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IMPROVEMENTS AND CHALLENGES IN THE PROTECTION OF THE RIGHT TO WATER AND SANITATION UNDER THE AUSPICES OF THE UNITED NATIONS

ABSTRACT

Over the past few decades, we have witnessed a slow but steady convergence of certain aspects of the realms of environmental law and human rights law. While the list of rights set out in the Universal Declaration of Human Rights contains no specific reference to the environment as such, a high-quality environment is coming to be regarded as prerequisite for enjoyment of some of the most fundamental human rights. In this context, the protection of the right to water and sanitation raises several challenges, especially when it comes to claiming protection of these fundamental human rights. International law is shaping the protection of these rights mainly through quasi-judicial or judicial bodies providing indirect protection of these rights through other more recognized human rights such as right to life, right to privacy and family life etc. According to the United Nations (which has recognized right to water and sanitation as human rights in Resolution of General Assembly A/64/L.63/Rev.1) around 1.2 billion people live in areas of water scarcity, and another 1.6 billion people face economic water shortages. In this context, access to water and safe sanitation has recently emerged as a human right recognized at the universal level. However, the article will deal with the recognition of access to water and sanitation as a human right in various international legal instruments offering a comparative perspective by analysing the activities of different United Nations organs and agencies.

Key words: human rights, right to water, right to sanitation, United Nations, resolution

1. INTRODUCTION

The past few decades have seen a slow but steady convergence of certain aspects of the realms of environmental law and human rights. The issue of mechanisms for the protection of environmental human rights in public international law is a current topic that is constantly evolving and developing, which also determines the need for its scientific treatment. The right to water and sanitation, as articulated

within the framework of international law, has emerged as a cornerstone of global human rights advocacy and governance, with significant implications for public health, social justice, environmental sustainability, and international cooperation. Understanding its importance requires a nuanced examination of these interconnected dimensions. The protection of the right to water and sanitation is one of the fundamental preconditions for ensuring human dignity, health, and well-being. Significant progress has been made in recognizing these rights at the international level. However, despite advancements, numerous challenges persist in achieving universal access to clean water and adequate sanitation facilities for all individuals worldwide. The aim of this article is to explore the improvements made in the protection of the right to water and sanitation under the auspices of the United Nations (UN), particularly the General Assembly, the Human Rights Council and the High Commissioner for Refugees (UNHCR), as well as the ongoing challenges that hinder its full realization. By examining the legal, social, and environmental dimensions of this issue, we aim to provide a comprehensive overview of the current and diverse problems surrounding access to clean water and sanitation services. Through a critical analysis of international agreements that have been created under the UN mandate, and by examining the innovations and work of specialized agencies and programs associated with the United Nations, we will highlight the success achieved in advancing the right to water and sanitation. Additionally, we will delve into the persistent challenges of environmental degradation, and the impacts of climate change, which continue to impede progress in this vital area. This article aims to stimulate awareness and inspire action towards ensuring that these essential human rights are upheld for all individuals, regardless of their circumstances or background.

2. UNIVERSAL PROTECTION OF RIGHT TO WATER AND SANITATION UNDER INTERNATIONAL LAW

The inclusion of the environmental dimension in the human rights field has become necessary in recognition of the pervasive impact of local and global environmental conditions on the realisation of human rights.¹ It is a fundamental human right to have access to clean, affordable, and safe drinking water as well as sanitary facilities. They are essential to maintaining people's dignity and a good standard of living. In order to eliminate poverty, create harmonious and prosperous communities, and guarantee that no one is left behind on the path to sustainable development, people must have access to water and sanitary facilities. International human rights law obliges all states to work towards achieving

¹ Boer B., *Introduction - Environmental Law Dimensions of Human Rights*, Oxford University Press, 2015, p.1.

universal access to water and sanitation for all, without any discrimination, while prioritizing those most in need. The key elements of the rights to water and sanitation are:

- availability;
- accessibility;
- affordability;
- quality and safety; and
- acceptability.²

At the international level, the link between the enjoyment of human rights and an environment of a certain quality has been recognised in Principle 1 of the Declaration of the UN Conference on the Human Environment (Stockholm Declaration).³ The Stockholm Declaration was the result of discussions aimed at stabilising this human right to the environment. According to this document, man is both an autonomous being and a shaper of his environment, which provides him with nourishment and the opportunity for intellectual, moral, social and spiritual development. Principle 1 of the Declaration provides that *„Man has the fundamental right to freedom, equality and adequate living conditions in an environment of a quality that enables a healthy and dignified life, and bears a grave responsibility to protect and improve the environment for future generations.”* The main impulse for the drafting of this Declaration was primarily the factor of the scientific and technological development achieved by human society, which has given it the capacity to reshape its environment. Since the Stockholm Conference in 1972, countries have begun ambitious negotiations on international environmental conventions. Today, these conventions form the core of international environmental law and protection.

Over the years, the international community has attempted to address the situation through selected instruments of law. As the water and sanitation crisis became more pronounced in the final decades of the twentieth century, bringing negative health and economic consequences with it, human rights community became increasingly aware of the growing importance of water and sanitation. When the United Nations General Assembly adopted the Universal Declaration of Human Rights⁴ in 1948, human rights to water and sanitation were not explicitly included in the Declaration. This omission can be understood in the context of a time when colonialism was still a dominant force. Many countries whose populations suffered from a lack of access to water and sanitation were not directly represented

² United Nations, OHCHR and the rights to water and sanitation, <https://www.ohchr.org/en/water-and-sanitation>, 2 April, 2024.

³ Dupuy, P. M., *International environmental law*, second edition, New York: Cambridge University Press, 2018, p. 365-370.

⁴ General Assembly Resolution 217 A (III) of 10 December 1948.

at the negotiating table. The recognition of the human right to water in international law has occurred later, during a more intense development of human rights law, primarily through several international treaties.⁵ International treaties that explicitly enshrine the human right to water, which originated in the heart of the United Nations include the 1989 Convention on the Rights of the Child.⁶ Thus, Article 24 (2C) prescribes: „*To combat disease and malnutrition, including within the framework of primary health care, though, 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*“. In reviewing the Convention on the Right of the Child and its Articles, it can be argued that Article 24, following Article 27 (1) which declares: „*States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development comprehensively*“, sets out the right to water and sanitation. Article 24 grants each child the right to achieve the highest possible health level, which cannot be attained without access to an adequate amount of food and water with satisfactory standards for health, meaning that this right depends on the realisation of the right to a sufficient standard of living entailed in Article 27 of the Convention.⁷

The Convention on the Rights of Persons with Disabilities⁸, which defines the right of persons with disabilities to an adequate standard of living and states in Article 28 (2): „*States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures: (a) To ensure equal access by persons with disabilities to **clean water services**, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs*.” The text of the Convention was agreed at the United Nations in December 2006 and the purpose of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.⁹

⁵ Jankuv, J., *Mechanisms of protection of human environmental rights in public international law, in the law of the European Union and in the legal order of the Slovak Republic*. 1st ed. Prague: Leges, 2018, p. 74.

⁶ Convention on the rights of the child, 1989, Treaty no. 27531, Treaty Series, vol. 1577.

⁷ Sancin, V., Juhart, M., *The Right to Safe Drinking Water in International Law and in Slovenia's legal framework and implementation*, Journal of Agriculture and Environmental law 34/2024, p. 113.

⁸ Convention on the Rights of Persons with Disabilities, 2006, Treaty Series, vol. 2515.

⁹ Australian Humans Right Commision, United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), <https://humanrights.gov.au/our-work/disability-rights/united-nations-convention-rights-persons-disabilities-uncrpd>, 26 April, 2024.

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women¹⁰ was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred states have agreed to be bound by its provisions. The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The article 14 declares: „ 2. *States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport, and communication.* The Committee on the Elimination of Discrimination Against Women confirmed the obligation of States parties to provide adequate water supply in its General Recommendation No. 24¹¹, because women and girls are often most affected by the lack of water accessibility, availability, and safety. This is often the case in rural areas, poor countries, and traditional communities, and also because several states have failed to recognize women's rights concerning access to water.¹²

Other international treaties recognise the right to water implicitly. Examples of this way of recognising the right to water are, for example, the provisions of Articles 11 and 12 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR).¹³ Article 11 (ICESCR) enshrines in paragraph 1, "*...the obligation of States Parties to recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.*" It is true that the article in question, through a broader interpretation, also includes the right to a safe and sanitary environment. ICESCR in question was approved by the UNGA in 1966 and entered into force upon the deposit of the appropriate number of instruments of ratification. It is supplemented by a Protocol which regulates the procedure for individual complaints by which individuals challenge violations of

¹⁰ Convention on the Elimination of All Forms of Discrimination against Women, 19, Treaty Series, vol. 1249.

¹¹ Committee on the Elimination of Discrimination Against Women, Rep. of Comm. on Its Twentieth &

Twenty-First Sessions, 2 May, 1999, ch. I, 28, U.N. Doc. A/54/38/Rev.

¹² Marsha A. F., *The Human Rights of Women under the CEDAW Convention: Complexities and Opportunities of Compliance*, 91 AM. SOC'Y INT'L L. PROC. 378, 379–80, 1997.

¹³ United Nations General Assembly of 1966, International Covenant on Economic, Social, and Cultural Rights, Treaty Series, vol. 999.

their rights or freedoms guaranteed by ICESCR. However, there is no doubt that access to safe drinking water is an element of social development, as confirmed by the implicit recognition of water as a fundamental human right with the adoption of Article 11 of ICESCR. In November 2002, the Committee on Economic, Social and Cultural Rights adopted its General comment (GC) No. 15 on the right to water, defined as the right of everyone to sufficient, safe, acceptable, and physically accessible and affordable water for personal and domestic uses.

While ICESCR does not explicitly refer to the right to water, the Committee underlined that the right to water was part of the right to an adequate standard of living, as were the rights to adequate food, housing, and clothing. The Committee also stressed that the right to water was inextricably linked to the rights to health, adequate housing, and food. The GC no. 15 has also put forward three main criteria for satisfying the right to access to safe drinking water availability of water for sufficient and continuous use for personal and domestic needs of each person, quality of water that is free „*from micro-organisms, chemical substances, and radiological hazards that constitute a threat to a person's health, and the water needs to be physically and economically accessible to every person.*“ These criteria further confirm that access to water is generally treated as an element of social development in any society and should never be used as an instrument of political and economic pressure.¹⁴ Furthermore, GC 15 claims that the right to safe drinking water should also be derived from Article 12 of the ICESCR that recognises „*the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*“ Furthermore, GC 15 claims that the right to water is also inextricably related to the right to the highest attainable standard of health (art. 12, para. 1) and the rights to adequate housing and adequate food (art. 11, para. 1). The right should also be seen in conjunction with other rights enshrined in Universal Declaration of human rights, foremost amongst them the right to life and human dignity.

Within the UN, the right to water and sanitation can be protected indirectly, through other explicitly enshrined human rights. A good example of indirect protection of an environmental right within the jurisdiction of the Human Rights Committee. The Human Rights Committee is established by the International Covenant on Civil and Political Rights¹⁵ of 1966, as a monitoring treaty-body which supervises how States Parties to the Covenant respect their obligations

¹⁴ Committee on Economic, Social and Cultural Rights, General Comment 15, The right to water (Twenty-ninth session, 2003), U.N. Doc. E/C.12/2002/11, 2002, reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, 2003, U.N. Doc. HRI/GEN/1/Rev.6 at 105.

¹⁵ United Nations (General Assembly), 1966, International Covenant on Civil and Political Rights, Treaty Series 999 (December): 171.

under this treaty. In the case of *Ominayak (Lubicon Lake Band) v. Canada*¹⁶, the link between the human right to the environment and the explicitly enshrined right of members of minorities to enjoy their own culture was clearly demonstrated. Chief Bernard Ominayak of the Lubicon Lake Band, Canada, filed a complaint alleging that Canada has denied members of the Lubicon Lake Band of Crees their right to self-determination and the right to freely dispose of their natural wealth and resources. Chief Ominayak alleged that Canada did so despite the Indian Act of 1970 and Treaty 8 of 1899, which recognized the right of the tribe to continue their traditional way of life. However, Canada has expropriated approximately 10 000 square kilometres of the tribe's land for commercial purposes. This denied the Lubicon Lake Band the means of subsistence and the right to self-determination, causing irreparable injury to tribal members.¹⁷ The complainant further alleged in the communication that the Government of Canada had violated his tribe's rights under article 1, paragraphs 1 to 3, of the Covenant by expropriating and subsequently destroying the aforementioned tribal territory for commercial reasons (oil and gas extraction). In the words of the tribal chief, the Government of Canada has deliberately used domestic political and legal means in such a way as to prevent or slow down the tribe's efforts to remedy the situation. In this way, industrial development in the area has progressively destroyed the tribe's native environment and economic base of life to the point of making it impossible for the tribe to continue to exist as a nation.

As it is clear, the substance of the communication was not directed against the violation of article 27 of the Covenant, but against the violation of the provisions of article 1 enshrining the right of peoples to self-determination and other related collective rights. In the case, the Committee found that the complaint was inadmissible in this respect because the individual complaints procedure under the First Optional Protocol could not be applied to the protection of collective rights within the meaning of article 1 of the Covenant. On the other hand, the Committee, on its own initiative, recognized the relevance of the communication to article 27 of the Covenant, which enshrines the rights of members of minorities. In this regard, the Committee noted that industrial development, coupled with the destruction of the environment and the economic basis of tribal life, could also make it impossible for the tribe to continue to exist as a nation. The Committee

¹⁶ *Lubicon Lake Band v Canada, Ominayak (on behalf of Lubicon Lake Band) v Canada*, Merits, Communication No 167/1984, UN Doc CCPR/C/38/D/167/1984, IHRL 2431, 26th March 1990, United Nations [UN]; Human Rights Committee [CCPR].

¹⁷ Icelandic Human Rights center, *Absence Of Protection Under The United Nations System*, <https://www.humanrights.is/en/human-rights-education-project/comparative-analysis-of-selected-case-law-achpr-iachr-echr-hrc/the-right-to-property/absence-of-protection-under-the-united-nations-system>, 28 April, 2024.

acknowledged the link between the right to the environment and the rights of members of minorities as enshrined in article 27 of the Covenant, and ultimately found a violation of article 27 in relation to the right of members of a minority to share their own culture.¹⁸

As we have seen throughout this chapter, the international community is attempting to create international legal protection mechanisms at the universal level, but there is still a problem in the enforceability of these fundamental rights as there is currently no specialized judicial body to enforce and monitor environmental human rights. International legislation on the protection of human environmental rights could be significantly improved by more consistently defining the substantive environmental human rights in the form of an additional protocol, whether to the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, or in the form of a specific convention devoted to human environmental rights. If the international community opts for a special convention on human environmental rights, the supervisory mechanism of such a convention could include the creation of an International Court of Human Environmental Rights with a global jurisdiction, which would also have the power to receive complaints from individuals or the public concerned, including non-governmental organisations (NGOs).

While the above-mentioned Stockholm Declaration has led to the enshrinement of environmental human rights in national constitutions, national legal orders of individual states rarely enshrine elaborate mechanisms for these rights. The Human Rights Council's Universal Periodic Review has demonstrated that governments' concerns about human rights are rarely focused on the right to water and sanitation, even though international monitoring mechanisms like treaty bodies or special procedures offer the chance to evaluate states' efforts to realize this right.

3. PROTECTION OF THE RIGHT TO WATER AND SANITATION UNDER THE AUSPICES OF UNITED NATIONS

There is no doubt that water is an integral part of our daily lives. It is the essence without which an individual would not survive, and therefore there is also a need to ensure equal access to safe and clean water for all people on the planet. Today, more than a million of people live without access to safe drinking water, half

¹⁸ *Loc. cit.*

billion lack clean water for sanitation purposes and 1,5 billion children under age 5 die of water – borne disease.¹⁹ The increasing demands of a growing population combined with the effects of climate change, will exacerbate lack of access to water and sanitation for domestic uses. In fact, many experts argue that an unpredictable levels of supply of water could constrain socio-economic progress in the future. A scenario known as a "water shortage" occurs when there is not enough fresh water available to meet the demand of every human being, which is largely due to global population increase. Countries are categorized into five tiers based on the World Resources Institute's ranking of water stress: extremely high, medium-high, low-medium, and low baseline water stress.²⁰

There are 17 countries listed in the category of suffering from extremely high baseline water stress – *Qatar, Israel, Lebanon, Iran, Jordan, Libya, Kuwait, Saudi Arabia, Eritrea, United Arab Emirates, San Marino, Bahrain, India, Pakistan, Turkmenistan, Oman and Botswana*. Twelve of the countries are located in the Middle East and North Africa, areas of desert climate where there is a growing water demand.²¹ Globally, about 4 billion people, or half the world's population, are exposed to extremely high-water stress at least one month a year, according to the Aqueduct analysis. By 2050 the number could be closer to 60% of the entire population.²²

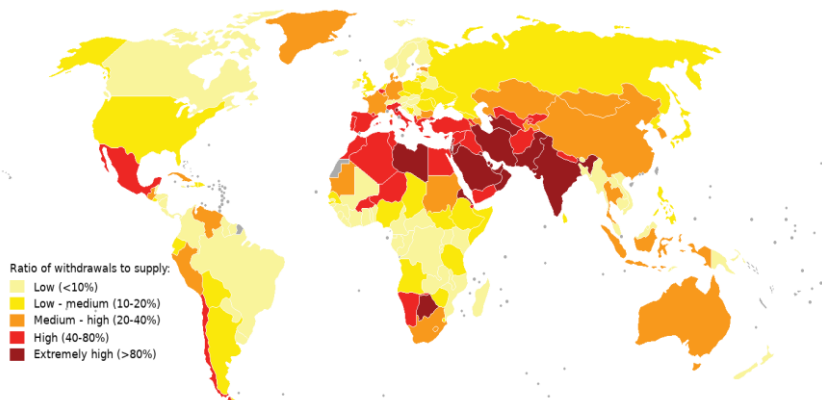
¹⁹ Salman, M.A., *The Human right to water and challenges of implementation, Proceedings of the Annual Meeting (American Society of International Law)* Vol. 106, Confronting Complexity Cambridge University Press, 2012, p. 44-46.

²⁰ Kuzma, S., Saccoccia, L., Chertock, M., World Resources Institute, 25 Countries, *Housing One-quarter of the Population, Face Extremely High Water Stress*, August 2023, <https://www.wri.org/insights/highest-water-stressed-countries>, 02 April, 2024.

²¹ 4 Countries with Water Scarcity in 2023, Earth.org, March 2023, <https://earth.org/countries-with-water-scarcity/>, 02 April, 2024.

²² Support the guardian, Extreme water stress faced by countries home to quarter of world population <https://www.theguardian.com/environment/2023/aug/16/extreme-water-stress-faced-by-countries-home-to-quarter-of-world-population>, 31 March, 2024.

Illustration no. 1:



Source: ²³ Desjardins, J., GREEN, *Extreme Water Shortages are Expected to Hit These Countries by 2040*

Significant progress has been made on 28 July 2010 in comparison to past few decades, since the right to safe and clean drinking water and sanitation was “recognized” as a human right that is essential for the full enjoyment of life and of all human rights.²⁴ In 2010, the Human Rights Council adopted Resolution 15/9 in which the Council affirmed “*that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity*”.²⁵ Although the two rights are interconnected, they are separate rights, as recognized by the United Nations (UN) General Assembly (UNGA) in Resolution 70/169.²⁶ In this document the General Assembly recognizes the right to a safe and clean drinking water and sanitation as a human right essential to the full enjoyment of life and all human rights.²⁷ The resolution called on States and international organizations to provide funding, build capacity and transfer technologies, particularly to developing countries, and to make every effort to ensure accessible, safe, clean and affordable drinking water and sanitation for all. The motivation for the adoption of the document was the fact that that million people do not have access

²³ See: <https://www.visualcapitalist.com/extreme-water-shortages-are-expected-to-hit-these-countries-by-2040/>, 01 April, 2024.

²⁴ United Nations General Assembly (UNGA), Resolution 64/292 of 28 July 2010, The Human Right to Water and Sanitation.

²⁵ Human Rights Council, Resolution A/HRC/RES/15/9 of 06 October 2010, Human rights and access to safe drinking water and sanitation.

²⁶ UNGA, Resolution 70/169 of 17 December 2015, The Human Rights to Safe Drinking Water and Sanitation.

²⁷ Maslem, M., *Legislation on water care in the Slovak Republic*, Praha: Leges, 2017, p. 10.

to safe drinking water and that more than 2.6 billion people do not have access to basic sanitation.

This resolution is a step in the right direction and represents the consensus of the international community expressed through the favourable votes on the resolution. In terms of the normative content of the two rights, the Human Rights Council reaffirmed in 2018 that:

- the human right to drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use, and
- the human right to sanitation entitles everyone in all spheres of life, without discrimination, to have physical and affordable access to sanitation that is safe, hygienic, secure, socially and culturally acceptable, and provides privacy and ensures dignity.²⁸

However, billions of people are still living without safely managed water and sanitation. Marginalized groups are often overlooked, and sometimes face discrimination, as they try to access the water and sanitation services they need. As the United Nations Food and Agriculture Organization notes: „*A increasing number of regions are reaching the limit at which water services can be sustainably delivered. By 2025, 1,800 million people are expected to be living in countries or regions with “absolute” water scarcity, and two-thirds of the world population could be under “stress” conditions.*”²⁹ Implementing the rights-based approach to recognize the human right to water is among several international approaches addressing the challenge of providing life’s most basic element.

However, it seems appropriate to note that there are several major recent UN efforts to ensure that the essential needs of everyone for water and sanitation are met, and a few are noted here for illustrative purposes. First, the stand-alone water goal, Goal 6 of the Sustainable Development Goals (SDGs)—“*Ensure availability and sustainable management of water and sanitation for all*”—was adopted by member states of the United Nations on September 25, 2015, as part of a comprehensive and ambitious package, *the 2030 Agenda for Sustainable*

²⁸ United Nations, The Human Rights to Water and Sanitation in Practice Findings and lessons learned from the work on equitable access to water and sanitation under the Protocol on Water and Health in the pan-European region, November 2019, https://unece.org/fileadmin/DAM/env/water/publications/WH_17_Human_Rights/ECE_MP.WH_17_ENG.pdf, 01 April, 2024.

²⁹ Water Scarcity, FOOD & AGRIC. ORG. UNITED NATIONS on file with The University of the Pacific Law Review, April 2018, <http://www.fao.org/land-water/water/water-scarcity/en/>, 30 March, 2024.

*Development.*³⁰ This set of 17 goals and 169 targets addressing social, economic, and environmental aspects of development is aimed at ending poverty, reducing inequalities, and protecting the environment, and was published on January 21, 2016.³¹ The implementation of SDG 6 requires a paradigm shift; namely, water is regarded not just as a natural resource to be managed and used, but the access to safe, affordable, and reliable drinking water must be understood as a fundamental human right to that all people are entitled without discrimination, as it is indispensable to sustain healthy livelihoods and maintain dignity of all people, which is an essential precondition for eradicating poverty and building peaceful and prosperous societies.³²

The year 2023 marked the first major conference of the United Nations (UN) dedicated to water since 1977. In 1977, the UN Conference on Water was held in Mar del Plata, Argentina. Its goals were to assess the status of water resources; to ensure that an adequate supply of quality water was available to meet the planet's socio-economic needs; to increase water use efficiency; and to promote preparedness, nationally and internationally, so as to avoid a water crisis of global dimensions before the end of twentieth century.³³ The focus of the UN 2023 Water Conference (22-24 March) was on progress towards water- and sanitation-related goals, coinciding with the mid-term comprehensive review of the International Decade for Action, 'Water for Sustainable Development 2018–2028'. The United Nations World Water Development Report 2023 directly informed the UN conference discussions, describing how building partnerships and enhancing cooperation across all dimensions of sustainable development are essential to accelerating progress towards the Sustainable Development Goal for water and sanitation (SDG 6) and realizing the human rights to water and sanitation.³⁴

And third, it is the work of the various organisations and programs under the United Nations that, through their mandate, are involved in providing water for drinking and sanitation purposes for people who have limited access to

³⁰ UNGA Resolution 70/1 of 21 October 2015, Transforming Our World: The 2030 Agenda for Sustainable Development.

³¹ Nanda, P., *The Human Right to Water: Challenges of Implementation*, University of Denver.

³² Sancin, V., Dine, M. K., *Ensuring Access to Safe Drinking Water as an Imperative of Sustainable Development*, 2016, p. 95–108.

³³ Muhammad M. R., Varis O., Integrated water resources management: evolution, prospects and future challenges, *Sustainability: Science, Practice and Policy*, October 2005, p. 16.

³⁴ UN World Water Development Report 2023, March 2023, <https://www.unwater.org/publications/un-world-water-development-report-2023>, 2 April, 2024.

uncontaminated water. We will elaborate on this issue specifically in a forthcoming chapter.

4. ENSURING THE RIGHT TO WATER AND SANITATION THROUGH UNITED NATIONS SPECIALIZED AGENCIES AND PROGRAMS

Since international organs and specialized agencies and programs under the United Nations are active in different parts of the world and lend a helping hand in securing the right to water and sanitation, this article will look at their activities through specific cases. More specifically, we will focus on the work of the United Nations High Commissioner for Refugees (UNHCR) in collaboration with the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF).

As part of UNHCR's work, we will highlight the provision of clean and drinkable water in sub-Saharan Africa, where climate change is the most accurate and access to drinking water is particularly difficult. UNHCR's work in the Sahel region primarily involves building and maintaining water sources such as wells and pumping stations, implementing technologies to purify water, improving access to water through boreholes, pumps and supporting community water management programmes. In addition, UNHCR works with local and international partners to identify and implement long-term solutions for water access to help improve living conditions for refugees and other vulnerable people in the area. UNHCR also provides safe and clean water through UNHCR WASH programmes, which aim to ensure that all forcibly displaced people in Africa have access to safe drinking water, safe sanitation and live in good sanitation.³⁵ As part of these WASH programmes, UNHCR provides advice, infrastructure upgrading, support for the operation, maintenance, and financing of systems to ensure potable and uncontaminated water. To prevent the spread of disease or to ensure that refugees have sufficient drinking water, UNHCR regularly rolls up drinking water in plastic barrels, builds toilets, and increases access to soap, detergents, and hygiene items in areas where water supply infrastructure is lacking.³⁶

An effective and innovative solution appears to be the UNHCR initiative, developed in the context of the refugee influx arriving in remote areas of Uganda,

³⁵ Harvey, B., Burt, M., Golay F., Schweitzer, R., UNHCR WASH MANUAL, *Practical Guidance for Refugee Settings*, January 2020.

³⁶ UNHCR, Water, sanitation and hygiene, <https://www.unhcr.org/what-we-do/protect-human-rights/public-health/water-sanitation-and-hygiene>, 2 April, 2024.

for constructing a reliable and effective monitoring system that allows UNHCR to address potential water shortages before they occur. It was in 2017, amidst the massive influx of people fleeing the conflict in South Sudan, that UNHCR's operation in Uganda played a significant role in ensuring the right to water.³⁷ As refugees were arriving in the remote and undeveloped northwestern region of the country, water supply was expensive and challenging to monitor, making it difficult to ensure a steady supply of sufficient, safe and accessible drinking water to meet the daily needs of refugees. As is well known, Uganda suffers severe negative effects of climate change, which may even cause the disappearance of coffee production, which would be economically devastating for the country. Due to climate change in Uganda, UNHCR has been playing a role in providing drinking water and water for sanitation purposes to refugees. In response to the lack of potable water for refugees in Uganda, a group of UNHCR engineers developed a reliable and cost-effective monitoring system that is being used in refugee camps in five different countries in Africa. It uses a series of smart water level sensors that are installed in tanks in water delivery trucks. The system enables operations to address potential water shortages before they occur and provides refugees with a reliable and readily available supply of clean water.³⁸

The UN Committee on Economic, Social and Cultural Rights, further elaborated on this and drew specific attention to UNHCR persons of concern and urged state parties of the International Covenant on Economic, Social and Cultural Rights to ensure that: *„Refugees, asylum-seekers, internally displaced persons and returnees have access to adequate drinking water whether they stay in camps or in urban area. ... should be granted the right to water in the same conditions as nationals.“*³⁹ UNHCR through its different monitoring mechanisms continues to assess the level of water and sanitation services and to analyse their impacts on the health and well-being of its persons of concern to enable better planning in these sectors. The majority of women and children in refugee camps are responsible for fetching water. Children are frequently pulled out of school to fetch water, which has an impact on their academic achievement. Long walks to gather water and lengthy lines at water stations can have significant negative social effects, including missed opportunity for productive employment, deteriorated health, and increased danger of harassment or violence. Through a number of initiatives aimed at raising the minimal level of services and incorporating concerns about gender, age, and diversity into programs, UNHCR has worked hard to address these

³⁷ UNHCR, The UN Refugee Agency, United nations human rights, *Climate Change, Displacement and Human Rights*, March 2022.

³⁸ *Loc. cit.*

³⁹ UNHCR, The UN Refugee Agency, *Public Health and HIV Section's Guiding Principles and Strategic Plans for HIV and AIDS Malaria Control Nutrition and Food Security Reproductive Health Water and Sanitation*, 2008-2012, p. 3.

important factors. Additional funds secured through private sector and more recently through special initiative of the High Commissioner are already yielding visible impacts in the delivery of water and sanitation services in several operations.⁴⁰

UNHCR also frequently works with WHO to help develop a series of guidelines on water quality, including guidelines on drinking water, safe use of wastewater and safe recreational water environments, to ensure safe drinking and clean water. The water quality guidelines are based on risk management and since 2004, the drinking water quality guidelines have included support for water safety plans to identify and prevent risks before water contamination occurs. Since 2014, WHO has been testing household water treatment products against WHO criteria for health effectiveness through the WHO international "system" for assessing household water treatment technologies. The scheme aims to ensure that distributed products protect users from pathogens that cause diarrhoeal diseases and to strengthen policy, regulatory and monitoring mechanisms at the national level to promote appropriate targeting and consistent and correct use of such products.⁴¹

When it comes to UNICEF, The Sustainable Development Goals (SDGs) of UNICEF, set an ambitious vision to achieve universal access to "safely managed" water and sanitation (including hygiene); defining a higher level of service, whilst prioritising the poorest and most vulnerable groups of people. The purpose of this new Strategy for WASH is to guide UNICEF's organization-wide contribution to achieving SDG 6: Ensure access to water and sanitation for all by 2030. It is designed to inform and support UNICEF's core planning and strategy processes, and to guide the implementation of programmes.⁴² UNICEF will maintain its focus on helping every child gain access to drinking water, sanitation and hygiene, including in schools and health centres, and in humanitarian situations when children are most vulnerable.⁴³ The Strategy signals increased engagement in "newer" areas such as adapting to climate change; services in small towns and informal settlements (urban); and engaging the private sector as a key partner beyond their traditional role of providing goods and services. It shows how WASH - programs can contribute to key outcomes across the life course of a child, and

⁴⁰ *Loc. cit.*

⁴¹ Bivins A., Beetsch N., Majuru B., Montgomery M., Sumner T., Brown J., *Selecting Household Water Treatment Options on the Basis of World Health Organization Performance Testing Protocols Environmental Science & Technology*, 2019.

⁴² UNICEF, New York, Strategy for Water, Sanitation and Hygiene 2016–2030, <https://www.unicef.org/media/91266/file/UNICEF-Strategy-for-WASH-2016-2030.pdf>, 1 April, 2024.

⁴³ *Loc. cit.*

how education and health systems can help deliver wider public health outcomes in WASH.

UNICEF's vision for WASH is the realization of the human rights to water and sanitation for all. This Strategy will help fulfil this vision and contribute to global efforts to meet the water and sanitation Sustainable Development Goal – SDG6 – and the broader SDG agenda, targeting priority interventions for children. UNICEF will focus on water, sanitation and hygiene in households and institutions, with two overarching objectives, which align with the first two SDG 6 targets:

1. By 2030, achieve universal and equitable access to safe and affordable drinking water for all;
2. By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.

Executive Summary in UNICEF's Strategy for Water, Sanitation and Hygiene (2016-2030) UNICEF's core accountability will be to act where children do not have even a basic level of service.

5. CONCLUSION

In conclusion, it is important to assess that international law is confidently advancing and responding to the provision of the right to water and sanitation, whether in the context of protection through judicial or quasi-judicial bodies or international conventions that enshrine these rights, or through international organizations that take advantage of technological advances to achieve the provision of safe and potable water. Innovations in securing the right to water and sanitation have the potential to fundamentally change the lives of millions of people. The implementation of new technologies, sustainable infrastructures and innovative approaches can improve the availability, quality, and sustainability of drinking water sources.

There is no doubt that the UN is making progress in securing the right to water and sanitation, and also international law itself, as we have mentioned above, but the current state of affairs is not satisfactory. An excessive and intolerable number of illnesses and deaths are brought on by a lack of access to safe drinking water each year, indicating that progress toward achieving universal and equitable access to affordable, safe drinking water has moved far too slowly. In fact, it would be much more efficient to find a single and time-saving solution that ensures easy access to clean water for all individuals. As can be seen from the article, over time, various organisations such as UNHCR have been developing technical advances

that help to provide water even in hard-to-reach places, which may mean a slow acceleration of solutions to this global problem.

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