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Using the Human Right to Water as an Entry Point for a Comprehensive Water Ethics

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The human right to safe water and sanitation ("Right to Water") expresses an ethical value that has broader implications beyond the value itself. In this paper I invite you to explore the value implications of the Right to Water discourse. I will suggest that just as the American conservationist, John Muir, noted that "When we try to pick out anything by itself, we find it hitched to everything else in the Universe," so too when we explore the Right to Water from a values perspective, we will find it connected to the entire field of water ethics.

In the language of the UN resolution, the right to water is defined as "access to safe drinking water and sanitation, encompassing two meanings of "safety": (1) in the sense of hygiene; drinking water and sanitation infrastructure and practices that are hygienic and protect water sources from becoming contaminated, and (2) in the sense of personal safety; drinking water and sanitation facilities that reduce the risk of sexual violence, particularly to women and girls.³

Whether or not the human right to water and sanitation is formalized into national constitutions or enforceable laws, the underlying moral logic still holds that safe water is necessary for human survival and therefore people have a right to water (and sanitation) just as they have a right to life itself. Pollution standards need to be respected not only for legal reasons, but for ethical reasons as well, to avoid harm or even death that could otherwise result from toxic chemicals in drinking water supplies.

Recognizing the human right to water and sanitation as a fundamental ethical principle within the domain of human rights provides an entry point for developing a new paradigm for decision-making about water resources, infrastructure, and sectoral water allocations. The ethical significance of this UN-recognized expansion of human rights is not only that every person has a right to access safe water and sanitation. That is only the tip of the proverbial iceberg. There is a whole other level of ethical significance. Bringing water access into the category of a human right has the effect of redefining how to think about water and how to make decisions about managing water. Water now becomes the life-giving sacred elixir whose management entails an ethical responsibility. Water decisions can no longer be based exclusively on economics, on legal systems, or even on considerations of social justice. An ethical approach to water means that natural water ecosystems also have inherent "standing". Like people, Nature also has an inherent moral right to thrive. Our ethical mandate as humans

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³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15304&LangID=E>

lies in finding ways of being eco-centric and anthropocentric at the same time. Where there appears to be a conflict between what is good for people vs. what is necessary for nature to thrive, the advice from Aldo Leopold's essay on "The Land Ethic", is to favor Nature, in the conviction that what is good for Nature will also prove beneficial to humans as well.⁴

Water Ethics Is Complicated

While the Human Right to Water can readily be categorized as a social ethic, and the principle of protecting the health of rivers falls under environmental ethics, there are still more ethical categories that, in my view, we have an ethical responsibility to consider. Our motivation for being generous to water ecosystems stems from our new understanding of our ethical responsibilities to our fellow humans (recognizing everyone's right to water) and our equivalent responsibilities to Mother Earth, our planet and the nested cascades of ecosystems that we call the natural world. Recognition that everyone has a right to water provides an object lesson that we have a duty to apply to our relationships to the natural world.

This lesson, that we have an obligation to each other and to Nature, can become a starting point for exploring how to make best (ethical) use of the ever increasing proportion of Nature's water that we extract for human use. We have to look no further than the human right to water to realize that the institutional mechanisms that societies have devised to govern water use cannot be based on convention because those conventions have not worked. We are extracting water at unsustainable rates, even as water quality is being relentlessly degraded by toxic chemical waste and plastics, and global climate change is undermining the impact of technological response measures aimed at increasing the productivity of water.

Rather than looking for "magic bullet" solutions to doing more with less water, we should first apply the lesson from the Human Right to Water experience and approach water decisions as inherently moral choices that demand careful and creative inquiry about the "Why" questions of water use. Water is too precious to be used without first considering the ethical implications of the intended use.

Agriculture accounts for 70% of global freshwater use, so it makes sense to question agricultural practices and strategies if our goal is to ensure that water is being put to best ethical use (Brelet and Selbourne 2004). Whatever the intended use for water, whether for manufacturing computer chips, or processing copper ore, or supporting aquatic biodiversity, the human right to water reminds us that water is a commons. Using water for fracking will practically preclude using that water for anything else; similarly using water to irrigate maize represents a choice to use that quantity of water for that particular purpose rather than some other use. How can we assess whether our chosen use for that water is an ethical choice?

An Ethical Matrix for Water Use

The table below depicts types of water use along the left-hand column (y axis), and five categories of values along the x-axis. Within each of these water management cells, there are choices to be made. Hindu adherents in India want to protect the Ganges River (cultural-ecosystem cell), so they form alliances with environmental NGOs (environmental-ecosystem)

⁴ Leopold, Aldo 1970 [1949]. *A Sand County Almanac*. Oxford University Press, New York

and city leaders (social-urban cell) to protect the river from over use by agriculture and hydropower (Ag/industrial-economic cell). Mapping out the competing values implicit in competing water demands clarifies the issues and helps identify not only dangers of conflicts but also opportunities for consensus and maybe even synergies.

Table 1 Domains of water use (left) and types of values (top)

Types of Values					
Types of Water Use	Environ.	Social	Cultural	Governance	Economic
Ecosystems	X	X	X	X	X
Agriculture	X	X	X	X	X
Urban/domestic	X	X	X	X	X
Industrial	X	X	X	X	X
Energy	X	X	X	X	X
Cultural/Spiritual	X	X	X	X	X

In the real world there are no clear lines separating these categories; they spill into each other often within a single thought: “We need to protect the economic services of wetlands” simultaneously invokes environmental and economic values. Along with exploring diverse categories of value, the boundaries and connections among these categories are important. It is the interactions that can be most interesting for bridging conflicts and finding creative solutions. Additional types of values could also be distinguished, such as spiritual values, psychological values, and aesthetic values. In certain contexts these or other types of values could be important to consider. For example, in addressing the pollution of the sacred Yamuna River in India, it is difficult to imagine a type of value that is *not* relevant (Haberman 2006).

A Water Ethics Framework

Analyzing or “reflecting” on water values can be facilitated by a framework that focuses our reflection on particular domains or categories, and on the interactions across value categories. This process of ethical reflection helps in sorting out the values and deciding which are most or least important. But ethical reflection aims higher than merely establishing value hierarchies; it aims towards action: What values are we expressing through the ways we use water? The water ethics framework presented here is taken from my book, *Water Ethics: A Values Approach to Solving the Water Crisis* (Groenfeldt 2019) and from the draft Global Water Ethics Charter (Ziegler and Groenfeldt 2017). This framework is constructed around five value categories in the context of water:

- *Environmental values*—Values about the health and welfare of fish, wildlife, rivers, wetlands, aquifers, and the whole water-linked ecosystem;
- *Economic values*—about not wasting resources and finding least-cost solutions; applying water to its most productive uses; and recognizing economic values embedded

in other kinds of values, like ecosystem services of the river and the tourism potential of water recreation.

- *Social values*—Values about equity and social justice (not shutting off the water service for poor families that have no income; not situating the uranium mine in Indian country just because it's easier to get a permit there) as well as values about social benefits from water: safe water and sanitation; healthy rivers and wetlands; the social benefits of a robust agricultural economy that depends on secure water for irrigation.
- *Cultural values*—Spiritual values about rivers and springs, whether a special spring like Lourdes or every river in Australia, which are all sacred to Australian First Nations; emotional and aesthetic benefits from walking along a river, kayaking on it, or swimming or fishing in it, and our relationship to water bodies as part of our place-based cultural and personal identities.
- *Governance values*—Values about who should be involved in decisions about new water investments or policies, and the institutional architecture for making those decisions at multiple levels.

These values are relevant not only to direct water decisions (e.g., how much water should go to irrigation) but also to the “values-chain”, the values advanced through the way that the irrigation water is used and the crops produced. What agricultural practices does the irrigation water support? Are the farm workers adequately compensated (social values)? Are pesticides impacting the groundwater (environmental values) or drinking water (social values)? Do the crops grown enhance cultural identity? Nutrition? Environmental services? Do the soil management practices sequester carbon (CO₂ offsets) and capture water? The ethical ripple effects can be far-reaching, extending to consumer health, economic security, and personal and planetary well-being.

In addition to the five value categories we can distinguish four general principles: (1) Precaution (We should approach this interconnectedness between humans and nature with an attitude of humility and adopt the fundamental principle of precaution to guide our management interventions.), (2) Water as a commons (We all depend on water and have a shared responsibility for its management), (3) Intergenerational justice (We have a responsibility to all future generations to be good stewards of their water today) and (4) Knowledge and education (We have a moral obligation to generate knowledge about water in all its aspects and attend to the governance of that water knowledge). We can also distinguish between describing the ethics already in place (descriptive ethics) versus advocating for the ethical principles one finds desirable (prescriptive ethics). A second distinction is between preventative ethics, which focus on what we should NOT do (Don't pollute!) and aspirational ethics, which focus on what we would like to see happen (Restore the river!).

Finally, there is an over-riding “meta ethic” about water governance that borrows from the field of medical ethics, where the practice of ethics related to medical decisions has become the expected and often legally mandated practice. The meta-ethic for water goes something like this: Since water is fundamental to life itself, decisions about how water is managed and governed should be guided by ethics. It is, in effect, unethical to make major decisions about water that do not consider the ethical implications. We have a moral responsibility to treat water decisions with serious attention, and ethics needs to be part of that attention.

Conclusions

The 2010 UN General Assembly vote to recognize access to water and sanitation as a human right marks an inflection point in international water policy standards. Whereas the prevailing philosophy of Integrated Water Resources Management (IWRM) was marked by the application of economic and rationalist logic to water decisions (such as whether or not to build a dam), the recognition of water access as a human right brought in a new dimension of human rights and, without being named as such, ethics. The reason that the human right to water made intuitive sense to the UN membership was neither economics nor law, but ethics. It is our ethical duty to ensure that everyone has safe water to drink. Yes, an economic argument can also be made, but in this case it is not necessary; ethics provides a more powerful reason to do the right thing.

Now the challenge is to apply a broader set of ethical values to water decision-making and attend to the environmental, cultural, governance and economic values as well as the social values. As fundamentally social creatures, we are predisposed to recognize our responsibilities to other people. Can we also learn to give the same importance to other water values and to natural water ecosystems?

References

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