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# Water As A Human Right In The MENA Region: Challenges And Opportunities

This paper by Asit K Biswas, initially analyses the developments that led to the United Nation declaration treating water as a human right and then assesses the impact of this in the developing world, particularly in the water starved Middle East and North African (MENA) region.

Biswas provides a glimpse of human evolution culminating in great civilizations along the major river basins such as Indus, Euphrates-Tigris and the Nile. He stresses that significant human population growth over centuries and Industrial Revolution put enormous stress on water resources, both quantitatively and qualitatively. Increased human activities resulted in substantial consumption of and waste water release in large quantities polluted the rivers and oceans.

Biswas points out that the Industrial world realized about the water related issues in early 1970s. Access to clean water and sanitation became an important social, economical, environmental and political issue. This awareness resulted in development of legislations and regulations and their stricter enforcement, which ensured larger population having access to clean water. However, the author thinks that such progress was not reflected in the developing world, mainly due to high population growth, rapid urbanization, lack of investments, corruption, poor administration, inefficient water management etc. The situation gradually worsened as majority of them lacked access to clean water and subjected to deterioration of sanitation, wastewater treatment and disposal.

Biswas uses quite a large section of his paper to walk through the developments on how access to clean water and sanitation gradually became a global issue in the international forums, starting with the 1976 UN Conference on Human Settlements, in Vancouver. He analyses the outcomes of the UN Water Conference in 1977 in Mar del Plata that proclaimed 1981-90 period 'International Water Supply and Sanitation Decade'. This proclamation got unanimous approval by the UN General assembly in 1980. However, Biswas observes that the objective of 100 % of the World population provided with clear water and sanitation is too ambitious and hence not achievable. Though the Decade failed to achieve the goals, Biswas concurs that remarkable success was achieved by getting the issue of safe water access and sanitation got included while formulating the Millennium Development Goals (MDGs). According to Biswas, access to Sanitation was always given lesser importance compared to safe water access and hence often got neglected in world forums, until the subject was addressed in the UN World summit held in 1992 in Johannesburg.

Eventually, the committee of Economic, Social and Cultural rights of the United Nations concluded in 2002, that water is a human right and hence to be treated as social and cultural good and not primarily as an economic good.

Evaluating the progress of the MDGs during 2007, Biswas sounds pessimistic remarking that even half the world population having access to clean water and sanitation by 2015, is not achievable due to lack of accelerated attention. In the Third World Water Forum held in Kyoto, it

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was expected that UN declaration would have generated a big impact and direction in increasing the focus on water and sanitation. However, referring to the fate of 'Camedessus report', Biswas was candid in stating that there was a lack of focus in generating investments for water and sanitation improvement. Besides, he clearly sees the conflicting interests between the water professionals, human right activists and the NGOs over the issue of declaring water as a human right. Biswas believes that the real issue is not whether water is a human right or not, however reiterates that implementation of practical solutions for the addressing water related problems is very complex.

Biswas finally navigates the topic to the Middle East and North Africa (MENA) region stating that the water professionals and the Governments are mostly oblivious to the UN declaration of water as a human right. Based on interviews conducted in the region, Biswas realizes that most of the policy makers and water related institutions are totally or partially ignorant on how the declaration impacts their work. Except Morocco, no other country in region adapted the guidelines of the declaration in modifying their water policies, plans and programs. Biswas thinks the major impedance for this is due to the extensive involvement of private sector in water and sanitation sectors in MENA, and they have no concern or commitment in treating water as a human right nor do they have any direct accountability to the UN. They think it is for the Governments to deal with it.

Biswas notes that only the NGOs are somewhat advocating for the cause. Their contention is that water being a human right and a basic human need, private sector involvement should not be allowed in water supply and sanitation sectors and public sector should take the responsibility. However, NGO movement in MENA region is not well developed and their activities are not much encouraged or taken seriously and sometimes not well tolerated. According to Biswas, the academic and research community seems to have not shown much enthusiasm in taking up the issue in the right direction. Overall, there is a huge disconnect between the stakeholders.

Biswas concludes that based on the information available, that he could not identify any single MENA country where legal, institutional, social and economic implications of the considering water as a human right has been analyzed seriously whether by the government, academics and research institutions, private sector or NGOs. He also believes that in case if some of the countries would have considered water as a human right, it would have been done independently, and not primarily because of the UN declaration.

Biswas finally proposes consideration of several fundamental issues that need to be addressed in moving forward with the overall strategies in treating water as a human right. He generally correlates these proposals in a context relevant to the developing world, specifically to the MENA region. In conclusion, Biswas puts forward a future research agenda consisting seven priority areas in the subject area, elaborating on a few of them that he believes need to be taken up with priority in the MENA region.

## **Critiques**

Reviewing the initial part gives an impression that whether this paper has any relevance with the subject topic in relation with the Middle East and North African (MENA) region. Biswas lingers on the processes of evolution of water becoming a human right by the 2002 United Nations

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On a positive note, Biswas analyses in detail, the successes, failures, conflicts, challenges and a few opportunities in getting the concept implemented. However, he sounds to be more skeptical in the effectiveness of the UN declaration and its impact mainly in developing countries, specifically due to their lack of enthusiasm in getting the concept implemented. He opines that implementation of treaty-based human rights is extremely challenging due to the regional, social, economical and political complexities. Biswas was candid in stating that the declarations are mostly 'feel good proclamations' without any strong framework, clarity on responsibilities and accountabilities to get them implemented. The author also raises a pertinent question on whether water is an economic good or a human right.

The paper finally discusses the impacts of water as human in right in the MENA region. Biswas observes that one of the greatest hesitations among many countries in promulgating the concept of water as a human right is the lack of clarity on the legal implications that it may lead to as the governments fear that they will get sued for compensations, if the obligations are not met. However, most of the points Biswas makes are at a high-level without going into intrinsic details. He cites lack of information and limited financial resources as major reasons in reviewing various national constitutions and water legislations to research on how water is considered as a human right in different MENA countries.

The information provided in the paper in relation with the subject context is very limited. The author failed to highlight any opportunities or incentives to the MENA countries in implementing the declaration. Other than proposing certain general research ideas with priorities for the developed world Biswas does not offer any concrete framework pertaining to the path-forward in getting the concept accepted in MENA region and subsequent implementation strategies. Besides, the author did not identify any funding opportunities or organizations that may take initiative to conduct his proposed researches.

I am disappointed that the paper was open ended and does not provide any concrete possibilities offered to MENA region other than providing a few research ideas. Overall, the paper was broadly incoherent and superficial in its context.