



Human Rights to Water and Sanitation Program

Through research, publications, and dialogue among practitioners and academics, the Carr Center's Human Rights to Water and Sanitation Program seeks to provide critical guidance on how the human rights to water and sanitation can influence law and policy. Nearly one billion people lack access to drinking water, nearly 2.6 billion people lack access to sanitation, and nearly 1.6 million people die every year from preventable water and sanitation-related diseases. In 2010, the UN General Assembly and UN Human Rights Council recognized a human right to water and sanitation, which means that everyone, without discrimination, should have access to adequate amounts of safe, accessible, affordable, acceptable water and sanitation. Understanding how to translate this mandate into practical policy mechanisms requires wrestling not only with matters of science, technology and management, but also with fundamental legal, political and moral questions. In 2010, the Carr Center created the Human Rights to Water and Sanitation Program to examine these critically important issues.

(1) Progressive Realization of the Human Rights to Water and Sanitation

The Carr Center seeks to help governments understand how to progressively realize the human rights to water and sanitation. The concept of “progressive realization” comes from the International Covenant for Economic, Social and Cultural Rights, which requires each state to take steps “to the maximum of its available resources, with a view to achieving progressively the full realization of the rights” Through research and engagement with non-governmental organizations (NGOs), the Human Rights to Water and Sanitation Program is examining a variety of issues that will help elucidate how to achieve the progressive realization of the human rights to water and sanitation. Key questions that the Carr Center is investigating include:



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- **Domestic Legal Incorporation:** How should the human rights to water and sanitation be integrated into domestic laws, policies and regulation?
- **Affordability:** What are effective policy mechanisms for reconciling affordability with financial sustainability?
- **Privatization:** How should the human rights to water and sanitation influence decisions to delegate service provision to the private sector?
- **Informal Sector:** How should the human rights to water and sanitation inform a government's interactions with unregulated, “informal” actors, like small-scale water vendors?
- **Allocation of Water:** Should the allocation of water between agriculture, industry, households and the environment be influenced by these rights?
- **Accountability:** How can the concept of “progressive realization” become a tool for improving accountability, especially with respect to water and sanitation budget allocations?
- **Participation:** How can the human rights to water and sanitation promote opportunities for meaningful participation, without shifting excessive burden and risk onto individuals?
- **Ownership of Water:** What is the relationship between the human right to water, property law, and the growing trend towards tradable water rights?
- **Driving Force for Innovation:** In light of climate change, growing water scarcity, and the water-energy nexus, can the human rights to water and sanitation become a driving force for a new paradigm in water and sanitation management?

Progressive Realization (cont'd): Case Studies

In addition to addressing the broader questions outlined in the prior section, the Carr Center is conducting country case studies. For example, it is examining how Iraq's constitutional requirement to ensure the "just distribution" of water could be interpreted consistently with the human right to water, which, in light of the ethnic and sectarian strife within the country, could have a positive influence on the allocation of water. The Carr Center is also researching the implications of a recent Israeli Supreme Court ruling in a case brought by six residents, representing 70 individuals, of unrecognized Bedouin villages in Israel that the right to water is a basic human right deserving constitutional protection by virtue of the right to human dignity.

Next year, the Carr Center is planning to conduct an in-depth study of Bolivia, which has played an important role in the global human right to water movement, but is now wrestling with how to fulfill its own constitutional promise of a human right to water for all Bolivians. In light of the Special Rapporteur's recent mission to the U.S. and the passage of a human right to water bill in California, the Carr Center also anticipates examining the progressive realization of these rights in the United States.

(2) Business & the Human Rights to Water and Sanitation

The Carr Center is examining how the human rights to water and sanitation are influencing the actions of transnational corporations that engage in water-intensive activities. In 2011, the UN Human Rights Council endorsed the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework" proposed by UN Special Representative John Ruggie, who is also the Berthold Beitz Professor in Human Rights and International Affairs at the Harvard Kenney School. The recognition by the UN of the human right to water and sanitation in 2010 and of the "Protect, Respect and Remedy" guidelines in 2011 has created an important moment in time to investigate the intersection of these two frameworks.

Through research and engagement with both NGOs and the private sector, the Carr Center is exploring how the adoption of human rights to water and sanitation policies by large-scale water service providers and users of water can lead to improved "respect" for these rights, and "remedies" where violations occur. For example, two Carr Center Fellows recently submitted comments on a draft of the Annotated Outline of the UN CEO Water Mandate's Operational Guidance for Businesses on the Human Right to Water and Sanitation. The Carr Center has also assisted an NGO in its efforts to help a large beverage company with its corporate responsibility strategy in relation to the human right to water.

Carr Center Hosted Successful Meetings with the UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation on October 25, 2011

Following the Special Rapporteur's address to the UN General Assembly on October 24, 2011, the Carr Center convened a highly successful meeting with the Special Rapporteur and a select group of scholars and practitioners, which explored research ideas for fostering the progressive realization of the human rights to water and sanitation. The Carr Center also hosted a second meeting, which was led by NGOs that played a key role in organizing her U.S. mission.

Carr Center Study Group Explores Human Rights to Water and Sanitation

Since 2010, the Carr Center has had a successful and well-attended study group that examines issues at the intersection of human rights, water and sanitation, and international development. The study group draws scholars, students from Harvard and neighboring universities, practitioners, and interested community members. For more info, visit: www.hks.harvard.edu/cchpr/hr2w

A Missing S? "Right" versus "Rights"

This program is called the Human Rights to Water and Sanitation. Although most U.N. documents and legal texts use the phrase the "human right to water and sanitation," there is a growing recognition that sanitation should be considered a distinct right. Carr Center Fellows Sharmila Murthy and Mark Williams are currently working on an article that explores whether sanitation is right derived from water, is a co-right with water, or an independent right.

For Further Information

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