

TOWARDS A SUSTAINABLE HUMAN RIGHT TO WATER

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TOWARDS A SUSTAINABLE HUMAN RIGHT TO WATER

Supporting vulnerable people and
protecting water resources

Daphina MISIEDJAN



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To my mother, Wilma Morsen

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¹ As a legal expert, I would however like to state that this is not an exhaustive list.

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LIST OF ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
BOG	Bureau Openbare Gezondheidszorg (Public Health Department)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
FOB	Fund for Development of the Interior (Stichting Fonds Ontwikkeling Binnenland)
GA	United Nations General Assembly
HRC	Human Rights Council
HRCCom	Human Rights Committee
IACHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IL	International Law Commission
IUCN	International Union for Conservation of Nature
IWRM	Integrated Water Resources Management
MDGs	Millennium Development Goals
OAS	Organization of American States
PAHO	Pan American Health Organization
PPP	Polluter Pays Principle
SWM	Suriname Watersupply Company (Surinaamse Water Maatschappij)
UDHR	Universal Declaration on Human Rights
UNFCCC	United Nations Framework Convention on Climate Change
UNHCHR	United Nations High Commissioner for Human Rights
UN	United Nations
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
SDGs	Sustainable Development Goals
WHO	World Health Organization
WCED	World Commission on Environment and Development

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INTERNATIONAL INSTRUMENTS

- Charter of the United Nations (adopted 24 October 1945) 1 UNTS XVI.
- Statute of the International Court of Justice (adopted 26 June 1945, entered into force 24 October 1945) 33 UNTS 993
- Universal Declaration on Human Rights (adopted 10 December 1948) UNGA Res 217 A (III)
- International Convention on the Elimination of All Forms of Racial Discrimination (adopted 7 March 1966, entered into force 4 January 1969) 660 UNTS 195.
- International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.
- International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.
- Optional Protocol to the International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171
- Stockholm Declaration on the Human Environment Report of the United Nations Conference on the Human Environment (Stockholm 5–16 June 1972) (16 June 1972) UN DocA/CONF. 48/14.
- Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85.
- Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.
- Convention on the Law of the Non-Navigational Uses of International Watercourses (adopted on 21 May 1997, entered into force 17 August 2014)
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (adopted 10 December 2008, entered into force 5 May 2013) UN Doc A/RES/63/118.

REGIONAL INSTRUMENTS

- American Declaration on the Rights and Duties of Man (adopted 2 May 1948) OAS Doc OEA/Ser.L.V/II82. Doc. 6 rev. 1.
- African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217.
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (adopted 17 November 1988, entered into force 16 November 1999) OASTS 69.

NATIONAL INSTRUMENTS, DOCUMENTS AND CASE-LAW

ARGENTINA

- Constitution of the City of Buenos Aires
- Asociación Civil por la Igualdad y la Justicia c/ Gobierno de la Ciudad de Buenos Aires Cámara de Apelaciones en lo Contencioso Administrativo y Tributario (Ciudad Autónoma de Buenos Aires) 18 July 2007115

BANGLADESH

- Constitution of Bangladesh
- Environmental Conservation Act 1995
- Environmental Conservation Rules 1997
- Rabia Bhuiyan v. Ministry of LGRD and others, Appellate Division (Civil Appeal no 118 of 1999), 27 August 2005.

BOTSWANA

- Constitution of the Republic of Botswana
- Water Act of 1968
- Matsipane Mosethanyane & Others v The Attorney-General of Botswana High Court decision MAHLB-000393-09

COLOMBIA

- Political Constitution of Colombia
- General Environmental Law of Colombia

COSTA RICA

- Political Constitution of the Republic of Costa Rica
- General Law on Safe Drinking Water
- Mining Code

SOUTH-AFRICA

- Constitution of the Republic of South Africa
- City of Johannesburg Metropolitan Municipality Water Services By-Laws

- Water Services Act 108 of 1997
- National Water Standards Regulations, Government Gazette no 22355, Notice R509 of 2001
- Regulations Relating to Compulsory National Standards and Measures to Conserve Water
- Mazibuko and Others v City of Johannesburg and Others (Centre on Housing Rights and Evictions, Amicus Curiae) Constitutional Court of South Africa (CCT 39/09) [2009] ZACC 28; 2010 (3) BCLR 239 (CC); 2010 (4) SA 1 (CC) 8 October 2009

INDIA

- Constitution of India
- Vellore Citizens Welfare Forum vs Union Of India & Ors on 28 August, 1996
- Perumatty Grama Panchayat v State of Kerala High Court (Kerala) on 16 December 2003
- Subhash Kumar v State of Bihar and others Supreme Court on 3 October 2012

SURINAME

- Wet van 4 december 1906, betreffende het verlenen van concessies en vergunningen tot het gebruik van domein en voor de aanleg en de exploitatie van werken van openbaar nut als t.b.v. andere doeleinden
- Wet van 29 november 1915, tot vaststelling van een Politiestrafwet
- Wet van 27 december 1929 tot vaststelling van bepalingen omtrent het oprichten van inrichtingen, welke gevaar, schade of hinder kunnen veroorzaken
- Wet van 2 oktober 1931 tot uitvoering van het Regeringsreglement van Suriname, betreffende waterschappen
- Koninklijk besluit van 22 februari 1938 no. 41, houdende verbodsbepalingen met betrekking tot watervergaarplaatsen in Paramaribo en voorschriften inzake verplichte aansluiting aldaar aan de waterleiding
- Wet van 3 april 1954, houdende voorzieningen tot bescherming en behoud van de in Suriname aanwezige natuurmonumenten
- Wet van 7 december 1972, tot regeling van de handel in en het gebruik van bestrijdingsmiddelen
- Grondwet van 1975
- Decreet van 8 mei 1986, houdende algemene regelen omtrent de opsporing en ontginning van delfstoffen
- Wet van 29 juni 1989, houdende regels betreffende de inrichting en de bevoegdheden van de Regionale Organen
- Wet van 18 september 1992, houdende voorzieningen met betrekking tot het bosbeheer, alsmede de bosexploitatie en de primaire houtverwerkingssector
- Ontwerp wet van, houdende regels voor duurzaam milieumanagement (Milieuwet)
- Ontwerp wet houdende regels betreffende de bescherming van grondwaterwingebieden
- Ontwerp wet houdende regels betreffende het onttrekken van grondwater
- Ontwerp wet houdende regels betreffende het toezicht op de drinkwaterkwaliteit van waterbedrijven

