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SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF
THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

DRAFT
General Comment No. 15 (2002)

The right to water (Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)

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1. The human right to drinking water is fundamental for life and health. Sufficient and safe drinking water is a precondition for the realization of all human rights. Although the Covenant does not expressly refer to the word “water”, the right to drinking water is clearly essential for the rights contained in Articles 11 and 12, is supported by international legal standards and has been a consistent feature of the Committee’s practice. Water is also essential for non-household purposes, for example food production, environmental hygiene and work. The human rights dimensions of these water uses is addressed at the end of this General Comment (see Section VI).

2. Article 11.1 specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living “including adequate food, clothing and housing”. The use of the word “including” indicates that this catalogue of rights was not intended to be exhaustive. The right to drinking water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is the most fundamental condition for survival. Moreover, the Committee has previously recognized that water is a human right contained in Article 11.1 (see General Comment No. 6).⁽¹⁾ The right to

drinking water is also inextricably related to the right to the highest attainable standard of health (Art. 12.1)(2) and the rights to adequate housing and adequate food (Art. 11.1).(3) The right should also be seen in conjunction with other rights enshrined in the International Bill of Human Rights, foremost amongst them the right to life and human dignity.

3 The right to drinking water has been recognized in a wide range of international documents, including treaties, declarations and other standards.(4) Such treaties include the Convention on the Elimination of All Forms of Discrimination Against Women (1979), Convention on the Rights of the Child (1989), and international humanitarian law, including Geneva Convention III (1949), Geneva Convention IV (1949), Additional Protocol I (1977), and Additional Protocol II (1977).

4. The right to drinking water has been regularly addressed by the Committee during its consideration of States parties' reports,(5) in accordance with its Revised Guidelines for Reporting and general comments.(6) The Committee, in its concluding observations on States parties' reports, has frequently commended, or expressed concern, as to steps taken with respect to water.

5. The Committee has increasingly been confronted with the widespread denial of the right to drinking water in both developing and developed countries. It is estimated that 1.1 billion persons lack access to an adequate water supply (the overwhelming majority live in rural areas),(7) while 2.3 billion person each year suffer from diseases linked to water.(8) Moreover, the continuing deterioration of water resources is exacerbating existing poverty and discrimination, as well as contributing to present and potential conflicts.

6. Enjoyment of the right to drinking water is dependent upon the realization of other human rights, particularly the rights to housing, health, work, social security and education, as well as freedom of expression, freedom of association, freedom of residence, and participation in public decision-making. The Committee notes the importance of adequate sanitation, which is an integral part of the rights to adequate housing and health (see General Comments No. 4 and 14), in ensuring the protection of water sources and supplies.

I. NORMATIVE CONTENT OF RIGHT

7. The right to drinking water entitles everyone to *safe, sufficient, affordable* and *accessible* drinking water that is adequate for daily individual requirements (drinking, household sanitation,(8A) food preparation, and hygiene (9). The adequacy of drinking water should be interpreted in a manner consistent with human dignity, and not in a narrow way, by mere reference to volumetric quantities and technologies, or by viewing water primarily as an economic good. The manner of the realization of the right to drinking water must also be sustainable, ensuring that the right can be realized for present and future generations.

8. While the adequacy of drinking water may vary according to different conditions, the following factors apply in all circumstances:

Sufficiency. The water supply for each person must be sufficient and regular for daily individual requirements. A sufficient quantity of water would ordinarily amount to approximately 50 litres, or the minimum essential level (approximately 20 litres) (10)

unless the State party can demonstrate that ensuring a sufficient quantity is not feasible in the context of its maximum available resources and international assistance (See General Comment No.3). Some individuals and groups may also require additional water due to health, climate, and work conditions.

Safety. The water required for each daily individual requirement must be free from microbes and substances that constitute a threat to a person's health, and be of an acceptable colour, odour and flavour.⁽¹¹⁾

Affordability. The direct and indirect costs associated with securing drinking water must be affordable, and must not compromise the realization of other Covenant rights. This may be achieved through, *inter alia*: (a) use of a range of suitable low-cost techniques and technologies; (b) appropriate pricing policies such as free or low-cost water; and (c) income supplements.

Accessibility. Drinking water must be accessible for each household,⁽¹²⁾ educational institution and workplace.⁽¹³⁾ Everyone must have access, within their safe and physical reach, to adequate facilities, services, installations or natural water sources, to secure and properly use drinking water.⁽¹⁴⁾ This would ordinarily include access to water within the house, educational institution and workplace, or its immediate vicinity. Where water facilities are not currently accessible States parties should take immediate steps to ensure that the affected persons have access to facilities or services that: (a) provide sufficient, safe and regular water; (b) have a sufficient number of water outlets to avoid prohibitive waiting times; (c) are at a reasonable distance from the household. Physical security should not be threatened during such access.

II. STATES PARTIES' OBLIGATIONS

General legal obligations

9. Article 2.1 of the Covenant obliges States parties to take steps, utilizing their maximum available resources, to progressively achieve the realization of the right to drinking water, adopting appropriate legislative and other measures towards this end. The duty to 'take steps', together with the obligation to guarantee the right without discrimination (Art. 2.2), constitute obligations of immediate effect (see General Comment No. 3).

10. States parties have a constant and continuing duty, in accordance with the obligation of progressive realization, to move expeditiously and effectively towards the full realization of the right to drinking water. Realization of the right should be feasible and practicable, since all States parties exercise control over a broad range of resources, including water, technology, financial resources, and international assistance. There is a strong presumption that retrogressive measures taken in relation to the right, or failure to exercise due diligence to prevent retrogressive measures taken by third parties, are prohibited under the Covenant (see General Comment no. 3, para. 9).

Specific legal obligations

Non-discrimination and equality

11. The obligation of States parties to guarantee that the right to drinking water is enjoyed without discrimination (Art. 2.2), and equally between men and women (Art. 3), pervades all of the Covenant obligations. States parties should take immediate steps to adopt legislative and other measures to eliminate discriminatory acts or omissions that have the intention or effect of nullifying or impairing the equal enjoyment of the right to drinking water, on the grounds listed in Article 2.2.

12. States parties should take steps to remove *de facto* discrimination on the prohibited grounds, where individuals and groups are deprived of the means or entitlements necessary for achieving the right to drinking water. States parties should ensure that the allocation of water resources, and investments in water, facilitate access to drinking water for all members of society.

13. Whereas the right to drinking water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising the right, including women, children, minority groups, indigenous peoples, refugees, asylum seekers, internally displaced persons, migrant workers, prisoners and detainees. In particular, States parties should take steps to ensure that:

(a) Women are not excluded from decision-making processes concerning water resources and entitlements, and alleviate the disproportionate burden women bear in the collection of water.

(b) Children are not prevented from enjoying their human rights due to the lack of adequate drinking water in educational institutions and households. Provision of drinking water to educational institutions currently without adequate drinking water should be addressed as a matter of urgency.

(c) Rural areas have access to properly maintained water facilities. Access to traditional water sources should be protected from unlawful encroachment and pollution.

(d) Deprived urban areas, including informal human settlements, and homeless persons, have access to properly maintained water facilities. No household should be deprived of access to water on the grounds of their housing or land status, unless an adequate alternative is made available.

(e) Indigenous peoples' access to water resources on ancestral lands is protected from unlawful pollution and encroachment.

(f) Nomadic and Traveller communities have access to adequate drinking water at traditional or designated halting sites.

(g) Refugees, asylum-seekers, internally displaced persons and returnees have access to adequate drinking water whether they stay in camps or in urban areas. Refugees and asylum-seekers should be granted the right to water in the same conditions as nationals.

(h) Prisoners and detainees are provided with sufficient and safe water for their daily individual requirements, taking note of the requirements of international humanitarian law and the UN Standard Minimum Rules for the Treatment of Prisoners.(15)

14. Attention should also be given to those who face difficulty in physically accessing adequate drinking water, including people with disabilities, older persons, children, women, persons in detention, victims of natural disasters, persons living in disaster-prone areas, and those living in arid and semi-arid areas, or on small islands.

Obligations to Respect, Protect and Fulfil

15. The right to drinking water, like any human right, imposes three types or levels of obligations on States parties: the obligations to *respect*, to *protect* and to *fulfil*.

Respect

16. The obligation to *respect* requires that States parties refrain from interfering directly or indirectly with the enjoyment of the right to drinking water. The obligation includes, *inter alia*, refraining from engaging in any practice or activity that denies or limits equal access to adequate drinking water; arbitrarily interfering with customary or traditional arrangements for water allocation; unlawfully diminishing or polluting water, for example through waste from State-owned facilities, use and testing of weapons; and limiting access to, or destroying, water resources, services and infrastructure as a punitive measure, e.g. during armed conflicts in violation of international humanitarian law.

Protect

17. The obligation to *protect* requires State parties to prevent third parties from interfering in any way with the enjoyment of the right to drinking water. Third parties include individuals, corporations and other entities as well as agents acting under their authority. The obligation includes, *inter alia*, adopting the necessary and effective legislative and other measures to restrain, for example, third parties from denying equal access to adequate drinking water, and polluting and inequitably extracting water resources, including natural sources, wells and other water distribution systems.

18. States parties should ensure that third parties operating or controlling water services and resources (e.g. piped water networks, water tankers and water vendors, wells) do not threaten or compromise the sufficiency, safety, affordability or accessibility of the right. Privatization of water services should be deferred until an effective regulatory system is in place, that is in conformity with the Covenant and this General Comment and that includes independent monitoring, genuine public participation and imposition of penalties for non-compliance.

Fulfil

19. The obligation to *fulfil* requires States parties to adopt the necessary measures directed towards the full realization of the right to drinking water. The obligation includes, *inter alia*, according sufficient recognition of the right within the national political and legal systems, preferably by way of legislative implementation; adopting a national water strategy and plan of action to realize the right; ensuring that the right is affordable for everyone; and facilitating improved and sustainable access to drinking water, particularly in rural and deprived urban areas.

20. States parties should adopt comprehensive and integrated strategies and programmes to ensure that there is sufficient and safe water for present and future generations. Such strategies and programmes may include: (a) increasing the efficient use of water by end-users; (b) reducing water wastage in its distribution; (c) reducing diminution of water resources through

unsustainable extraction, diversion and damming (d) reducing and eliminating contamination of watersheds and water-related eco-systems by substances such as radiation, harmful chemicals and human excreta; (e) ensuring that proposed developments do not interfere with access to adequate drinking water; (f) monitoring water reserves; (g) reviewing actions that may impinge upon water availability such as climate changes and desertification; (h) response mechanisms for emergency situations; and (i) appropriate institutions to carry out the strategies and programmes.

21. The obligation to *fulfil* can be disaggregated into the obligations to *facilitate*, *promote* and *provide*. The obligation to *facilitate* requires the State to take positive measures to assist individuals and communities to enjoy the right. The obligation to *promote* obliges the State party to take steps to ensure that there is appropriate education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage. The State party should also take steps to directly *provide* adequate drinking water, or the means for its acquisition, where individuals or groups are unable to realize the right for reasons beyond their control.

International Obligations

22. Articles 2.1, 11.1 and 23 of the Covenant require that States parties recognize the essential role of international cooperation and assistance and take joint and separate action to achieve the full realization of the right to drinking water.

23. International cooperation requires States parties refraining from actions that interfere, directly or indirectly, with the enjoyment of the right to drinking water in other countries. Any activities undertaken within the State party's jurisdiction, such as non-navigational uses of watercourses, should not deprive another country of the ability to realize the right for persons in its jurisdiction.**(16)**

24. Steps should be taken by States parties to prevent third parties, resident or registered in their jurisdiction, from violating the right to drinking water in other countries. Where States parties can take steps to influence other third parties to respect the right, through legal or political means, such steps should be taken in accordance with the United Nations Charter and applicable international law. States parties should also facilitate the provision of assistance (including technical advice, financial assistance and water resources) to the maximum of their available resources to other countries. In disaster relief and emergency assistance, priority should be given to Covenant rights, including the provision of adequate drinking water. International assistance should be provided in a manner that is consistent with the Covenant and other human rights standards, and sustainable and culturally appropriate.

25. States parties should refrain from imposing, directly or indirectly, on another country embargoes and other similar measures that prevent the supply of water goods and services essential for securing the right to drinking water. (General Comment No. 8).**(17)** Water should never be used as an instrument of political and economic pressure.

26. With regard to the conclusion and implementation of other international agreements, States parties should take steps to ensure that these instruments do not adversely impact upon the right to drinking water. Agreements concerning trade liberalization should not curtail or inhibit a country's capacity to ensure the full realization of the right.

27. States parties should ensure that their actions as members of international organizations take due account of the right to drinking water. Accordingly, States parties that are members of international financial institutions, notably the International Monetary Fund, the World Bank, and regional development banks, should take steps to ensure that the right to drinking water is taken into account in their lending policies, credit agreements and other international measures of these institutions.

Minimum obligations

28. All States parties have an immediate obligation to ensure satisfaction of, at the very least, the minimum essential level of the right to drinking water (see General Comment No. 3). The minimum essential level includes water indispensable for the prevention of dehydration and disease. The Committee recalls General Comment No. 3 (para.12) that asserts that even in times of severe resource constraints, vulnerable or marginalized groups must be protected by the adoption of relatively low-cost targeted water programmes.

29. Before any action that interferes with an individual's right to drinking water is carried out by the State party, or by any other third party, the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and which comprises: (a) opportunity for genuine consultation with those affected; (b) timely and full disclosure of information on the proposed measures; (c) reasonable notice of proposed actions; (d) legal recourse and remedies for those affected; and (e) legal assistance for obtaining legal remedies (see also General Comment No.4 and No.7). Where such action is based on a person's failure to pay for drinking water their capacity to pay must be taken into account. Under no circumstances shall an individual be deprived of the minimum essential level of drinking water.

III. VIOLATIONS

30. To demonstrate compliance with their general and specific obligations States parties must establish that they have taken the necessary and feasible steps towards the realization of the right to drinking water. In accordance with international law, a failure to act in good faith amounts to a violation of the right.⁽¹⁸⁾ While it is not possible to specify a complete list of violations in advance, a number of typical examples relating to the levels of obligations, emanating from the Committee's work, may be identified:

31. Violations of the obligation to *respect* include *inter alia*: (a) arbitrary or unjustified disconnection or exclusion from water services or facilities; (b) disproportionate or discriminatory increases in the price of water; (c) pollution and diminution of water resources affecting human health.

32. Violations of the obligation to *protect* include *inter alia*: (a) failure to enact or enforce laws to prevent the contamination and inequitable extraction of water; (c) failure to effectively

regulate and control water services providers; (d) failure to protect water distribution systems (e.g., piped networks and wells) from interference, damage and destruction.

33. Violations of the obligation to *fulfil* include *inter alia*: (a) failure to adopt or implement national strategies, policies and laws designed to ensure the right; (b) insufficient expenditure or misallocation of public funds resulting in the non-enjoyment of the right; (c) failure to monitor the realization of the right at the national level; (d) failure to take measures to reduce inequitable distribution of water facilities, infrastructure and services; (e) failure to adopt mechanisms for emergency relief; (f) failure to ensure that the minimum essential level of the right is enjoyed by everyone (see para 26).

IV. IMPLEMENTATION AT NATIONAL LEVEL

34. In accordance with Article 2.1 States parties are required to utilize “all appropriate means, including particularly the adoption of legislative measures” in the implementation of their Covenant obligations. Any national measures designed to realize the right to drinking water should not interfere with the enjoyment of other human rights.

Legislation, Strategies and Policies

35 Existing legislation, strategies and policies should be reviewed to ensure that they are compatible with obligations arising from the right to drinking water, and should be repealed, amended or changed if inconsistent with Covenant requirements. **(19)**

36 States parties should adopt a national strategy or plan of action to realize the right to drinking water that: (a) is based upon human rights law and principles; (b) covers all aspects of the right and the corresponding obligations of States parties; (c) defines clear objectives; (d) sets targets or goals to be achieved and the time-frame for their achievement; (e) formulates adequate policies and corresponding benchmarks and indicators; (f) establishes institutional responsibility for the process (g) identifies resources available to attain the objectives, targets and goals; (h) appropriately allocates resources according to institutional responsibility; and (i) establishes mechanisms for monitoring the implementation of the strategy.

37. The right of individuals and groups to participate in decision-making processes, that may affect their exercise of the right to drinking water, must be an integral part of any policy, programme or strategy concerning water.

38. States parties may find it advantageous to adopt framework legislation to operationalize their right to drinking water strategy. Such legislation should include: (a) targets or goals to be achieved and the time-frame for their achievement; (b) the means by which the purpose could be achieved; (d) the intended collaboration with civil society, private sector and international organizations; (e) institutional responsibility for the process; (f) national mechanisms for its monitoring; and (g) remedies and recourse procedures.

39. The work of human rights advocates and other members of civil society who assist in the realization the right, particularly for vulnerable or marginalized groups, should be respected, protected, facilitated and promoted by the State party.

Indicators and Benchmarks

40. States parties are obliged to monitor effectively the realization of the right to drinking water. To assist the monitoring process, indicators and benchmarks should be identified in the national water strategies or plans of action. Indicators and benchmarks should address the different

components of adequate drinking water (sufficiency, safety, affordability, and accessibility), be disaggregated by the prohibited grounds of discrimination, and cover all persons residing in the State party's territorial jurisdiction or under their control. States parties may obtain guidance on appropriate indicators from the ongoing work of WHO, FAO, UN-Habitat, ILO, UNICEF, UNEP and UNDP. In monitoring progress towards the realization of the right, States parties should identify factors and difficulties affecting the implementation of their obligations.

41. During the periodic reporting procedure the State party and Committee will select the indicators and benchmarks to be reviewed at the next consideration of the State party's report. The Committee will then consider whether the benchmarks have been achieved and the reasons for any difficulties encountered. (See General Comment No.14, para. 58).

Remedies and Accountability

42. Any persons or groups who have been denied their right to drinking water should have access to effective legal remedies (See General Comment No. 9 (para. 4) and Principle 10, Rio Declaration (**20**)). The Committee notes that the right has been constitutionally entrenched by a number of States and has been subject to litigation before national courts. All victims of violations of the right to drinking water should be entitled to adequate reparation including restitution, compensation, satisfaction or guarantees of non-repetition. National ombudsmen, human rights commissions, and similar institutions should be permitted to address violations of the right. Individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties.

V. OBLIGATIONS OF ACTORS OTHER THAN STATES

43. United Nations agencies and other international organizations concerned with water, such as WHO, FAO, UNICEF, UNEP, UN-Habitat, ILO, UNDP, and IFAD, should cooperate effectively with States parties, building on their respective expertise, in relation to the implementation of the right to drinking water at the national level. The international financial institutions, notably the International Monetary Fund (IMF) and the World Bank, should take into account the right to drinking water in their lending policies, credit agreements, structural adjustment programmes and other development projects (see further General Comment No. 2). The incorporation of human rights law and principles in the programmes and policies by international organizations will greatly facilitate implementation of the right.

VI. THE WATER DIMENSION OF OTHER COVENANT RIGHTS

44. Simply realizing the right to drinking water does by no means exhaust the array of States parties' obligations arising under the Covenant with respect to water. The Committee recognizes that water is essential for the realization of all other Covenant rights. This includes, *inter alia*,

aspects of the right to food, the right to health (including environmental hygiene) and the right to work.

45. The right to adequate food entitles an individual or group to secure the water necessary for the production of food to ensure, at least, freedom from hunger, where there is no alternative to securing essential foodstuffs for the population concerned.(21)

46. Environmental hygiene, as an aspect of the right to health under Article 12.2(b) of the Covenant, encompasses taking steps on a non-discriminatory basis(22) to prevent threats to health from safe and non-toxic water conditions. For example, States parties should ensure that natural water resources are protected from contamination. Likewise, States parties should combat harmful substances and microbes, including malaria and dengue, that are present in water sources or stagnant water in, or proximate, to human living environments.

47. Furthermore, the right to work includes access to a minimum amount to safe and sufficient water needed to obtain an adequate livelihood by work (Arts. 6 and 11 of the Covenant), particularly when no alternatives are available. The Committee wishes to emphasize the role that water resources play in the traditional modes of securing a livelihood, particularly for indigenous peoples and other marginalized or vulnerable groups in society, and that “in no case may a people be deprived of its own means of subsistence” (Art. 1(2) of the Covenant).

48. States parties should take steps to ensure that water resources are made available for the attainment of these Covenant rights, particularly the minimum essential level of each right, according priority to vulnerable and marginalized groups.

Notes

1. See paragraphs 5 and 32, General Comment No. 6.

2. See General Comment No. 14 (paras. 11, 12(a), 12(b), 12(d), 15, 34, 36, 40, 43 and 51).

3. See respectively General Comment No. 4 (para. 8(b)) and the Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler, submitted in accordance with Commission on Human Rights resolution 2001/25, E/CN.4/2002/58, [and forthcoming report to GA].

4. Article 14.2(h), Convention on the Elimination of All Forms of Discrimination Against Women (1979); Article 24.2(c), Convention on the Rights of the Child (1989); Articles 20, 26, 29 and 46, Geneva Convention III (1949); Articles 85, 89 and 127, Geneva Convention IV (1949); Articles 54 and 55, Additional Protocol I of 1977; Articles 5 and 14, Additional Protocol II (1977); Preamble, Mar Del Plata Declaration of the United Nations Water Conference (1977); Paragraph 18.47, Agenda 21, Report of the United Nations Conference on Environment and Development (1992); Principle No.3, The Dublin Statement on Water and Sustainable Development, International Conference on Water and the Environment (1992); Principle No.2, Programme of Action of the United Nations International Conference on Population & Development; Paragraphs 5 and 19, Recommendation Rec (2001) 14 of the Committee of Ministers to Member States on the European Charter on Water Resources; and Promotion of the Realization of the right to drinking water, Sub-Commission on Human Rights resolution 2001/2. Principles relevant to the right to drinking water have been recognised in Paragraph 9, Final

Declaration, International Conference on Water and Sustainable Development, Paris, 1998; Paragraph 5(d), World Summit for Children Plan of Action of 1990; New Delhi Statement, Global Consultation on Safe Water and Sanitation of 1990; Paragraphs 92, 93, and 106, Beijing Platform for Action (1995); Secretary-General, Progress made in providing safe water supply and sanitation for all during the 1990s, Commission on Sustainable Development, 8th Session, 2000; and UN Convention of the Law of Non-Navigational Uses of Watercourses (1997).

⁵. In 32 of 120 concluding observations issued between May 1993 (8th session) and November 2001 (27th session), the Committee commended, or expressed concern, as to steps taken with regard to water.

6. The Revised Guidelines for Reporting by States Parties requires provision of information on access to basic housing amenities such as water facilities and access of population to safe water disaggregated by urban and rural areas: ECOSOC, Official Records, 1992, Supplement No. 3 (E/1992/23). See General Comments No. 4 (para. 8(b)), No. 6 (paras. 5 and 32); No. 8 (para. 3 and 5); No. 13(6(a)) and No. 14 (paras. 11, 12, 15, 34 36, 40, 43 and 51).

⁷. WHO, The Global Water Supply and Sanitation Assessment 2000, Geneva, 2000, at p.1.

⁸. UN, Commission On Sustainable Development, Comprehensive Assessment Of The Freshwater Resources of the World, Report Of The Secretary General, New York, 1997, at p.39. 8A. Household sanitation means the disposal of human excreta and other waste from the household.

⁹. Washing includes bathing and the cleaning of household and personal items. Hygiene includes personal and household hygiene.

¹⁰. [See forthcoming WHO publication in August 2002.]

¹¹. The Committee refers States parties to WHO, *Guidelines for drinking-water quality*, 2nd ed. Volumes 1 –3 (WHO, Geneva, 1993) that are “intended to be used as a basis for development of national standards”:

¹². Household includes a permanent or semi-permanent dwelling, or a temporary halting site.

¹³. See respectively General Comment No. 4 para. 8(b), General Comment No. 13 para. 6(a) and General Comment No. 14 paragraphs 8(a) and 8(b).

¹⁴. See Article 29, Geneva Convention III; Article 85, Geneva Convention IV (1949), General Comment No. 4 (para 8(b)).

15. See Articles 20, 26, 29 and 46, Geneva Convention III (1949); Articles 85, 89 and 127, Geneva Convention IV (1949); Articles 15 and 20(2), UN Standard Minimum Rules for the Treatment of Prisoners (1955)

¹⁶. The Committee notes that the UN Convention on the Law of Non-Navigational Uses of Watercourses (1997) requires that social and human needs be taken into account in determining the equitable utilization of watercourses, that States parties take measures to prevent significant

harm being caused, and, in the event of conflict, special regard must be given to the requirements of vital human needs: see Articles 5, 7 and 10.

¹⁷. The Committee recalls General Comment No.8, where it noted the disruptive effect of sanctions upon sanitation supplies and clean drinking water, and that sanctions regimes should provide for repairs to infrastructure essential to provide clean water.

¹⁸. Article 26, Vienna Convention on the Law of Treaties of 1969 states that: “Every treaty in force is binding upon parties to the treaties and must be performed by them in good faith”.

¹⁹. Article 27, Vienna Convention on the Law of Treaties of 1969, that states a “party may not invoke the provisions of its internal law as justification for its failure to perform a treaty”.

²⁰. Principle 10, Rio Declaration On Environment And Development, United Nations Conference on Environment and Development, 1992, states with respect to environmental issues that “effective access to judicial and administrative proceedings, including remedy and redress, shall be provided”.

²¹. The Committee stated in General Comment No.12 that the right to adequate food includes the possibility of “feeding oneself directly from productive land or other natural resources”. The Committee notes that the Statement of Understanding accompanying the UN Convention of the Law of Non-Navigational Uses of Watercourses (1997) declared that in determining vital human needs in the event of conflicts over the use of watercourses “special attention is to be paid to providing sufficient water to sustain human life, including both drinking water and water required for production of food in order to prevent starvation”: UN General Assembly Doc. A/51/869 (11 April 1997).

22. Cf. Articles 2(2) and 3 of the Covenant.

Please send your comments to:

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