

The Human Right to Water and Sustainability

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The Human Right to Water in the News

- Detroit



- Israel



- California



- Ireland



An Overview of Human Rights

- ESC vs. CP Rights
 - The Positive/Negative Rights Distinction
- Domestic Human Right to Water
 - 41 Nations with Constitutionally-Enacted Rights to Water
 - California's 2014 Human Right to Water
 - Inferred Human Right to Water - India
- International Human Rights Treaties and Water
 - UNCESC and General Comment 15
 - 2010 General Assembly Declaration
 - Optional Protocols and Enforcement



Why a human right to water?

- It puts first things first.
- It gives water policy “lexical priority.”
- It recognizes water’s centrality in other human rights concerns:
 - Immigration & Refugees
 - War & Terrorism
 - Disease & Starvation
 - Gender Inequality



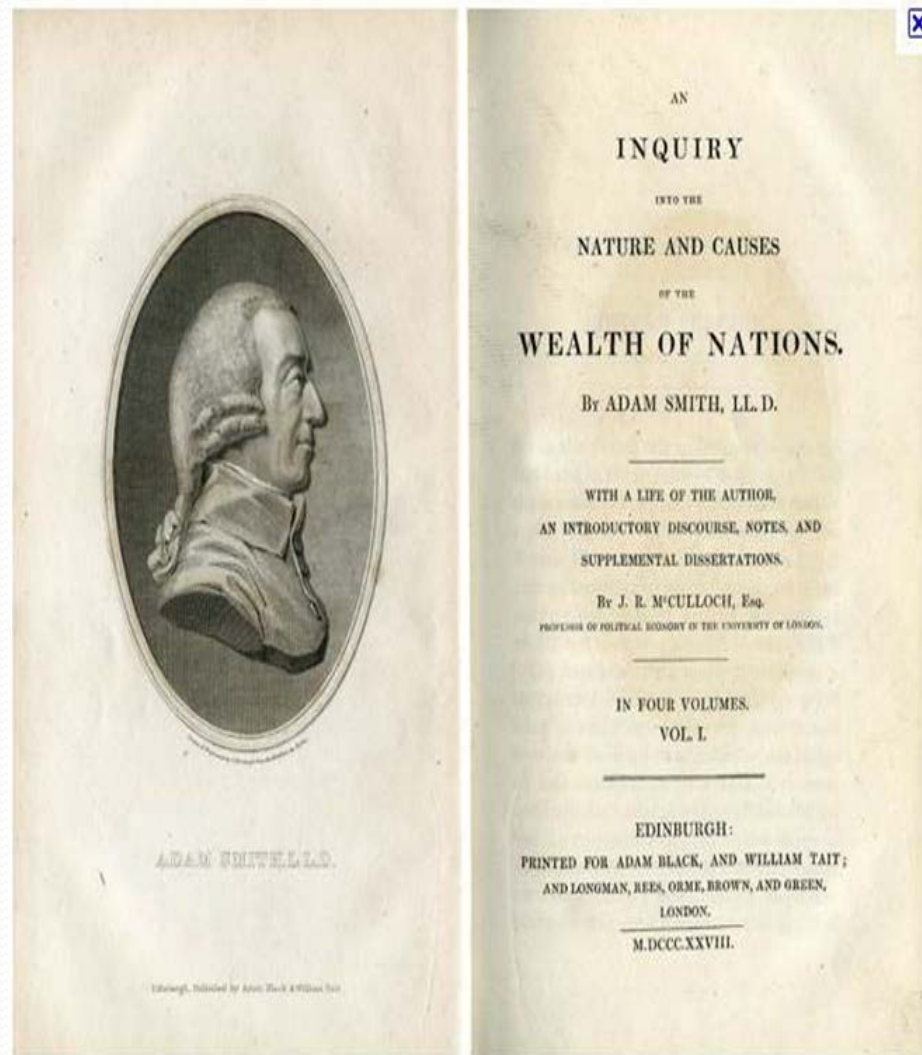
The Failure of the Human Right to Water

- David Zetland's Research
 - What does the right mean?
- The Case of India
- South Africa and the *Mazibuko Case*



Why does the human right to water fail?

- Water is different than other natural resources
 - Adam Smith's Water/Diamond Paradox
- Water provision as natural monopoly
 - Cost Recovery
 - Cost Internalization
 - Institutional Competency & Enforcement
 - Concession Contracting, Transparency, & Corruption



Can the human right to water work?

- The Right to Water vs. The Right in Water
 - Botswana and the *Matsipane* Case
- Adaptive Implementation
 - Specialized Tribunals
 - Block Tariffs
 - Directed Subsidies – the Chilean Model
 - Transparent Concession Contracts

