

## Habitat International Coalition Housing and Land Rights Network



### Enshrine the Right to Water in our Constitution

On the occasion of Water World Day, 22 March, and the 6<sup>th</sup> Water World Forum, 12–17 March 2012, the undersigned organizations affirm the importance of including the human right to water for individuals and groups in the constitutions of the Arab Spring countries. This affirmation coincides with a new stage in the democratic development as those countries drafting new constitutions, which are supposed to meet the demands that drove the people's uprising.

The constitutions, local legislation or policies of the Arab Spring countries have not provided for the human right to water. The previous regimes in those countries did not consider water resources as a social good, but as a commodity to exploit for profit. That is in spite of their binding international obligations to respect, protect and fulfill the right to water as provided in several international human rights instruments, notably the International Covenant on Economic Social and Culture Rights, arising from articles 11 and 12, the Convention on the Rights of Child (article 24), and the Convention on the Elimination of all Forms of Discrimination against Women (article 13).

The consequent looting of public assets has motivated popular uprisings against the inequitable distribution of the water, land and other resources, and the lack of basic services in many areas in the Arab countries, including access to safe drinking water.

In the present context of constitutional reform in the Arab Spring countries, ensuring the human right to water means considering this vital resource as inalienable public property in a clear and prominent article in the new constitution, thus securing everyone's right to access safe and clean drinking water. Moreover, that requires adopting laws and regulations consistent with that provision and corresponding international standards, prioritizing implementation of the right for all vulnerable and marginalized groups.

Enshrining the right to water in the new constitutions will protect everyone from the practices that erode enjoyment of this right. The shortage of water resources particular to MENA region make this priority urgent, especially due to climate change and the depletion of the natural resources by private interests. And privatization must not be

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seen as the sole alternative to ineffective public management of natural resources.

Human well-being depends on the right and responsibility to ensure equitable access to safe and clean drinking water. The undersigned organizations express their deep concern over the continuation of foregone policies in the Arab Spring countries. In light of the prospects of new constitutions, fundamental provisions should ensure an adequate standard of living for everyone to the maximum of the State's available resources.

Even on the international level, the adoption of the Ministerial Declaration on the right to water was criticized by the Special Rapporteur on the human right to safe drinking water and sanitation, who condemned the alleged failure to define water and sanitation as human rights in the text, leaving it to individual governments to decide what their human rights obligations are relating to water and sanitation.<sup>i</sup>

Recent constitutional developments represent a turning point in such struggles in Bolivia, Ecuador, Kenya and South Africa, where those states included the right to water in their new constitutions. And these developments preceded the adoption of General Assembly resolution A/RES/64/292 in 2010, recognizing "the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights."

To include the human right to water in the new constitutions is not an end in itself. However, it is an indispensable first step to ensure that right such that requires subsequent governments to correct harmful past practices in this vital field and to adopt concrete and effective measures to realize everyone's human need and right to water.

Signed organizations:

- Habitat International Coalition- Housing and Land Rights Network HIC-HLRN
- Right to Water Forum in the Arab Region
- Egyptian Association for Collective Rights

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<sup>i</sup> "Rio+20: 'Do not betray your commitments on the human right to water and sanitation,'" (22 March 2012), at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12000&LangID=E>; and "'Solutions' built on faulty foundations – UN expert warns on the eve of World Water Forum" (9 March 2012), at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11935&LangID=E>.

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