

Sustainable River Basin Management
Dr. Franziska Steinbruch
Department of Civil Engineering
Indian Institute of Technology, Madras

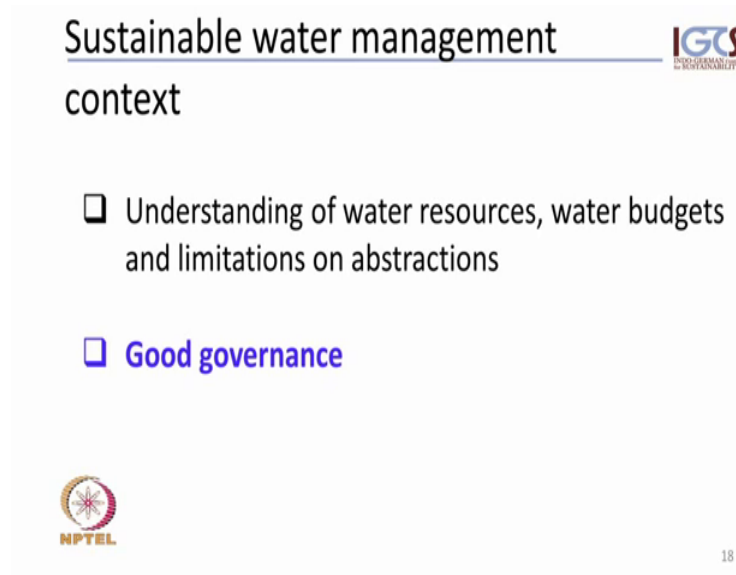
Module 3-1


Lecture - 20

Part – 05


Welcome everybody back to Sustainable River Basin Management, module three - one, part five. In this last part of part one of module three, I want to talk about water governance.

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Sustainable water management context 

- Understanding of water resources, water budgets and limitations on abstractions
- Good governance**

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Let us look into the context of this. We are talking about sustainable water management and this means, that we have to look into understanding water resources, water budgets and the limitations on abstractions. But, we also have to look into good governance and this is what we would be focusing on now.

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Good Governance Indicators 

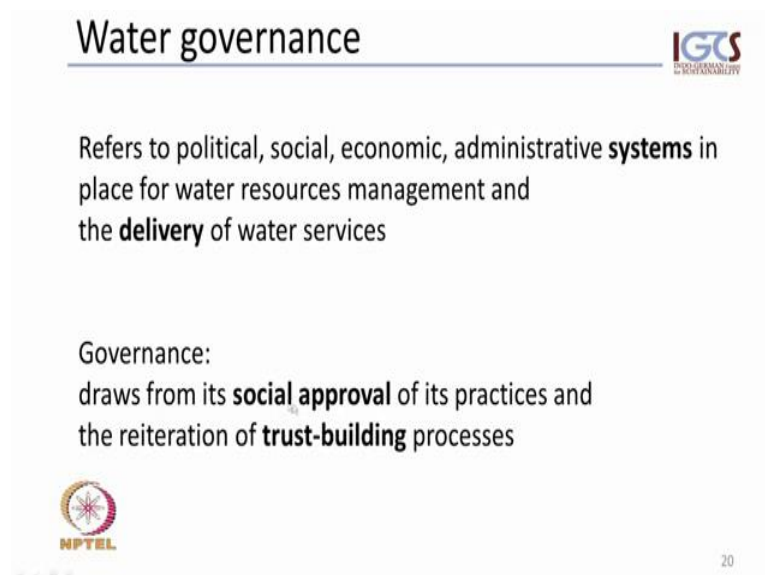
Governance is measured against:


- Participation
- Transparency
- Equity
- Effectiveness and efficiency
- Rule of law
- Accountability
- Coherency
- Responsiveness
- Integration
- Ethical values

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Good governance indicators, those are used to measure governance and compare the practices of one region with practices in another region. And what indicators are: the participation, transparency, equity, the effectiveness and efficiency, the rule of law, the accountability, the coherency, responsiveness, integration and ethical values. We will be going into some of those in detail and we will touch upon many of those at later parts in our, of our course.


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Water governance 

Refers to political, social, economic, administrative **systems** in place for water resources management and the **delivery** of water services

Governance:
draws from its **social approval** of its practices and the reiteration of **trust-building** processes

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Now, let us just define water governance. Water governance refers to a political, social, economic and administrative system, which is in place for water resources management on one hand side and it also refers to the delivery of water services. Now, keep in mind

that governance draws from its social approval of its practices and it does not come out automatic. It builds on the reiteration of trust building processes. So, governance, water governance, just on its own will fail if this, these two points are not met.

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Water Governance - Challenge

- **Competing interests** of various levels of government and state sectors often inhibit river basin management
- Water development authorities or legal mechanisms **appeal to engineers** and entrench other authorities or politicians in the hands of large hydraulic bureaucracies (“white elephant projects”)
- Number of organizations and **stakeholders** getting involved with water management in a river basin increases as basin stress increases
- **Integrity and Accounting** in water resources management receives least attention

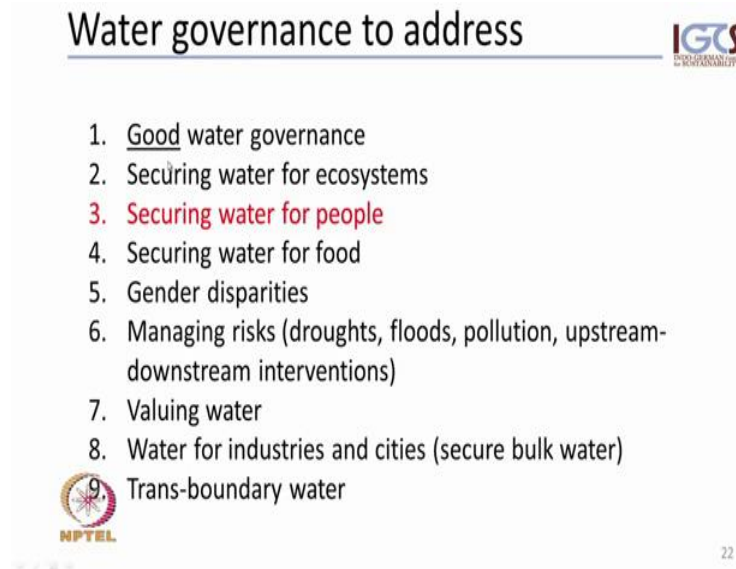
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Now, what are the challenges in the water governance? Very often, we see competing interests at various levels of government and state sectors, which efficiently inhibit river basin management. So, there may all the institutions be in place, but the interests are not coming together. Also, we see water development authorities or legal mechanisms, very often appealing to engineers, which on the other side entrench authorities or politicians in the hands of large hydraulic bureaucracy. And what the outcome way of is so called white elephant projects. You may have a few in mind when you hear or read this for yourself. Very often politicians are made believe, that it is a large engineer solution, we can, a large scale engineering solution. We can actually solve a number of problems just on them, just in one step and without actually understanding the range, the scale and the range of impacts associated with such large projects.

Another challenge in water governance is, that we want to and we require stake hold of participation, but the number of organizations and stakeholders getting involved with water management in river basin increases, our basin stress increases. And we will come back to this at a later state again when we talk about water allocation. But this is a matter of fact which puts participation on to a very pressurized agenda, ways and solution, how to deal with the stakeholder participation or special equations under these conditions.

The final challenge on water governance is, that the integrity and accounting in water resources management receives the least attention. Although water projects involve huge capital cost, huge investments, a lot of money goes into these projects. Their accounting integrity very often lags very much behind the size of these projects.

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Water governance to address

- 1. Good water governance
- 2. Securing water for ecosystems
- 3. **Securing water for people**
- 4. Securing water for food
- 5. Gender disparities
- 6. Managing risks (droughts, floods, pollution, upstream-downstream interventions)
- 7. Valuing water
- 8. Water for industries and cities (secure bulk water)
- 9. Trans-boundary water

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Now, water governance should address obviously a number of things and I am listing this in order of priorities. This means, first place is highest priority, second is for the second level priority and so on. And on the, what would be the first important priority is, that it should be good water governance, it should not be any type of governance, some system utilizes, it should be a good water governance.

The second in this quite interesting also is, that it should address securing water for ecosystems. This before the third comes, which is securing water for people. We have been talking about this before and we will come back on this prioritization again along the course. The fourth on this is securing water for food and then, we come to fifth and so on, which is gender disparities.

It should be able to manage risks. It should, such risks could be droughts, floods, natural resources. It could also be pollution, it could be an upstream, downstream intervention. It should value water, it should make sure, that water for industries and cities is available. In that case, we speak of ways of securing pipe water, pipe water supply and trans-boundary water issues should be a test. So, this is the order of priorities for good water governance.

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Basic Water Needs 

Basic water needs – a human right

- **Access to water** is linked to sanitation, and linked to health and education, and ultimately to living quality
- More people die of consequences of polluted water than of any violence, disaster or war.


According to WHO:
between 50 and 100 litres of water per person per day are **needed** to ensure that most basic needs are met and few health concerns arise

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Now, we are moving into a one very specific issue of water governance on securing water for people. We have to talk about basic water needs and while talking about basic water needs, we automatically also speaking about human right and I am going to explain this now. The access to water is linked to sanitation and by this link it is linked to health and also linked to education and through this chain of linkages it is ultimately linking access to water, to living quality. Now, just to remind us, that more people die of the consequences of polluted water than of any violence, any disasters or any wars going on, on our planet. Now, according to the world health organization a person needs between 50 and 100 liters of water per day to ensure that the most basic needs are met. And that only few health concerns potentially arise. So, this is what is needed, what is being determined by this estimate of liters per person per day.

Many countries have set their own minimum requirements, which could be very much below that or could be just above like in the case of rural India, where this is being defined to 55 liters per day per person. Now, let us look into the linkage and try to understand that linkage between basic water needs and the human rights.

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Linkage: Basic water needs – human rights 

Access to safe drinking water is a precondition to enjoy those recognized and legally established human rights, such as:

- Right to education
- Right to housing
- Right to health
- Right to life
- Right to work,
- Protection against cruel, inhuman or degrading treatment or punishment

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Access to safe drinking water is a precondition to enjoy the rights, which human rights and which are recognized and legally established worldwide. And those rights are, for instance, the right to education, the right to housing, right to health, right to life, right to work and also the protection against cruel or inhuman or degrading treatment or punishment. So, all of those are a precondition, required as a precondition access to safe drinking water. So, and for that reason we link water provision to basic water needs to human rights. Let us look into the human rights aspect to water in the case of India, which probably is most interesting to you.

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Human right to water - India 

“The right to ‘pollution free water’ and the right of access to ‘safe drinking water’ has been read as a part of ‘Right to Life’ under Article 21 of the Constitution of India.”

“.. there is a judicially evolved fundamental right to water, such a right is not explicitly incorporated under the constitution of India.” (while e.g., primary education is!)

(Videh Upadhyay (2011) Water Rights and the ‘New’ Water Laws in India. In: India Infrastructure Report 2011.)

Human right to water not to be confused with *Water rights*

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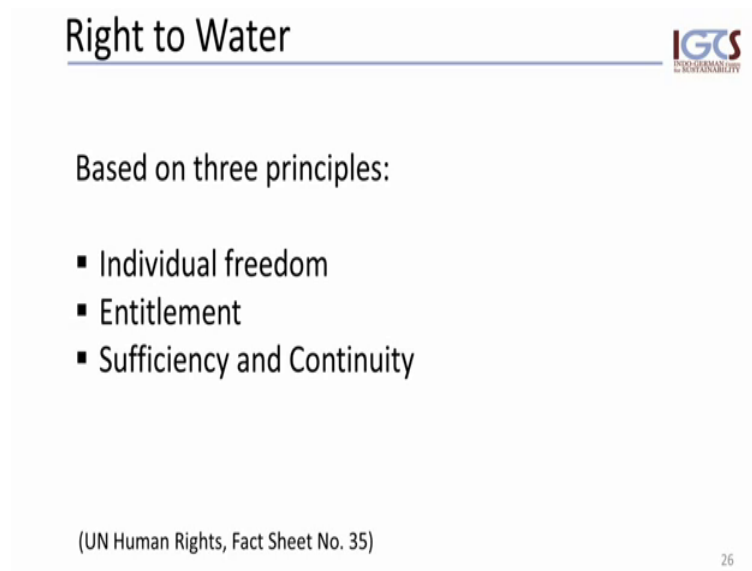
What is important is to keep in mind, that we are not confusing human right to water,


with the term water rights, and we have talked about water rights earlier. Also, we come back to this later again. So, both are two different things. And I am quoting from this report here, the India infrastructure report of the year 2011, where the statement is, summary is given on human rights aspects of water that states, the right to pollution free water and the right of access to safe drinking water has been read as a part of right to life under article 21 of the Constitution of India. So, this means, it is being interpreted in such a way, that there is a basic right to pollution free water or in substitute of pollution free water as a basic right to safe drinking water.

However, there is a judicially evolved fundamental right to water. So, it is a right that by its interpretation has evolved, but it is not explicitly incorporated under the constitution of India. And this is quite interesting to note because something like primary education has been explicitly incorporated into the institution as a, as a right, as a part of a human right.

So, this puts the human rights to water discussion on a, on a, on a case by case decision and in some of the cases where water, public water services maybe failing, it can actually not be specifically targeted because it would be a failure of the stage on government authority in itself. So, that is an important part to keep in mind.

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Right to Water 

Based on three principles:


- Individual freedom
- Entitlement
- Sufficiency and Continuity

(UN Human Rights, Fact Sheet No. 35) 26

Let us look at the right to water from a more, let us say, global perspective. You should get hold of more detail, more reports also from the UN human rights division. There is a specific division on that, which also has elaborated papers on rights to water. And what

has been worked out, that there are three basic principles, the principle of the individual freedom, the entitlement and the sufficiency and continuity.

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..Right to Water 

Individual freedom:

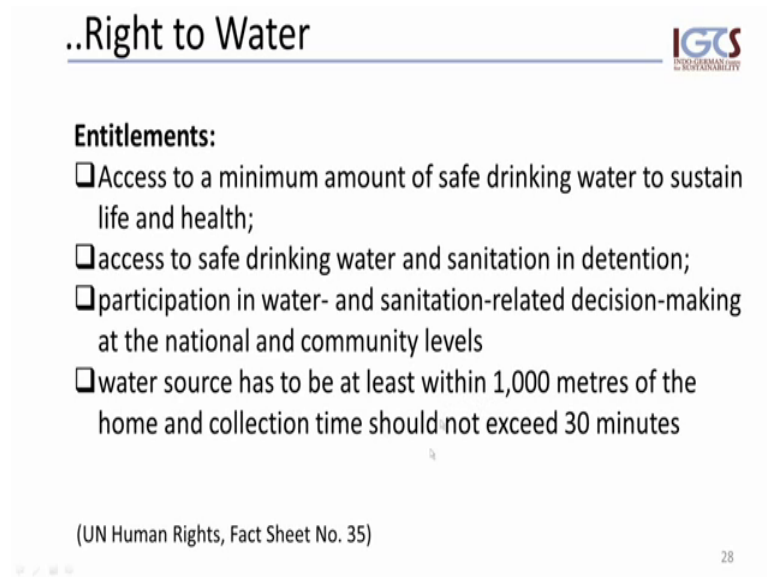
- Protection against arbitrary and illegal disconnections;
- prohibition of unlawful pollution of water resources;
- non-discrimination in access to safe drinking water and sanitation, e.g. on the basis of land or housing status;
- non-interference with access to existing water supplies, especially to traditional water sources; and
- ensuring that personal security is not threatened when accessing water or sanitation outside the home


(UN Human Rights, Fact Sheet No. 35) 27

What is meant by those? This is the individual freedom, we mean, the protection against arbitrary and illegal disconnections, disconnections. The prohibition of unlawful pollution of water resources, the non-discrimination in access to safe drinking water and sanitation. This is especially on the base of land, land ownership or housing status, the non-interference with access to existing water supplies.

This especially to traditional water sources and ensuring, that personal security is not threatened when we access water or sanitation outside the home. So, this in many parts of the world is not automatically given and governments are working on these components individually and although they may not specifically be outlined and discussed as a right to water, they are actually part of it.

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..Right to Water 

Entitlements:

- Access to a minimum amount of safe drinking water to sustain life and health;
- access to safe drinking water and sanitation in detention;
- participation in water- and sanitation-related decision-making at the national and community levels
- water source has to be at least within 1,000 metres of the home and collection time should not exceed 30 minutes

(UN Human Rights, Fact Sheet No. 35) 28

Let us look into the entitlements. What is meant by this? We mean access to a minimum amount of safe drinking water to sustain life and health. We also mean access to safe drinking water and sanitation in detention. This is, remember, one of the human rights on this issue. The participation in water and sanitation related decision making at the national and also at community levels and the access, availability of water source, of water source within less than 1 kilometer from a home or, and the collection time should not exceed 30 minutes.

So, this combines two things, one is the distance to the nearest water source could be a public or could be a tap, a tank or ((refer Time: 15:56)) and also the collection time as such. So, although distance and time may relate, there might be also the collection time associated with queuing, standing in a queue, wait for the water, wait for tanker or lorry to arrive, wait for others to fill their, their containers before you which all count under the collection time in itself independent from the distance to the water source.

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The slide is titled '..Right to Water' and features the IGCS logo in the top right corner. The main content is under the heading 'Sufficiency and continuity:' and consists of four bullet points, each starting with a square checkbox. The terms 'sufficient', 'acceptable', 'accessible', and 'affordable' are highlighted in red. Below the bullet points is a right-pointing arrow followed by the text 'rights-based approach to water management'. At the bottom left, it says '(UN Human Rights, Fact Sheet No. 35)' and at the bottom right, the number '29' is displayed.

..Right to Water

Sufficiency and continuity:

- Water supply for each person must be *sufficient* and continuous to cover personal and domestic uses
- Water for personal and domestic uses must be safe and *acceptable*
- Water and sanitation facilities must be physically *accessible*
- Water services must be *affordable* to all

→ rights-based approach to water management

(UN Human Rights, Fact Sheet No. 35)

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The third part on the right to water and principles to sufficiency and continuity, water supply for each person must be sufficient and continuous to cover personal and domestic uses. So, this is very specific. What is basic need, personal and domestic uses? The water for personal and domestic uses must be safe and acceptable. Water and sanitation facilities must be physically accessible and water services must be affordable to all.

I have marked some of these terms, sufficient, acceptable, accessible, affordable and you may be wondering already, who actually defines this, how is this being set out and who decides what is affordable, what is accessible and what is sufficient. And this requires a legislation and it does not only require legislation, a water legislation, it should be following rights based approach to water management.

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Rights-based approach to water management

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A rights-based approach is:

- a conceptual framework for the process of human development
- normatively based on international human rights standards
- operationally directed towards promoting and protecting human rights

Principles are:

- Express linkage to rights – e.g. food security, sanitation
- Access to information
- Accountability – e.g. in water allocation
- Empowerment
- Participation
- Non-discrimination and attention to vulnerable groups

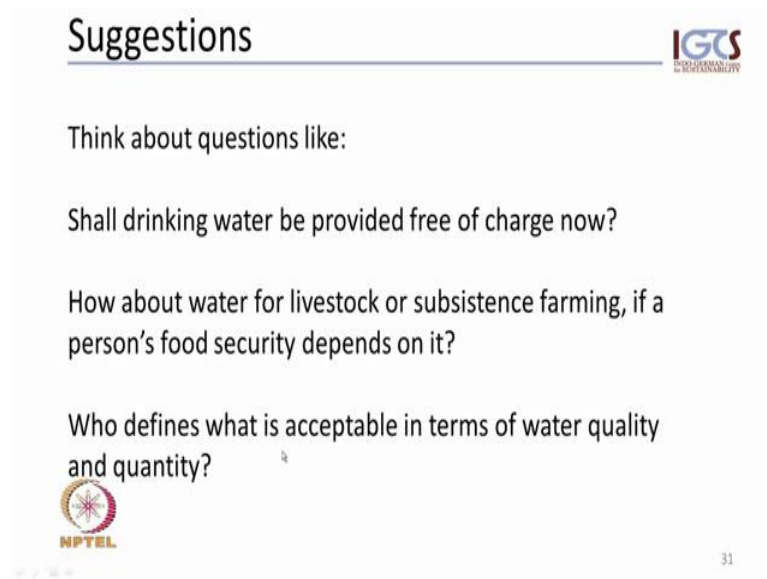
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What do we mean by rights based approach to water management? It is a framework, it is a conceptual framework for the process of human development. So, this is important. It focuses on human development on inclusion. It is a, it is normatively based on international human rights standards means, that it is a, it is an orientation and it uses the international standards.

Also, I am taking my example especially from these human, from international reference institutional organizations so that to show what the global perspective is, although countrywide, nationwide on a regional place, other conditions may apply. And they maybe more respected or they may be less developed or there maybe gaps in it and for that reason, the general orientation is the international standards on these and it is operationally directed towards promoting and protecting human rights. This means, that is not automatically in place, also not automatically enforceable, not at all. It simply towards a promotion and towards a production of human rights.

Now, the principles for this right spaced approach to water management is to express linkages to these rights. For instance, the link to from access of safe water to food security to sanitation as an example. And other principle to this is access to information, accountability, for instance, in terms of water allocation, how decisions are made on prioritizing water, who gets water at what time, what quantities, for what purposes and what quality, that should be, that should be a mechanism to understand and communicate this. It is based on the empowerment, the participation of stakeholders and non-discrimination and especially attention to vulnerable groups.

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Suggestions 

Think about questions like:

Shall drinking water be provided free of charge now?

How about water for livestock or subsistence farming, if a person's food security depends on it?

Who defines what is acceptable in terms of water quality and quantity?

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Now, the suggestions that I have for you to take home from this module are as follows. You should think about questions that probably have come up to you already, which I am not readily answering to you, because I want you to read more about this. For instance, question could be, shall drinking water be provided free of charge now? After all the things that I have been talking about is that the consequence of it.

How about water for livestock or for subsistence farming, if for instance a person's household food security depends all on it? How does it play into these basic water needs and the human rights issues related to this? Who actually defines, what is acceptable in terms of water quality and quantity. And you may have more questions, and I strongly suggest you to get into the literature and read more about this to get a clear understanding of the water governance and especially the basic water needs discussion.

Thank you for your attention and I will see you next time again.