

## TOWARDS A SUSTAINABLE HUMAN RIGHT TO WATER

This publication was made possible through the financial support provided by the Silvia W. de Groot Fund in Leiden and Stichting Schilthuisfonds in The Hague.

Human Rights Research Series, Volume 85.

The titles published in this series are listed at the end of this volume.

# TOWARDS A SUSTAINABLE HUMAN RIGHT TO WATER

Supporting vulnerable people and  
protecting water resources

Daphina MISIEDJAN



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*Distribution for Europe and all other countries:*

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*Distribution for the USA and Canada:*

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Towards a Sustainable Human Right to Water. Supporting vulnerable people and protecting water resources  
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Cover photo: © 2017 Tonie Broekhuijsen

ISBN 978-1-78068-612-7 (paperback)  
ISBN 978-1-78068-616-5 (PDF)  
D/2019/7849/23  
NUR 828

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

*To my mother, Wilma Morsen*



# ACKNOWLEDGMENTS

Education is without a doubt highly important and I am grateful to have been able to accomplish this milestone. An opportunity like this, many wish for and I wish it to be achievable for them. Especially, for those who do not always see themselves represented in academic spaces.

This Ph.D. journey required me to remain outside of my comfort zone for long periods of time. It challenged me to grow in ways I could not have imagined and brought me to wonderful places. Without the unwavering support of many this process could not have been successfully completed. I would like to express my great appreciation to them by saying thank you.<sup>1</sup>

I would like to express my sincere gratitude to my wonderful thesis advisors. Marleen van Rijswick always had an open door to discuss issues I had with my research or to just have a talk about the regular things in life. Her patient guidance and enthusiastic encouragement were very much appreciated. Antoine Buyse has been there since the beginning of my academic development and it has been wonderful to have his support and useful critique. Their expertise but also their empathy haven been inspiring and I could not have imagined having better supervisors and mentors for my Ph.D. research.

I would like to acknowledge the reading committee members: prof. mr. Karin Arts, prof. mr. Jenny Goldschmidt, prof. dr. Joyeeta Gupta, prof. dr. Louis Kotzé, prof. mr. Remco Nehmelman and prof. dr. Barbara Oomen, for their insightful comments and questions which have allowed me to be critical of my work and help further develop it for future publication.

I would like to thank Utrecht University for all the facilities they provided. The Utrecht Centre for Water, Oceans and Sustainability Law and the Netherlands Institute for Human Rights have provided me an academic home for the past years which I am grateful for. They allowed me to develop my ideas, interact with students and meet great (international) teachers. Among them em. prof. dr. Flinterman who encouraged me to write my first article and prof. dr. Prechal who mentored me during my bachelor studies.

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

I would also like to express my appreciation to my colleagues for their feedback, cooperation, stimulating discussions and humor. And I would like to thank others with whom I have had the pleasure to work with during this and other related projects.

During my research visits to Suriname many governmental institutions, organizations and individuals provided me with valuable information and experiences for the purpose of this research by opening up their doors. With special mention of Waterforum Suriname and the employees of SWM, UNDP Suriname and the Lim A Po Institute for Social Studies. A very special thank you goes out to the Silvia W. de Groot Fund for its financial contribution which financed my research activities in Suriname and also to the Stichting Schilthuisfonds for financially contributing to the publication of this thesis.

I am blessed with a very big supportive family and I am grateful to the families Morsen and Misiedjan for their curiosity about my research and their support. My aunts and uncles who stepped in when needed. My cousins who gave me sound advice and were generous with their time. My nieces and nephews who keep me grounded and were the cutest distractions and reminders that, sometimes, you just have to sit down and play.

I thank my friends for their understanding and support. Especially my sister friends for their Sisterhood. Having them stand beside me and sometimes behind me to give me a nudge was highly appreciated.

And finally, words cannot describe how grateful I am to be able to share this milestone with my mother, Wilma Morsen. This Ph.D. journey is as much hers as it is mine and for this reason this book is dedicated to her.

Thanks for all your encouragement!  
Grantangi!



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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

