

MANUAL ON THE RIGHT TO WATER AND SANITATION



A tool to assist policy makers and practitioners develop strategies for implementing the human right to water and sanitation

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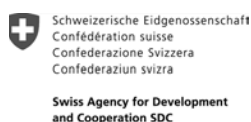
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Foreword

Affordable access to a sufficient quantity of safe water is fundamental to the health and dignity of all. The International Year of Sanitation, which has just begun, calls for all nations to recognise that access to hygienic sanitation is equally important to ensure health and dignity. That over a billion of the world's people remains without access to safe drinking water and over twice that number are denied access to adequate sanitation continues to shock and appal. Millions of lives are at risk from preventable diseases and the futures of millions of the world's children are blighted by the multiple deprivations of poverty, lack of education and ill health that often accompany poor water and sanitation.

The international community has committed to meeting the Millennium Development Goal of halving, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation. This is a significant challenge. A human rights approach to water and sanitation, with its emphasis on accountability, access to information, non-discrimination, attention to vulnerable groups and participation is a crucial aspect of achieving this goal. It requires a focus on the most marginalised sectors of society, including over one billion people living in informal settlements the world over.

But water and sanitation are not just the subjects of one of the targets of the Millennium Development Goals; they have a part to play in the realisation of all the Millennium Development Goals. Access to water and sanitation is necessary for health, education, economic development and the environment.

This *Manual on the Right to Water and Sanitation* is a timely contribution to efforts to improve access to water and sanitation and will assist governments, policy makers and practitioners in implementing the human right to water and sanitation. National and local governments will find this Manual a useful resource and will be able to make excellent use of the practical, affordable and sustainable strategies, policies and solutions contained therein to address the problems they are facing in realising the right to water and sanitation. The Manual distinguishes between the challenges facing urban and rural areas, and proposes policy approaches for each that address their different circumstances.

I trust that this publication will bring a new perspective to the task ahead - ensuring that the human right to water and sanitation is realised for all.



Anna Kajumulo Tibaijuka
Executive Director, UN-HABITAT

Preface

Since its adoption in November 2002, *General Comment No. 15: The Right to Water* has provided an impetus for both practitioners and scholars to investigate the theoretical and practical dimensions of the recognition of this right. The overall positive receptions of General Comment No. 15 by States parties to the International Covenant on Economic Social and Cultural Rights (ICESCR), and even by a World Bank monograph, are very encouraging developments. The *Manual on the Right to Water and Sanitation* comes as a most welcome reminder of the challenges in addressing the right to water, based on articles 11 and 12 of the ICESCR. In addition, it takes an important step toward clarifying the implications of the right to sanitation, which has been the subject of important developments: most recently the report of the United Nations High Commissioner for Human Rights - requested by the UN Human Rights Council – on the topic of human rights obligations relating to equitable access to safe drinking water and sanitation.

This Manual starts out with a clear exposé of the contextual issues surrounding the water and sanitation crisis in many countries of the world, encompassing legal foundations, entitlements, responsibilities and questions of accountability. The Manual rightly accords a prominent place to considering the needs of marginalised and disadvantaged individuals and groups, in line with the practise of the Committee on Economic, Social and Cultural Rights (CESCR). Undoubtedly, the chapter focusing on the respective responsibilities of various actors, including the international obligations of States parties to the ICESCR, particularly in relation to development assistance and trade and investment, will also benefit readers greatly.

The Manual neatly addresses how legal obligations flowing from the right to water and sanitation may be realised, giving ample examples and always highlighting actual problems facing people on the ground. These chapters also offer incisive examples from national jurisdictions that enrich the description of the human right to water and sanitation. Scepticism about the human right to water and sanitation – as with all economic, social and cultural rights – will usually focus on questions of resource allocation. Therefore, the sober and very well presented chapter on affordability and financing will attract particular attention, especially from government officials. Boxed summaries are provided for quick reading throughout all chapters, frequently with illustrative case descriptions, facilitating effective work with the Manual.

The Manual will prove to be an excellent, indeed indispensable tool, supplementing General Comment No. 15 in assisting governments to implement their obligations under the ICESCR, and in drafting period State reports to the CESCR. At the same time, it will provide extremely useful and in-depth information to civil society organisations at the national and international levels in their advocacy. Furthermore, members of CESCR and academic researchers will also find the well-structured chapters of the Manual most useful. Without a doubt, however, the Manual's greatest value will be in raising and maintaining public awareness of the challenge of securing the right to water and sanitation for all, which can otherwise be easily forgotten, or reduced solely to policy considerations, and dealt with without adequate reference to human rights dimensions. In sum, the authors are to be congratulated on this timely, well-researched and practice-oriented Manual.

Eibe Riedel
Member, UN Committee on Economic, Social and Cultural Rights

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