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**THE HUMAN RIGHT TO SAFE DRINKING WATER:  
A STUDY OF THE PROSPECTS FOR THE ACCESSION OF ARAB  
COUNTRIES TO THE 1992 WATER CONVENTION**

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**ABSTRACT**

The right to water expresses one of the basic rights enjoyed by the human beings, as it is called for by international conventions and the international community. Countries seek to secure it and ensure its provision to individuals and impose it at the international and regional levels as Arab countries are not immune from ensuring water security for their individuals, and for this reason, they had to unite their initiatives in light of the current challenges and work side by side to recognize this right through their accession to the 1992 Water Convention and adoption of regional agreements that unify different views. The aim of this research paper is to identify the international recognition of the human right to safe and safe drinking water, as well as the 1992 Water Convention, and their relationship to sustainable development and environmental protection, as well as the prospects and consequences of the accession of Arab countries to this Convention in order to ensure water security for their members.

**Keywords:**

human right to water,  
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## 1. INTRODUCTION

Water is one of the most important natural resources, as it is the main engine of life before it is a vital and strategic resource, in addition to its great importance in achieving sustainable water and environmental safety, and with a geographical look at the map of the Arab countries, we find that it is one of the most The impact of the limited water and the increase in water on it, especially since the nature of the Arab region is generally characterized by a mild climate and a semi-desert climate, as it saves only a little fresh water Therefore, the accession of the Arab States to the 1992 Water Convention, after its amendment in 2003, which allows the accession of States Members of the United Nations, has achieved that the Arab States ensure water security for their peoples and also work to protect their natural environment from pollution and from all environmental dangers and problems and even to achieve human security and food security.

The aim of this research paper is to identify the international recognition of the human right to safe and safe drinking water, as well as the 1992 Water Convention, which works to protect and use transboundary watercourses and international lakes and their relationship to sustainable development and environmental protection, as well as the prospects and consequences of the accession of Arab countries to this Convention in order to ensure water security for their members.

He responded to address this topic, which imposed the descriptive approach, as he addressed the human right to access safe drinking water, showed the relationship of the Water Convention to sustainable development and mentioned the effects resulting from the accession of Arab countries to the 1992 Water Convention.

In view of the right to water and as one of the basic human rights that the international community is working to guarantee to all individuals, the Arab States are obliged, like other countries in the world, to protect this right and its continuation for their peoples, and in order to work to enshrine this right, the importance of raising the following problem arises: How sufficient is the Arab States' accession to the 1992 Water Convention in guaranteeing the right of their peoples to safe and safe drinking water?

In response to the problem at hand and taking note of the issue from several different aspects, we adopted the following plan:

## 2. INTERNATIONAL RECOGNITION OF THE RIGHT TO WATER

Although water is not explicitly recognized as an independent human right in international treaties, international human rights law has specific obligations with regard to access to safe drinking water, requiring States to ensure that everyone has access to adequate safe drinking water for personal and personal use [5] [12]. These obligations also require States to progressively ensure access to adequate sanitation as an essential element of human dignity and privacy, and for States to protect the quality of drinking water supplies and resources.

### 2.1 Right to water at the United Nations

Agenda 21, adopted at the UN conference on environment and development in 1992, Referred to a number of plans of action concerning the right to safe drinking water and sanitation as human rights, and in the programme of action of the 1994 international conference on sustainable development that all persons have the right to an adequate standard of living for themselves and their families, Including adequate Food, Clothing, Housing, Water and sanitation, and the habitat agenda adopted by the United Nations conference on human settlements (habitat II) in 1996 in turkey also recognized water and sanitation as part of the right to an adequate standard of living.

In 2002, the UN Committee on Economic, Social and Cultural Rights adopted General Comment No. 15 on the right to water, which states: "The right of everyone to an adequate, safe, acceptable and accessible quantity of water for personal and domestic purposes".

In 2006, the Sub-Commission on the promotion and Protection of Human Rights adopted the Guiding Principles for the Implementation of the Right to Drinking Water and Sanitation, and UNDP emphasized that the starting point for action on water and sanitation must demonstrate that the right to water is a fundamental human right.

It should be recalled that in 2008, the Human Rights Council, in its guarantee and role in recognizing the human right to water, created the mandate of the independent expert on human rights obligations related to access to safe drinking water and sanitation in 2008 to help clarify the scope of the United Nations obligations to protect and guarantee this right.

In September 2010, the Human Rights Council affirmed that the human right to safe drinking water and sanitation derives from the right to an adequate standard of living and is linked to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity.

In July 2010, the United Nations General Assembly recognized the right to safe drinking water and safe and clean sanitation as a fundamental human right to the full enjoyment of life and the right to exercise all the fundamental rights of the human being [3] [4].

Former UN Secretary-General Kofi Annan also acknowledged the right to water: "Access to safe water is a fundamental human need and therefore a fundamental human right, and upholding the human right to water is an end in itself and a means to advance more comprehensive rights enshrined in the Universal Declaration of Human Rights, and other legally binding documents, including the rights to water, education, health and adequate housing." [1]

## **2.2. Territorial recognition of the right to water**

Although the human right to water has also been adequately protected within the framework of regional systems such as the African, Arab, European, American and Asian systems, which have recognized it and stipulated it in the conventions they have adopted:

With regard to the African system, the 1990 African Charter on the Rights and Welfare of the Child and the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa set out explicit human rights commitments related to access to safe drinking water and sanitation.

Under the American system, the Additional Protocol to the American Convention on Human Rights on Economic, Social and Cultural Rights of 1988 (Article 11/01) stipulates that everyone has the right to live in a healthy environment and to basic public services, including the right to safe drinking water and cleanliness.

Article 39 of the 2004 Arab Charter on Human Rights also recognizes the right of everyone to the enjoyment of the highest attainable standard of health, towards which States should work to provide basic food, clean drinking water for all and sound sanitation systems.

As for the European system, the 1999 London Protocol on Water and Health to the 1992 Water Convention stipulates that all States parties to the Protocol shall take all appropriate measures to provide access to drinking water and sanitation and to protect water resources used as sources of drinking water

from pollution. Emphasis was placed on the sustainable use and protection of water for present and future generations, as well as access to information and public participation in water and health decision-making, and the European Committee of Social Rights has recognized, *inter alia* [9] [6], that the right to adequate housing enshrined in Article 31 of the revised European Social Charter includes specific obligations with regard to access to Access to safe drinking water and sanitation.

The Abuja Declaration adopted at the first Africa-South America Summit in 2006, where Heads of State and Government declared that they would promote the right of their citizens to clean and safe water and sanitation within each State.

The 2008 agreement of leaders of the Asia-Pacific region, recognizing the right of people to clean drinking water and sanitation as a fundamental human right and an essential aspect of human security, although not legally binding, reflects a consensus and a political statement of intent on the importance of recognizing and realizing the right to water.

### **2.3 Right to water in international organizations**

The press announcement issued by the World Health Organization (WHO) on 27 November 2002 that the human right to water is a fundamental right to be able to live in a healthy environment and environment, which is the prerequisite for the realization of all other rights, was included as a result of the interpretation given by the United Nations Committee on Economic, Social and Cultural Rights of the provisions of the International Covenant on Economic, The 145 States that have ratified the ICCPR are obliged to progressively ensure access to safe drinking water that is fair and non-discriminatory.

In 2017, the World Health Organization issued what is known as the Drinking Water Quality Guidelines, which stated in this document that water is essential for life and must be available to all people, and these guidelines say that improving better access to safe drinking water can translate into significant benefits for health, so all efforts must be focused to reach safe drinking water to the maximum extent that guarantees this right [3] [7].

## **3. THE IMPORTANCE OF JOINING THE 1992 WATER CONVENTION**

The 1992 Water Convention is in line with the United Nations Action Plan for Sustainable Development for 2030, and therefore most of what is stated in this plan is consistent and shared with the provisions of the 1992 Water Convention in achieving common water security, and therefore the concept

of this agreement has been linked to sustainable development, and we also touched on the importance of Arab countries joining this Convention in order to protect the right to water for their peoples.

### **3.1. Definition of the 1992 Water Convention and its relationship to sustainable development**

#### ***What is the 1992 Water Convention?***

The Water Convention, known as the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, whose secretariat is hosted by the United Nations Economic Commission for Europe (UNECE), is a mechanism for promoting national measures and international cooperation for the environmentally sound management and protection of transboundary surface and groundwaters, having been originally adopted as a regional treaty, which is today a global [2] instrument. The Convention was held in Helsinki, Finland in 1992 and entered into force in 1996, in 2003 the parties to this Convention agreed to amend the Treaty to enable any Member State of the United Nations to accede to this instrument, and in 2016 the Convention officially became a legal framework for cooperation on transboundary waters available to all Member States.

The 1992 Water Convention is an agreement that does not replace specific bilateral and multilateral agreements on transboundary basins and aquifers, but rather supports the establishment, implementation and further development of such agreements and lays out the principles that form the basis for countries working together to protect and sustainably use their shared freshwater resources.

This Convention is based on 03 main pillars: prevention, control and reduction of transboundary impacts, ensuring reasonable and equitable use of water, cooperation through joint agreements and bodies, development of joint programmes and collective action plans and measures.

#### ***The relationship of the 1992 Water Convention to sustainable development***

The Water Convention is an important tool for working towards achieving the 2030 Agenda for Sustainable Development and the Sustainable Development Goals that the United Nations is working on, and with regard to cooperation in the field of transboundary waters, the Water Convention seeks to facilitate the achievement of Goal 06 (the right to clean water and sanitation), through its integrated and intersectoral approach, and in terms of its interest in preventing and reducing water pollution, as well as maintaining the balance of the ecosystem.

Because 60% of the world's freshwater flows into transboundary basins between countries, this agreement aims primarily to provide the legal framework and cooperation mechanisms to ensure the

availability of adequate quantities of clean water in a timely manner for humans, economies and ecosystems in general, and this agreement also directly supports the implementation of SDG 05 and 06, which requires all countries, including Arab countries, to work by 2030 on the implementation of management, Work under the Water Convention is therefore relevant to supporting the achievement of other sustainable development goals such as: Target 11/5 to reduce the impact of disasters such as water-related disasters, Goal 13 to include climate action through the activities of the Convention on Water and Climate Change, and Goal 16 to promote the creation of In addition to Goal 17 of establishing partnerships to achieve the Goals through the Convention's activities on integrated water resources management, and partnerships aimed at establishing cooperation in the field of transboundary water [2] [9].

### **3.2 Effects of the accession of the Arab States to the 1992 Water Convention**

Before we include the effects of the accession of Arab countries to the Water Convention, we must first ask the following question: What do Arab countries achieve as a result of their accession to the 1992 Water Convention?

The Arab States that become parties to the 1992 Water Convention shall:

- a.** The accession of Arab States to this Convention serves as an indication to other countries, international organizations, financial institutions, and other actors of their willingness to cooperate on the basis of the rules and standards of the Convention, and through their accession they also enhance their balance of respect among other actors in the international community.
- b.** Arab countries that will join this agreement can also contribute and participate in the institutional structure and decision-making mechanism of the Water Convention, leading to the enhancement of the implementation of the Convention and its further development.

The accession of the Arab States to the 1992 Water Convention also achieves:

Support the achievement of the SDGs / Join a solid global legal framework / Access to an advanced institutional platform / Improve transboundary water management / Gain recognition from the international community / Contribute to regional and international peace and security / Access to financial aid and cooperation from donors / Receive support from the community of Parties / Receive advice and share experiences in various fields / Benefit from the support of bilateral cooperation and cooperation at the level of water basins [10] [11].

#### 4. CONCLUSION

UN Secretary-General António Guterres said: "The water agreement can help countries address the global challenge of sharing transboundary water resources in a sustainable and peaceful manner, and I urge all UN Member States to join and implement this indispensable instrument".

From this point of view and in conclusion, we say that due to climate change, it is accompanied by a decrease in the availability of water resources in the long term or makes some areas more vulnerable to drought.

States parties to the 1992 Water Convention seek to work together to identify possible solutions and in 2006 they formed an ad hoc working group on water and climate to help countries adapt to climate change including floods, droughts and water scarcity, Guidance documents such as: the 2009 Guidance on Water and Climate Change Adaptation, the 2018 Guidelines, the Implementation Guide for Water-Related Disaster Management and Transboundary Cooperation; which is an official guide for the implementation of the Sendai Framework for Disaster Risk Reduction between 2015 and 2030, the Global Basin Network working on climate change (some focusing on water scarcity, others on floods), as well as regular global workshops aimed at helping Countries are developing and implementing joint adaptation strategies and sharing experiences in this area, and the UNCCD pilot projects on adaptation to climate change in transboundary basins aim to enhance the adaptation capacity of specific basins to climate change.

The accession of Arab countries to this agreement not only guarantees Arab water security, but goes beyond guaranteeing this right to achieve the 2030 Sustainable Development Goals that the United Nations seeks to achieve, as well as receiving international recognition for good faith in maintaining international peace and security, as well as receiving international support, and most importantly gaining international respect.

Among the suggestions are:

- 1) Activating the role of the League of Arab States in order to achieve Arab water security and holding it accountable for ensuring it as a regional organization that brings together all Arab countries and also that it is concerned with Arab affairs in such matters.



- 2) Intensify efforts among all Arab countries to work towards the adoption of regional charters and instruments of a mandatory nature that ensure greater protection of the human right to safe and safe drinking water.
- 3) According to the opinions of international experts and observers, the wars of the 21st century will be due to water, so it is necessary to take these views seriously and accelerate the adoption of a strategy that guarantees common Arab water security in which the right of the individual to enjoy clean, safe and healthy water free of all pollutants is realized.
- 4) Initiatives that seek to achieve international cooperation that ensures water security for Arab countries should be supported.
- 5) The role of information and awareness is an important part in maintaining water security and its continuity for present and future generations.

## REFERENCES

- [1] Bayda, A. W. A, & Sarmad Amer, A-K. (2020). The nature of the human right to water. University of Kufa, *Center for Kufa Studies*, 57, 4-11.
- [2] Algaerova, O. (2021). *United Nations Economic Commission for Europe (UNECE) Frequently Asked Questions on the 1992 Water Convention with a roadmap to facilitate accession processes to the Convention* (Geneva: United Nations).
- [3] Boukaaban, L. (2021). The relationship of the right to health with the right to water and the right to the environment - a study in international conventions and Algerian legislation. *Journal of Algerian and Comparative Public Law*, vol. 7 (No. 1).
- [4] Chakrabarti, G. (2014) Vulnerable Position of Traditional Knowledge Under IPR: Concern for Sustainable Development. *OIDA International Journal of Sustainable Development*, 7(3), 67-94.
- [5] Henry, C. (2020) The Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation: An Assessment of Its First Dozen Years. *Utrecht Law Review*, 2 (16), 33-47, 2020, SSRN: <https://ssrn.com/abstract=3809377>
- [6] Letnar C.J. (2011) Corporate Obligations Under the Human Right to Water. *Denver Journal of International Law and Policy*, Vol. 39, No. 2, pp. 303-345.
- [7] Jootaek, L., Best, M. (2017) The Human Right to Water: A Research Guide & Annotated Bibliography. Northeastern University School of Law Research Paper No. 289 <http://dx.doi.org/10.2139/ssrn.2924632>

- [8] Qahtan, A.A. (2019). International legal basis for the human right to water. *Journal of the University of Babylon for Human Sciences*, Vol. 27 (No. 5).
- [9] Romero, T. (2012) *The Color of Water: Observations of a Brown Buffalo on Water Law and Policy in Ten Stanzas* (2012). *Denver University Law Review*, Vol. 15, 329 <http://dx.doi.org/10.2139/ssrn.2209270>
- [10] Sharmila, M. (2013) *The Human Right(s) to Water and Sanitation: History, Meaning and the Controversy Over Privatization*. *Berkeley Journal of International Law (BJIL)*, 1 (31) <https://ssrn.com/abstract=2195071>
- [11] Salzman, J.E. (2022) *The Past, Present and Future of the Safe Drinking Water Act*. UCLA School of Law, Public Law Research Paper No. 22-21, Available at SSRN: <https://ssrn.com/abstract=3463976>
- [12] Verschuuren, J. (2009) *The Right to Water as a Human Right or a Bird's Right? Does Co-Operative Governance Offer a Way Out of a Conflict of Interests and Legal Complexity?.* WATER GOVERNANCE IN MOTION: TOWARDS SOCIALLY AND ENVIRONMENTALLY SUSTAINABLE WATER LAWS, Philippe Cullet, Alix Gowlland-Gualtieri, Roopa Madhav, Usha Ramanathan, eds., p. 359-387 (Cambridge University Press)

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## ABOUT THIS ARTICLE

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