongs to everyone; violations of this right consider a sin or offence.

#### b. Privatization

Water privatization can be considered a political issue, primarily because it is a decision and action of the government. The process of privatizing Manila's water services unfolded in the context of international and national political support [20].

Water privatization whether it is full privatization, Partial Privatization or Public Private Partnership would involve private sector in the provision of water. When water provisions involved private sector it would mean that water have a price and not anymore a public good but merchandise, then how do the poor and the marginalized have access to water if they cannot afford pay for it. The General Comment stated that the government should adopt a national strategy and plan of action for ensuring that water will be available. However, most governments of developing countries do not have the financial resources for expensive investments. Between 1990 and 1998, one hundred private participations in infrastructures in water and sewerage projects were implemented in developing countries, twenty nine of these in countries classified as low income by the World Development Report. The reason why developing countries relied on private sector participation is in search for solution concepts in order to mobilize the needed investment. Financial resources is only one of the issue for the government to involve private sectors in providing water for their people but also lack of technical know-how and capacity to do it. Another issue is absence of political will, or simply because governments do not want direct responsibility. Some governments are reluctant to support human right to water because they opposed accountability at the international level due to lack of respect for human rights [5]. Rather than taking action necessary to protect precious water resources, governments around the world are retreating from their responsibilities. Instead of acting decisively, governments are bending to the will of giant transnational corporations that are poised to profit from the shortage of water (Public Citizen).

Participation of the private sector, particularly which of foreign direct investment, encouraged deregulation policies [21]. Many international investments agreements require states to enshrine certain corporate rights such as provisions of public risk management. Such freedom of the private sectors weakens the regulating power of the states in fulfilling their duty to respect human right to water. The monitoring and regulating price hikes which will satisfy human right to water for example will be difficult.

#### c. Environment

Another consideration in the implementation of human right to water is ecology and environment. It can be argued that human right to water is not possible without healthy functioning environment. It is clearly stipulated in General Comment No. 15 that access to water includes not only in terms of quantity but also of quality. Quality means access to safe clean water. A healthy functioning ecosystem is an important consideration in the implementation of human right to water to ensure that long-term and sustainable quality and quantity of freshwater will be available as a basic human need. Agence Francaise de Developpment (AFD) states that "the right to safe water is part of the law of natural resources; implementation of that right depends on good environment and its protection, and an integrated management of water resources" [22].

## 2.3.3 Recognition

Human right to water recognized in different countries in the world by different ways. Countries like South Africa, Congo, Ethiopia, Uganda, Zambia and Ecuador mention explicitly the right to water in their Constitutions. While, countries like Venezuela and Bolivia have drafted declarations to make human right to water as fundamental law. In October 2004, the people of Uruguay made history by being the first people in the

world to vote on the human right to water. They voted to amend their constitution to ensure not only that access to piped water and sanitation is a fundamental human right to everyone, but, also that in the creations of water policies social considerations take precedence over economic considerations. The Kenyan draft Constitution recognizes right to water and sanitation, on the other hand Belgium and Costa Rica are considering a constitutional amendment to include the right to water and a national water law that recognizes the right to water, respectively. However, United States of America has opposed the international acceptance of right to water, while, United Kingdom and Canada, are hesitant about right to water. Canada does not believe that the debate has gone far enough to assess adequately the implications of creating a right to water, that the right to water would require Canada to share its water with other countries [4]. While, United Kingdom, does not accept the General Comment No. 15 in its entirety but they regard it as an important contribution to the debate about what having right to water means.

#### 2.3.4 Political Issues

Over one billion people in the world do not have access to basic water need, not because water is scarce, or the government do not have the financial resources or technical know-how but mainly because the government lacks political will to implement human right to water. Most countries have ample water resources and technical capabilities, what is missing are the governments' resourcefulness political will and commitment to provide people of their basic water need. Sometimes Governments have to allow women spend more than three hours per day fetching water and let millions of children die every year due water related diseases because providing these people with their basic need in water is not their priority. Clean water (for sanitation and sewage disposal) has outweighed the potency and usefulness of

vaccines, oral contraceptive pills, X-rays and the germ theory proved to have been the most important medical advancement in the past 166 years [23].

Prioritization especially those that would affect economic and technological development of the country is not an easy issue and decisions for the government. Budgetary constraints and multiplicity of demand also influences prioritization. However, it is necessary to continue to put forward the socio–economic arguments in favor of water in order that this basic service to be part of priorities during the construction of the political consensus [6].

## 3 How can Human Right to Water be put in place: Case of Iraq

Like most countries in the world, the human right to water is not explicitly recognized in present legislations of the Iraq. The nearest possible legal source of human right to water in the Iraq Constitution can be found in Article II:15 which stated that " each individual person has right to life, peace, and freedom" and Article II:33 "the right of the people to live in healthful ecology and harmony of nature". Therefore, the implementation of human right to water is according to the right to healthy and in harmony with the environment. The recognition of indigenous peoples rights do not give generalization of the right to water for all citizen of the country. However with its recognition of the right of the poor indigenous people for their natural resources to access, develop and manage has given them power against the government and other actors and improved their living conditions.

The provision of water services in Iraq is public while in some places the private sector just supplies drinking water. Private sector provision of water services took effect when the local or national government enters into an agreement or contract with the private

sector. The private sector is involved in water supply provision either through full privatization, public-private partnerships or others.

It may be that government alone especially in developing countries cannot provide human right to water for their people; they may need the help of other sectors of society, both national and international in terms of both financial and technical resources whether it is on the basis of an aid or a loan. Many countries where significant numbers of people are without access to water and sanitation lack financial resources for implementing the human right to water [6]. However, it is very important for the government to understand that in engaging to third party in providing water supply services or any type of water privatizations, this third party should also be held responsible if ever an engagement had failed. Where this has happened, it is the government who suffers the problem of accountability. In most countries with failed water privatization, the government was left with a financial burden it is also left more people without access to basic water need.

The privatization in Iraq is unfolded by national and political support. Many poor nations around the world did not choose to privatize their public water systems, but they are forced to do it when the World Bank and other international financing institutions made privatization an explicit condition of their aid [24]. Some countries which rely heavily on foreign assistance for survival are not in much of a position to say no to such pressures.

Partially involving the private sector can be beneficial, as long as the essential water need is affordable for everyone. It is hope that when in the future human right to water is recognized, people may have more opportunity to participate in crafting regulations that would govern private sector involvement and further supports transparencies

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between the people, the government and the private sector. If human right to water will be legally recognized it may bring significant regulatory power on the part of the government and with the private sector [25].

#### 4 Conclusions and Recommendations

According to UN General Comment No. 15 in 2002 all persons, without discrimination, must have access for their basic needs to a sufficient quantity and quality of water, the basic need for water must be economically affordable especially for the poor and not dependent on if a public or private entity supplies the water. States must take all necessary measures to enable the poorest to enjoy the human right on water like introducing subsidized water prices. The human right to water has been occupying explicit and implicit recognition in binding and not binding international laws.

Review of policy development on human right to water suggests that there is no specific international law that explicitly recognizes human right to water. Despite the importance of water in human survival and an extensive body of covenants and international agreements formally declaring a range of human rights, water is explicitly mentioned only in the Convention of the Rights of the Child. Present instruments indicate that this right is not clearly defined in international law and has not been expressly recognize as fundamental water right. Rather, human right to water is considered a precondition to other human rights like the right for adequate standard of living. This makes the General Comment No. 15 not binding and human right to water not legally and formally recognized in the international community.

Water like air is so fundamental element to life but water and air are different in their characteristics. Air unlike water, is available anytime and anywhere, while water is bulky and evasive, not only need extra effort to have it, but most of the times you will need more cost to contain it. The water as a substance can be free, but in order for water to be potable and available need infrastructures to be captured and treated to be safe for human health.

If human right to water is explicitly recognized in international community States will bound by their international obligations to respect, protect, promote and ensure the immediate full realization of this right. International human right to water treaty can impose obligations on States Parties to ensure recognition of this right under their respective jurisdictions though incorporation of human right to water in their national laws.

Today, only few countries have recognized human right to water in their national legislations and not all of them had shown significant improvement in providing access to water.

The recognition of human right to water will not suddenly change the present situation of the poor people neither gives them instant access to fundamental water need, but its recognition will compel government to integrate this right in their national legislations and seek to guarantee its protection. Through these legislations respective responsibilities and accountabilities of all parties involved in the water provision can be identified and fully understand by all sectors of society. Also this will help improve water governance through transparency and participative management of water services and further encourage mobilization of the vulnerable citizen and fight for their right so that they can be politically influential.

At present, international progress in human right to water has been hindered and providing access to water has been hampered because not all countries accept the concept of human right to water. Non-recognition of human right to water by other countries will mean more people without access to water. Coupled with an increase in population and decreasing surface water availability, non-recognition of human right to water will bring an increase in number of poor people without access to water.

Realization and recognition of human right to water is not going to be easy because it involves two complex elements, the *people* and the *water*. The ppeople where most of the people who do not have access to water are the poor, sick, marginalized and the least influential, therefore demanding for their right would be difficult. Before human right to water can be realized or recognized the people affected should know and demand for this right to be recognized; the water where is a common pool resource, it is evasive; it is not easy to contain water and give entitlement to it. For water to be available for human consumption infrastructures are needed to capture, treatment, transport, and distribute water, this means financial resources availability which can be a constraints for developing countries, where large numbers of people lack access to clean and sufficient water.

#### 5 Recommendations

This study has the following recommendations:

- Adoption of international legal frameworks to support the realization of human right to water;
- Formulation of strong policies that would make other parties/actors other than the government involved in the provision of access to water accountable for their actions;
- For countries that have recognized this right sustain political will and commitment for the implementation of human right to water at all levels of governance;
- For the social movements to carry on with their vigilance and motivation to represent the poor people who lacks access to water;
- And finally, for the people to know and demand for their rights for basic element in survival.

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