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The Right to Water in the Human Rights Framework

Abstract

The global water crisis is on the horizon. Climate change, the growing world population and the increasing demand for water are pushing more and more countries into a situation where water resources are insufficient to meet even the minimum needs of people. While international water regulation has traditionally been from a state perspective, recent human rights instruments have changed the debate. Despite the absence of a universal treaty that explicitly includes a human right to water, the UN General Assembly has adopted resolutions that specifically recognise the human right to water, and this right is also included in the new Sustainable Development Goals. In this context, the aim of this paper is to examine the current status of the right to water in international law. The study uses the classical legal method to examine and interpret the sources of international law. It explores the historical development and conceptual origins of the right to water in different areas of international law, such as international environmental law and international water law. The study also examines the legal basis of the right to water within international human rights law, considering the possibilities of interpreting the autonomous right to water within existing legal instruments or as a customary norm, and elaborates on the legal implications of this. The study shows that new interpretations of existing human rights instruments, state practice and international law doctrine are increasingly supporting and recognising the independence of the right. However, examples of national legislation and jurisprudence show that the right to water is a highly complex issue. Finally, the overall analysis makes it clear that, despite recent developments, the right to water cannot yet be said to have reached its full potential.

Keywords: Right to Water, Human Right, International Covenant on Civil and Political Rights, Committee on Economic, Social and Cultural Rights, General Comment No. 15, Latin America, national constitution, enforceability

1. Introductory thoughts

Water is the basic condition for life. Safe drinking water and sanitation are essential for life and health and essential for the dignity of all. If people do not have access to clean and safe water, they are forced to use whatever water sources they can find, even if contaminated, for drinking, washing and food production. The result is high levels of disease and deprivation. In fact, one third of the world's population does not have access to safe drinking water and more than a million people die every year from diseases spread by contaminated water. Children are particularly at risk. People who do not have access to clean water may be too ill to work and care for their families. Food shortages can affect an entire area if there is not enough clean water to grow crops. Women and girls are considered a particularly vulnerable group, as they often have to spend much of their time carrying water from remote places, leaving them no time to work or go to school and often exposed to violence. Water-related conflicts can escalate into war, causing further suffering and poverty.²

Clean water is a water that does not harm people who drink, swim or otherwise come into contact with it. Clean water has low levels of dangerous pollutants. These contaminants can be

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² DEBORAH BENSON: Is Access to Clean Water a Basic Human Right? *Healing Waters International*, 2022, <https://healingwaters.org/is-access-to-clean-water-a-basic-human-right/>

biological, including bacteria and viruses, or man-made chemicals, including pesticides and petroleum products. Metals and other substances can also cause hazardous contamination in water sources. However, clean water should be available in sufficient quantities to meet people's basic needs for drinking, cooking, bathing, sanitation and hygiene. Water should be available in or near people's homes and affordable for all.³

For all these reasons, when the question arises: is access to clean water a fundamental human right? - the answer is “*Absolutely*”. However, the legal status of the right to clean water varies worldwide. Some countries recognise the basic human right to clean and safe water, others do not. In the United States of America, for example, nothing in the federal constitution states that citizens of the country have the right to access to clean water. Nor do federal laws and regulations dealing with water state that clean water is a human right. Ethically, the right to clean and safe water is an absolute fundamental human right. No one should risk their life or health by drinking contaminated water. Deaths, serious diseases, poverty and conflict caused by contaminated water are problems that can - and must - be eliminated by ensuring clean drinking water for all. It is a terrible tragedy that these preventable problems persist.⁴

The right to water is mentioned in a number of international treaties, which affirm the right to water and sanitation as an essential element for meeting the basic needs of human life. In the following, I will examine how the right to water is reflected in international law, including international conventions. I will focus on the national constitutions in which the right to water is present in the Latin American region and, if so, in what form. Within the framework of this study, I seek to answer the question: “*Is the right to water enforceable or is it a concept for the future?*”

2. The Right to Water in international “soft law” documents and conventions

The birth of the right to water was slow and controversial. Perhaps no other right in the catalogue of international socio-economic rights has had such a contentious status and normative basis as the human right to water. Despite being relatively overshadowed by civil and political rights, international socio-economic rights have passed the stage in their normative development where the question arises as to whether they are rights in themselves or merely moral aspirations free from legal constraints. The legal protection of socio-economic rights has developed much later than that of civil and political rights, whose norms have undergone a long process of gradual development, clarification and judicial control. Indeed, it was only at the end of the 20th century that socio-economic rights came fully to the fore. As a consequence, the scope, core content and related state obligations relating to socio-economic rights are still evolving. However, since these rights have been formally affirmed in international human rights treaties, identifying a specific legal basis for the majority of guarantees of socio-economic rights has generally been made easier by identifying specific provisions in the relevant human rights treaties. Dedicated critics of the protection or enforceability of socio-economic rights under international law agree that this group of rights has now gained universal recognition. Rather, the main questions that arise in relation to these rights relate to how to improve their enforceability and enforceability, as well as the normative content of the entitlements and the corresponding state obligations that their international recognition entails.⁵

There are now several international treaties that affirm the right to water and sanitation as an essential element for meeting the basic needs of human life. It is important to note that until

³ Ibid.

⁴ Ibid.

⁵ J. OLOKA-ONYANGO: Reinforcing Marginalized Rights in an Age of Globalization: International Mechanisms, Non-State Actors, and the Struggle for Peoples' Rights in Africa. *American University International Law Review*, 4/2003, 851–913. pp.

the 1970s, no multilateral instrument other than the Geneva Conventions⁶ contained provisions or references to access to water. Nevertheless, since the 1970s, when the issues of natural resources, the environment and sustainable development began to enter the international agenda, a number of international instruments of varying legal value and importance have been adopted, relating both to the need to ensure access to water and to the right to water. Various international conferences have made significant progress in promoting the links between access to water and human rights, and have gradually begun to draw attention to both the obligations and responsibilities of States. One of the first legal instruments in this field was the Stockholm Declaration of 1972⁷, whose Principle 2 mentioned the importance of water for present and future generations.⁸

Just a few years later, in 1977, the UN Conference on Water took place in Mar del Plata, Argentina. The conference was dedicated to discussing emerging water problems. The aim of the conference, as set out in its outcome, the so-called Mar del Plata Plan of Action, was to *“help the world avoid a water crisis on a global scale”*. In fact, the Plan of Action stated that *“all people have the right to access to drinking water of sufficient quantity and quality to meet their basic needs”*. Although formulated as a collective and not an individual right, it was the first time that the right to water was explicitly mentioned in an international legal document.⁹ 15 years after the Mar del Plata conference, the international conference on Water and Environment was held in Dublin, where the so-called *“Dublin Declaration”* was adopted.¹⁰ According to Guiding Principle 4, *“it is vital that we recognise first and foremost the fundamental right of all people to have access to clean water and sanitation at affordable prices”*. The inclusion of the phrase *“at an affordable price”* implies that the right to water does not need to be provided free of charge. This is linked to the fact that water has been considered an economic good throughout the Dublin Declaration. The Dublin Declaration was forwarded to participants at the UN Conference on Environment and Development¹¹, held in the same year, where Chapter 18 of Agenda 21 on freshwater stated that *“water should be considered a finite resource with economic value and significant social and economic implications for the importance of meeting basic needs”*, thus not addressing the issue of the right to water.¹²

Two years later, at the Cairo International Conference on Population and Development, participating states reaffirmed their commitment to the right to water, stressing that individuals *“have the right to an adequate standard of living ... including adequate food, clothing, housing,*

⁶ These conventions lay down specific rules for the protection of combatants and members of the armed forces who are wounded, sick or shipwrecked, prisoners of war and civilians, as well as medical personnel, military chaplains and civilian staff supporting the army.

⁷ The Stockholm Declaration, with its 26 principles, brought environmental issues to the forefront of international concerns, marking the beginning of a dialogue between industrialized and developing countries on the relationship between economic growth, air, water and ocean pollution and the well-being of the world's population.

⁸ Declaration of the United Nations Conference on the Human Environment, Stockholm, 16 June 1972, UN doc. A/CONF.48/14/Rev.1, <https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/ConferencesMeetings/Documents/A%20CONF.48%2014%20Rev.1.pdf>

⁹ Report of the UN Water Conference “Mar del Plata Action Plan”, Mar del Plata Argentina, 14-25 March 1977, UN Doc. E/CONF.70/29, https://www.internationalwaterlaw.org/bibliography/UN/Mar_del_Plata_Report.pdf

¹⁰ The Dublin Declaration on Water and Sustainable Development, also known as the Dublin Principles, was a meeting of experts on water-related problems that took place on 31 January 1992 at the International Conference on Water and Environment held in Dublin, Ireland, from 26-31 January 1992.

¹¹ The *“Earth Summit”* was held in Rio de Janeiro from 3 to 14 June 1992. This global conference was organised to mark the 20th anniversary of the first human environment conference in Stockholm in 1972, which highlighted how different social, economic and environmental factors are interdependent and evolve together. The primary objective of the meeting was to develop a comprehensive agenda and a new blueprint for international action on environment and development issues.

¹² UN Conference on Environment and Development: Rio de Janeiro Brazil, 3–14 June 1992, UN doc. A/CONF.151/26, <https://www.un.org/en/conferences/environment/rio1992>

water and sanitation”.¹³ Here the right to water was seen as a right derived from the right to an adequate standard of living. The notion of water as a derived right was further strengthened in 1999 when the UN General Assembly reaffirmed the right to water in its resolution on the right to development.¹⁴ In 2000, the Millennium Development Goals (MDGs) were adopted, with a focus on Goal 7 to “*halve, by 2015, the proportion of people without sustainable access to safe drinking water*”, which acted as a catalyst to launch the debate on the right to water.¹⁵

3. The appearance of the Right to Water in the field of Human Rights

As shown above, for a long time human rights played only an ancillary role in the development of the right to water and the reference to provision appeared in several areas of law. The Commission, which acts as the supervisory body for the 1966 Covenant, was asked to draft and adopt a general commentary to clarify the content of the right to water, which resulted in the adoption of General Declaration No. 15. For the first time, the content of the right to water and the related obligations of States Parties to the International Covenant on Economic, Social and Cultural Rights were defined. The Committee stated that “*the human right to water is indispensable*” and provided broad guidance on the interpretation of the right to water under Articles 11 and 12 of the Covenant in relation to the right to an adequate standard of living and the right to health.¹⁶

In March 2008, the Human Rights Council adopted a resolution expressing its deep concern that more than one billion people lack access to safe drinking water. This resolution marked the beginning of the so-called “*Geneva Process*” and led to the establishment of the mandate of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.¹⁷ In this light, significant progress was made with the UN General Assembly resolutions of July 2010 and the Human Rights Council resolution of September 2010, which explicitly recognised the human right to water and sanitation. The mandate of the Independent Expert was renewed in 2011 and a new name was given to him. The mandate has been renamed “*Special Rapporteur on the human right to water and sanitation*”¹⁸, so that the subject matter of the mandate is now directly expressed in the language of human rights. In addition, the Sustainable Development Goals (SDGs), the successor to the Millennium Development Goals¹⁹, were adopted in 2015. Despite the political power of the Millennium Declaration, the Goals have not translated into human rights, and 800 million people still lack sustainable access to water. Unlike the MDGs, the new Sustainable Development Goals (SDGs) are universally applicable and contain clear targets in direct human rights language. In December of the same year, the UN General Assembly adopted a new resolution clarifying the

¹³ Report of the International Conference on Population and Development 5–13 September 1994, UN Doc A/CONF.171/13/Rev. 1, hereafter: Cairo Declaration, Principle 2, https://reproductiverights.org/wp-content/uploads/2020/12/pdf_BreakingThrough_04.pdf

¹⁴ UN GA Resolution: The Right to Development, 17 December 1999, UN Doc. A/RES/54/175, para. 12 (a). <https://documents.un.org/doc/undoc/gen/n00/279/11/pdf/n0027911.pdf>

¹⁵ UN GA Resolution: United Nations Millennium Declaration, 18 September 2000, UN Doc. A/RES/55/2. https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_2.pdf

¹⁶ CESCR General Comment No. 15: The Right to Water (Articles 11 and 12), 20 January 2003, UN Doc. E/C.12/2002/11. <https://www.refworld.org/legal/general/cescr/2003/en/39347>

¹⁷ HRC Resolution: Human Rights and Access to Safe Drinking Water and Sanitation, 28 March 2008, UN Doc. A/HRC/RES/7/22. <https://www.right-docs.org/doc/a-hrc-res-15-9/>

¹⁸ UN GA Resolution: The Human Rights to Safe Drinking Water and Sanitation, 17 December 2015, UN Doc. A/RES/70/169. <https://documents.un.org/doc/undoc/gen/n15/442/72/pdf/n1544272.pdf>

¹⁹ The Millennium Development Goals set time-bound targets against which progress can be measured in reducing economic poverty, hunger, disease, lack of adequate shelter and exclusion - while promoting gender equality, health, education and environmental sustainability.

human rights to water and sanitation and making clear that a clear distinction must be made between the right to water and the right to sanitation, even though these rights are interdependent. This decision was followed by a Human Rights Council resolution in September 2016, which reaffirmed the Declaration on the Right to Water and Sanitation as separate rights, while extending the mandate of the Special Rapporteur for a further three years. Progress has been rapid and intense over the past few years, but questions remain. What are the legal implications of all these different instruments, and can we say that there is an independent human right to water in international law?

4. The Right to Water in International Human Rights Law

In the words of *Pierre Thielbörger*²⁰: “*there is hardly a person or a state that would refute the normative claim that every human being has the right to an adequate quantity and quality of water.*”²¹ However, to establish the existence of such a right, it is necessary to examine the sources of international law. The following chapter examines the legal framework of the right to water as it follows from existing international legal instruments. As we have seen in the previous chapter, much of the development of the right to water has taken place outside the strict human rights sphere. It therefore seems logical to briefly mention other areas of law before defining the human rights legal basis. Water issues are usually discussed in the context of international environmental law, which in turn is closely linked to human rights law. Many human rights are affected by environmental degradation, and water-related issues are no exception. An obvious example is water pollution, which directly affects the right to health. The right to information and the right to participate in decisions that directly or indirectly affect the habitat of individuals are also affected in situations where water is a key factor, such as the exploitation of ancestral lands of indigenous peoples. The explicit right to water is not easy to find in international environmental law treaties. On the contrary, it has been developed in the framework of a number of non-binding instruments. Many of these non-binding instruments have accepted that fundamental human rights such as the right to life, health and well-being depend on the presumption that people have access to adequate quality and quantity of water.²²

As mentioned earlier, one thing is certain: no one can live without water and a basic water supply is essential to sustain human life. It is therefore interesting to examine whether the right to life under the International Covenant on Civil and Political Rights includes the right to water. Article 6 of the Covenant states that everyone has an inherent right to life. This right has been described as the “*supreme human right*”, because without the right to life, all other human rights would be meaningless. The special status of Article 6 is emphasised both because of its wording and its place in the Covenant, but also because it is one of the provisions from which there can be no derogation, even in a public emergency. Moreover, most scholars seem to accept that the right to life has become part of customary international law, and some even consider it

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²¹ PIERRE THIELBÖRGER: *The right(s) to water – The multilevel governance of a unique human right*. Springer Verlag Berlin Heidelberg, 2014, 73. p.

²² R. PICLOTTI – J. D. TAILLANT (eds.): *Linking human rights and the Environment*. The University of Arizona Press, 2010, introduction xiv.

https://www.researchgate.net/publication/270953331_THE_RIGHT_TO_BE_A_PART_OF_NATURE_-_INDIGENOUS_PEOPLES_AND_THE_ENVIRONMENT Leena Heinamaki 2010 Rovaniemi Lapland University Press 380 p softcover ISBN 978-952-484-367-5 43

to have acquired the status of a binding norm of international law (*jus cogens*).²³ On this basis, if the right to water were to follow from the right to life, the norm would have significant legal weight and thus give rise to immediate state obligations. However, the legal consequences would be significant and serious, and therefore the arguments in favour of recognising the right to water as part of the right to life would need to be clear and convincing.²⁴

In the present circumstances, the right to water cannot be derived from the right to life, and consequently, the right to water does not follow from the International Covenant on Civil and Political Rights. The question that arises in this case is whether there is a human right to water under the International Covenant on Economic, Social and Cultural Rights. The Commission, which is the supervisory body of the Covenant, has, in the context of General Comment No. 15, referred to above, sought to do precisely this, by clarifying the normative content of the right to water under Articles 11 and 12 of the Covenant. Article 11 also provides that everyone has the right to adequate food. This may have implications for water supply in several respects. Water can be considered as a liquid food, an essential element in food preparation and a necessary factor in food production. The UN Special Rapporteur on the right to food, *Jean Ziegler*²⁵, equates water with liquid food and thus derives the right to water from the right to food. This is somewhat debatable and this view has not received further support. On the other hand, water is closely related to the right to food in the sense of water for food preparation.²⁶ In addition, Article 12 recognises the right to the highest attainable standard of physical and mental health, which is attainable within the means of the individual, in terms of both the social and environmental conditions affecting his or her health and the health services. Although the right to health can be seen as a right that is clearly linked to the right to water, Article 12 does not include the concept of water. The Commission concludes that ensuring access to adequate water is one of the fundamental obligations of States Parties under the right to health. This view enjoys broad support among scholars and is further reinforced in General Comment No. 15, which states that the right to water is inextricably linked to the right to the highest attainable standard of health. As already mentioned, millions of people die each year from water-related diseases, which are among the top ten risk factors for death. Thus, the right to health cannot be guaranteed without adequate water and is therefore dependent on the right to water.²⁷

5. Right to Water in Latin America

As shown in the previous chapter, there are many references to water in existing international instruments, but some effort is needed to create a separate right to water as part of these existing international instruments. Rather, one could simply state that the right to water exists and functions as a right derived from other rights under existing instruments. Recent developments in relation to the right to water have taken place in a number of non-binding

²³ M. NOVAK: *U.N. Covenant on Civil and Political Rights: CCPR Commentary*, 2nd edition, Kehl Germany, Arlington VA USA, Engel Publishers, 2005, Article 6. <http://www.ejil.org/pdfs/18/1/222.pdf>

²⁴ CCPR GENERAL COMMENT NO. 6: The right to Life (Article 6), 30 April 1982. <https://www.refworld.org/legal/general/hrc/1982/en/32185>

²⁵ Swiss-born, Professor of Sociology at the University of Geneva and the Sorbonne in Paris, and former Vice-Chair of the UN Human Rights Council, Advisory Committee. He has also held a number of positions at the United Nations, notably as Special Rapporteur on the right to food from 2000 to 2008 and as a member of the UN Human Rights Council, Advisory Committee from 2008 to 2012. Ziegler is the author of numerous works and is also a lecturer, known for this phrase: “*A child who starves to death is a murdered child*”.

²⁶ CESCR GENERAL COMMENT NO. 4: *The Right to Adequate Housing*, Articles 11 (1), 13 December 1991, UN Doc E/1992/23, para. 8(b). https://www.hlrn.org.in/documents/CESCR_General_Comment_4.pdf

²⁷ P. H. GLEICK: *The Human Right to Water. Water Policy*, Vol 1. No. 5, published by Elsevier, 1999, 492. https://pacinst.org/wp-content/uploads/2007/05/human_right_may_07-1.pdf

SZIEBIG ORSOLYA JOHANNA: Emberi jogok a környezetrombolás árnyékában: Az ekocídium és az emberi jogok kapcsolódási pontjai. *Iustum Aequum Salutare*, 2021/16. szám, 85–98.

instruments which have shown support for the view that the right to water constitutes a right in its own right. In the next section, I will examine the instruments that have been used to give effect to the right to water in Latin America. For the region, I will focus on the right to water in the context of national constitutions, with particular attention to the issue of enforceability.

However, it is important to notice that the effects of privatisation policies are much more aggressive in places where there is no strong welfare tradition, such as the European Union, to counterbalance the most radical pursuits of privatisation and liberalisation. It is therefore no coincidence that the most violent popular reactions to the privatisation of water resources have taken place in Cochabamba, Bolivia, and that the constitutionalisation of the right to water has affected the whole of South America. In the region, the right to water is often closely linked to water management and the protection of constitutional rights. In the last decade, several Latin American countries have undertaken constitutional reforms to explicitly enshrine the right to water. Examples include Bolivia in 2009²⁸, Ecuador in 2008²⁹ and Uruguay in 2004, whose constitution states in Article 47 that "water is a fundamental resource of life" and that "access to water and sanitation" is a human right.³⁰ Other Latin American constitutions also include an implicit recognition of the right. These include Guatemala, Chile, Venezuela, Argentina and Colombia.

In Argentina, the right to water is not explicitly recognised, but it is considered part of the right to a healthy environment, which is protected by Article 41 of the Constitution. In addition, under Article 75, the main international and regional human rights treaties are in a constitutional hierarchy. The right to water is also guaranteed by national law and can be enforced before national courts. In a case before the Supreme Court concerning water pollution in a particular river basin, the Court stressed the need to protect "*the collective common and indivisible use of the environment*".³¹ In 1999, several courts in the province of Neuquén stressed the need to "*ensure effective protection of the human right to water*" after a pollution incident put children's health at risk. In some respects, the protection of the right to water in Colombia is similar to its recognition in Argentina, where the right is also enshrined in the right to a healthy environment in Article 79 of the Constitution.³² Furthermore, according to Article 366 of the Constitution, water supply falls under the category of public service to be provided by the state. Colombian case law on the right to water is fairly consistent. The courts have mainly relied on the jurisprudence of the Inter-American Court of Human Rights and the interpretation of General Comment No 15 issued by the Committee on Economic, Social and Cultural Rights.

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6. Concluding thoughts

Examples of national perspectives on the right to water show that the right to water is protected in national legislation and jurisprudence in many states, albeit in many different ways and through different systems, with robust legal protection. In some states, references to the

²⁸ Constitution of Bolivia, 2009, Article 16.1 "*Everyone has the right to water.*", <http://pdba.georgetown.edu/Constitutions/Bolivia/bolivia09.html>.

²⁹ Constitution of Ecuador, 2008, Article 12. "*The human right to water is essential and cannot be waived. Water constitutes a national strategic asset for use by the public and it is unalienable, not subject to a statute of limitations, immune from seizure and essential for life.*", <http://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>

³⁰ 1967 Constitution of Uruguay (last amended in 2004), <http://pdba.georgetown.edu/Constitutions/Uruguay/uruguay04.html>.

³¹ B. OLMOS GIUPPONI – M. PAZ: The implementation of the Human Right to Water in Argentina and Colombia. *Anuario Mexicano de Derecho Internacional*, 15/2015, 337. <https://www.elsevier.es/es-revista-anuario-mexicano-derecho-internacional-74-articulo-the-implementation-human-right-water-S1870465415000100>

³² Ibid. 338.

³³ 1991 Constitution of Colombia, Article 79. https://www.constituteproject.org/constitution/Colombia_2015

right to water can be found in national legislation, and some countries have even enshrined the right in their constitutions, both explicitly and implicitly. However, not all of these recognitions support an independent right to water. Many of the recognitions of the right to water derive from other rights, such as the right to health, the right to life or the right to a healthy environment. There are even examples of states such as Colombia that have directly chosen to interpret General Comment No. 15. Furthermore, the right to water is not limited geographically to a certain part of the world, but is recognised by states on all continents. On the other hand, most states worldwide have not formally recognized the right to water in a legally binding form. It is important to note that this study is not in a position to provide a detailed empirical assessment of the current practice of all states. Among other things, it is the task of the Special Rapporteur to examine the practices of individual countries in this regard. For the purposes of this study, national examples will show how states have been affected and influenced by international developments.

However, in recent years, the recognition of the right to water has clearly been on the rise and the right to water has begun to be part of these various legal systems worldwide. This can be interpreted as a response to recent developments in international law, but also as a result of the emerging water crisis and the increased focus on water as a finite resource. Recent recognitions have taken place in both developed and developing countries, in countries where water is either scarcer or less scarce, and in countries where the implementation of the right appears to be more easily accessible or severely difficult. The examples show that strong recognition does not automatically mean strong protection for the individual. There are numerous examples of both national legislation and case law that clearly demonstrate that state practices are consistent with the recognition of an independent right to water, and that case law is increasingly taking a position on the same issue. The fact that national courts have directly referred to recent positions shows that the legitimacy of an instrument is not necessarily determined by its formal legal value. Yet it is not possible to conclude that there is a majority position in the international community as a whole on the status of the autonomous right to water.

As water plays a crucial role in all areas of law, it should ideally not suffer any disadvantage in any area of law or subject. The main difficulty in the present case may arise from the fact that the right to water plays an important role in different areas of law. Nevertheless, it is clear that the latest instruments relating to water link these different areas of law, creating a larger web of objectives and principles, almost like building a bridge with water as the common denominator. This is particularly evident when considering the adopted Sustainable Development Goals. The Goals are universally applicable and the agenda takes a holistic approach that addresses development, the environment and human rights. The subsequent eventual state practice and the attitude of states towards the SDGs will be decisive when the legal value of the right to water in international law is clarified in the future. Despite the challenges ahead, it is also important to see the progress that has been made, particularly over the last ten years, in accelerating the international recognition, discussion and further reflection on the right to water. There are elements touched upon in this study that suggest that the right to water could in the future become a customary norm or even a general principle of law, and thus a human right in its own right.

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