

Groundwater and the human right to water: Coping through self-supply

Addressing Groundwater Resilience under Climate Change

IWRA Online Conference 2020

Dr Jenny Grönwall and Dr Kerstin
Danert

Ask for *Water*
M.O.C.E.A.



GW dependence for drinking water

- ~2.5 bn ppl depend solely on GW for drinking water
- **Self-supply**: individual households' response to
 - no piped or point water services
 - inadequate services supply (intermittent, poor pressure, ...)
 - steep tariffs
 - **CC adaptation**/coping mechanism
- E.g. Day Zero, Cape Town



GW resources for realising the human right to water (2010)

Aim of study

- Explore the State's duty *to fulfil* the human right to water *through direct* water service **provision**

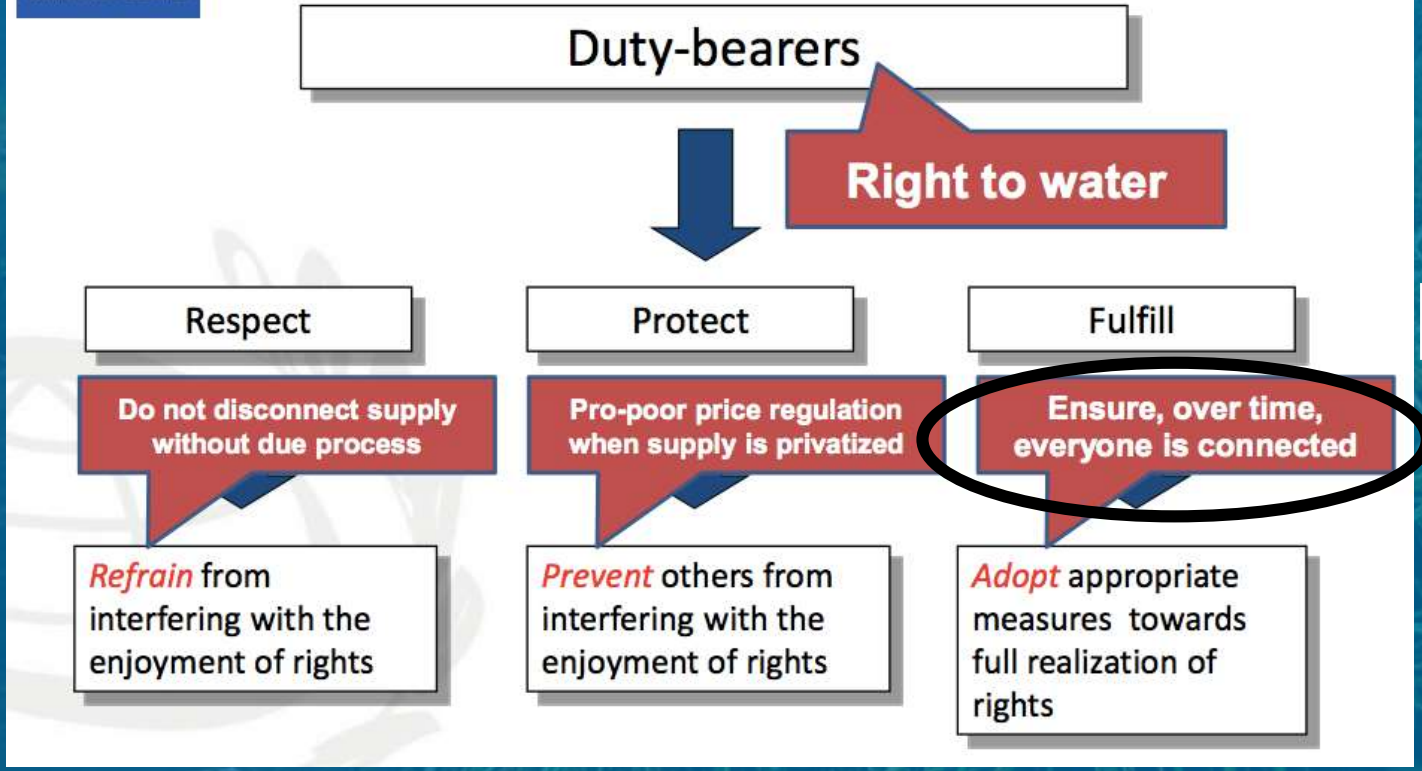
Analysis of

- international human rights law,
- key UN documents,
- national case law,
- the literature, and
- own empirical observations in the field





Human rights obligations



- Facilitate
- Promote
- Fulfil /provide

Human rights obligations w.r.t. to water



The international human rights framework stipulates that

1. **services** provision is a 'last resort' solution → HHs are **expected to provide themselves**

⇒ **GW** self-supply is a **norm**

2. In situations / environments where people

cannot reasonably be expected to have their own means at disposal

→ State needs to address by fulfilling the right (directly provide)

Duty to provide: case study

- A municipal wastewater treatment plant in Argentina malfunctioned & polluted a river
- This compromised the right-holders' access to *safe* drinking water from their wells.
- The duty-bearer – the provincial municipality – was ordered to *provide* direct assistance to those in a situation of extreme need and unable to satisfy their basic needs to safe drinking water and health
- Ordered to provide a minimum of 200 L/HH /day

Marchisio José Bautista y Otros c/ Superior Gobierno de la Provincia de Córdoba y Otros Juzgado de Primera Instancia Civil y Comercial (Ciudad de Córdoba) 500003/36. 2004.

<http://www.casi.com.ar/sites/default/files/Ponencia%20CENICACELAYA%20-%20EL%20AGUA.pdf>



The State's role is to ensure & enable

- Sustainably & resources management in the face of CC & competition
- End-users to have adequate awareness regarding if / when drinking water is safe



Thank you!

doi.org/10.3390/w12020419



Article

Regarding Groundwater and Drinking Water Access through A Human Rights Lens: Self-Supply as A Norm

Jenny Grönwall ^{1,*} and Kerstin Danert ²

¹ UNDP-SIWI Water Governance Facility, Box 101 87 Stockholm, Sweden

² Skat Foundation, Vadianstr. 42, 9000 St Gallen, Switzerland; kerstin.danert@skat.ch

* Correspondence: jenny.gronwall@siwi.org

Received: 28 November 2019; Accepted: 1 February 2020; Published: 5 February 2020



Abstract: Globally, some 2.5 billion people depend solely on groundwater to satisfy their daily drinking water needs. The reliance on this resource and its centrality to realize the human right to ‘safe’ drinking water has increased manifold, but this is yet to be fully acknowledged globally or by governments and political leaders at the national level. This paper analyses the interface of international human rights law, as corresponding to the obligations and responsibilities of different actors, regarding groundwater resources planning, management and protection. Drawing on the literature, we discuss the State’s duties to respect, protect and fulfil this right especially in relation to the freedom of end-users to self-supply from groundwater sources; the training and regulation of non-State service providers including drillers and private vendors; and health and safety concerns. Interpreting the State’s duty to ‘fulfil’ through direct water service provision ‘as a last resort’, this paper suggests that self-provision is the original norm for enjoying the right to water. This has significant implications for the State’s role in raising awareness concerning point source protection and aquifer recharge for water resources management and in decisions concerning water allocation. By ignoring self-provision, which is primarily from groundwater, the State is not only missing a tremendous opportunity but is jeopardizing the water security of future generations.

Keywords: groundwater; human rights; safe drinking water; HRWS; HRBA; self-supply; off-grid; private vendors; borehole drilling; source protection