

THE EFFECTS OF ENVIRONMENTAL GLOBALIZATION ON WATER RESOURCES: IN SEARCH OF THE HUMAN RIGHT TO WATER*

MARIA F. ZARAGOZA-MARTÍ
Institute of Geography, University of Alicante, Spain

ABSTRACT

The logic started with the Industrial Revolution, which has reached its maximum expression with market globalization, is implacable on a global scale. We coexist with climate change, with the ozone layer hole, with biodiversity loss and a dwindling of energy resources, with difficulties to match social cycles to economic ones, with new pathologies associated with lifestyle and with the progressive decline in the urban environment. One of the sectors where more damaging effects take place is water resources, as this turning into a source of war, political and legal conflicts, since they are scarce, especially in those countries where access to water is not guaranteed. Thus, thanks to an eminently legal methodology and from the perspective of the new water culture, the main objective of such a study is to know the regulatory status of the right to water and to sanitation at an international level, as a driver for ecodevelopment and sustainable economy in cities. In light of the results, no legal and State-binding regulation may currently be found that guarantees universal access to water and sanitation on an equal footing and with no discrimination. As such, the moment has come to recognize the right to water as a basic human right for individual and social development and for urban economics, as an essential precondition for the development of other human rights. This is to be done with an international, cooperative and legally-binding action that will answer to wake-up call regarding the global effects of the modern economic growth on the environment in general, but especially on natural resources.

Keywords: human right, right of water, ecodevelopment, sustainable economy, climate change, natural resources.

1 INTRODUCTION

One of the most significant initiatives that form part of the European Union Strategy 2020 is to get Europe to use resources efficiently, with the general objective of promoting intelligent, sustainable and integrationist growth in all its fields and resources. In particular, it is intended to favour an economic-conceptual change, in which not only the economic aspect is taken into account, which is based on the paradigm of domination where man has dedicated himself to mining and consuming natural resources from his surroundings, until they even run out, but also that the environmental area is included, to therefore create a circular economy based on optimizing *stocks*. That is to say, where the products, the materials and the resources are kept for as long as possible in the economy to therefore maximize efficiency in the resources and reduce the amount of waste that they produce.

But to reach these high levels of evolution it is first necessary to effectively guarantee that the citizens of the modern *Smart Cities* have universal access to the vital natural resources to live their life in complete quality, security, quality and protection. This is especially important at the moment due to the extreme situation that our habitat is in, as a result of it rapidly deteriorating, with an alarming loss of natural and environmental resources on a world scale, which calls for an urgent international response in order to avoid greater repercussions than those that are currently being observed in our environment. This situation is especially

*ORCID: <https://orcid.org/0000-0003-3912-0395>



obvious in the area of the water resources throughout the world, as new areas are being affected by desertification and the existing ones are getting bigger, the phreatic zone of the groundwater is getting smaller, the Colorado River and the Yellow River frequently dry up before they reach the sea, Lake Chad, the sixth biggest in the world, has lost 90% of its surface area [1] and together with the climate change phenomena the consequences of this are getting worse, if this is at all possible: the combination of the low precipitation levels and the high levels of evaporation in different regions results in a decrease in the amount of water in the rivers, lakes and aquifers. These changes in the climate will alter temperatures and precipitation and consequently, the water resources of the regions where these changes occur will also change [2]. This highlights the importance of water usage on a socio-economic level, especially in areas where the resources are scarcer, as they are extremely vulnerable in view of possible climate changes, and it is more difficult to detect the associated effects of this in the water cycle as a result of the high level of human intervention and the drastic water variability [3].

In view of this, nowadays it is very important to guarantee and be able to accurately detect access and the use of the resources and especially, to guarantee access to drinking water and sanitation as being a fundamental human right that is or must be to save our own existence. Because a right is only real when it is universal and it can be enjoyed by everyone at a certain moment of time in history, which is associated with the democratization of technology as a new north in favour of a concept of citizenship that includes all human beings and guarantees their quality of life [4]. We must therefore, find a solution together that enables us to change the nature of the paradigm, where the objective is not to dominate our environment, but rather to become familiar with it, understand it, to therefore continue getting supplies from it, but without spoiling it until we exterminate it; that is to say, use it in a sustainable way, as the modern ecologist, political, social, cultural and economic movements demand.

As Meadows stated 1968 we have to raise the 'awareness of the ecological crisis', because even today we still don't have a really effective environmental policy that guarantees the conservation and the preservation of the natural resources of our environment and in particular, the water resources [5]. The water crisis has a major role in our survival and that of our Planet, and it is one of the reasons for the biggest geopolitical conflict of the 21st century [6], seeing as it is not only a problem concerning the shortage of water but also a crisis about how to manage water resources. Consequently, the growing concern about the use, management and the governance of the water resources is so obvious that the governments, aware of the economic and strategic importance of these resources, include them in their political agendas. There are numerous causes of the ecological break down that our society is having to deal with, which affects the satisfaction of such basic needs like the supply of drinking water and the proper sanitation. An all-round and incorporating approach is required to manage the water and sanitation [7], especially because our rivers, aquifers, wetlands and lakes are much more than simple water storage facilities [8].

In short, in the global world in which we live today, the close relationship that exists between climate change, the environment and water has been proven, and it is necessary to include the word ecological, from the context of sustainable development, within the definition of international order where the analysis must be carried out and a solution must be found for this situation. This prompts us to reinterpret article 28 of the Universal Declaration of Human Rights (UDHR) based on one of the strongest cases that relates environmental issues with Human Rights and in this way there wouldn't be 1200 million people without access to drinking water, 2600 people without sanitation and 2400 million people without decent sanitary conditions [9].



2 ECO-ECONOMIC CONSEQUENCES OF GLOBALIZATION

The water resources have an essential role in the everyday development of Humanity, given that they unite, inform and educate about the very important role of water worldwide, on a governmental, local and municipal level, seeing as it affects extremely important aspects such as the economy, the environment, and energy security, the distribution of food or social decision making. Moreover, States and Governments have the huge responsibility of guaranteeing the proper use and protection of these resources on behalf of all the social groups, entities and individuals on the Planet.

This matter is now very popular in the media due to the consequences arising from the already incipient global climate change, although it is a problem that has practically existed since water resources first started to be controlled, when it was considered to be an economic asset, but its cultural, social and cohesive values were ignored.

Considering the modern sustainable development principle, preserving health and the conservation of the good ecological condition of the rivers, lakes and wetlands is equally as necessary and it must be guaranteed by the public, local, regional, national and international authorities, seeing as the right to have the land and its ecosystems in good condition in terms of conservation is essential for the survival of communities, because they directly and closely depend on the resources that they live off every day [10]. It is part of the environment in which they exercise the rights and confirm their status as human beings.

But the economic growth and development model that favours the current globalization phenomena is only exacerbating the problem about the management and planning of the globalization of water. To be precise, globalization is causing what is known as “*environmental dumping*”, that is to say, globalization produces contamination and leads to the overexploitation of rivers, aquifers, lakes and wetlands, which weakens the ecology, for very specific reasons, such as: mass water level drawdown, drastic change in the natural systems and the disruption in the continuity of the river habits caused by the large dams, sediment collapse in the dams and the subsequent alteration in the flow of solids, the drainage and the drying-up of a good part of the wetlands, which hinders its purifying decontamination and water flow adjustment, mass deforestation with the corresponding erosion and the impact of such on the water cycle and the quality of the waters, drainage channel construction projects, as well as the occupation of large floodplains in the natural domain of rivers with the corresponding consequences on the biodiversity, the flows of nutrients and the quality of the volumes of water, among others [11].

Fortunately, thanks to the Stockholm Declaration today it is clearly based on a fundamental principle, which is that man has a fundamental right to freedom, equality and the enjoyment of suitable life conditions, in a quality environment in order to live a decent life and enjoy well-being, along with the obligation to protect and improve the environment for today’s generations and those of the future. That is to say, if we start associating or uniting the idea of sustainability with the idea of development this means that limits have to be established for the first time on economic growth. In view of this, using the concept of sustainability only arises when it is clear that economic growth with which it is associated gives rise to resources being consumed at a rate that does not allow them to regenerate themselves in enough time to be able to continue enjoying the environment in which we live indefinitely. That is why a change in the political and economic structures is required, one that focuses on a more rational and efficient use of the raw materials and energy in the interests of making society more sustainable, converting the existing State structures and their development and well-being policies. That is to say, the idea of sustainable development involves determining economic growth in compliance with the ecological, economic and social dimensions of sustainability [12].



Consequently, the full enjoyment of the human right to have water and therefore, the proper management of water resources must be based on the development of the principles of equity, solidarity and of course, sustainability. This means that the new management, planning and development models of the water policy must rise to the challenge of the economic rationalisation that the new community standard establishes, although with a change of perspective in which the ethical-social values and the intergenerational ethical and environmental functions are included, as the Earth Charter demanded in relation to a new governability based on ethical principles of sustainability, equity and participatory democracy, which are also typical of the new economic paradigm and the new water culture.

3 ESTABLISHING THE LEGAL OBLIGATION TO ENSURE THE RIGHT TO WATER

Due to the pressing and alarming situation concerning the exploitation levels of the resources of our environment, autonomous and independent regulations are now needed for each of these, even though they would be complemented by the rest, seeing as they are part of the same natural life cycle of the Planet. Indeed, the international community is gradually coming up with legal solutions to the new and existing water and environmental issues, sometimes together, but also separately and individually. Accordingly, now an appeal is being made to establish the “access to the drinking water and sanitation as an inherent human right”, of all human beings.

Through the history of mankind, water has always been considered to be an essential resource for life [13], it has even been surrounded by a certain mysticism such as for example, in the book of Genesis (Genesis 1:2) it is stated that the Spirit of God was hovering over the face of the waters; or in the Greco-Roman culture, where Venus-Aphrodite was born of sea-foam or even in the Muslim tradition, the Quran recalls that “We separated them and made from water every living thing?” (Quran 21:30). All the ancient statements about the importance of water for human life corroborate the universal awareness of the supreme value of water as a factor to attain the most basic levels of human spiritual and material development. But it seems that these origins have now been forgotten or have been lost.

Currently and due to the lack of a regulatory standard that underlines and protects the cultural, social, legal and even health-related value (the WHO points out that 80% of the diseases in developing countries are due to the lack of clean water and proper sanitation and that half of the hospital beds in the world are full of patients who have diseases related to the lack of clean water), that water has always been an essential element for the proper development of man, it saves his life (seeing as the human being is 80% water) and it is a revitalizing element that promotes social and economic development. There are many more alarming figures such as those shown in the UN reports, where millions of people die each year because they don't have access to this resource, another so many millions of people, the majority of them children and women, are seen to have their most basic rights infringed upon (health, education, personal safety, ...) when they have to go kilometres and kilometres to actually get water to take back to their communities or water becomes the source of social and political conflict, which has already occurred in areas of South America.

That is why new movements are being formed by the citizens themselves to demand a legally binding regulatory standard from the constituents for the States, so that this resource is protected and universal and equal access to it is guaranteed for everyone and so that it is included in the select list of the rights of man.

In this sense, initially water was only indirectly controlled through the essential structure of other rights that were specifically acknowledged as being human rights in the Universal Declaration of Human Rights, in article 25.1 when it states that: “*Everyone has the right to*



a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing.” In this article, even though there is no specific mention of water, the broad interpretation is that it is one of the elements that is essential for an adequate standard of living, in the sense that drinking water is part of the general right to an adequate standard of living, and it is an inherent part of the right to food (see the report from the UN Special Rapporteur Jean Ziegler, 2002), of the right to health and the right to housing [14]. Therefore, the right to water clearly fits in the category of guarantees that are essential to ensure an adequate standard of living, especially because it is one of the key factors for survival.

In spite of finding a *vis extensiva* in the UDHR, this is a non-binding regulatory text; hence a suitable legal framework still has to be found to acknowledge the human right to water. Globally, the first of the conferences that highlights how important it is to protect the environment, which includes the elements that it are part of it-water being one of them-, is the United Nations Conference on the Human Environment held in 1972, which focused on reversing the incipient effects that human activities were having on the environment. Five years later, UN Conference on Water was held in Mar del Plata, which was more specific in view of the concern for the decreasing water resources around the world, in which it was agreed that all nations, whatever their stage of development and economic and social conditions, are entitled to the quantity and the quality of drinking water that is suitable for their basic needs. Notwithstanding this, the water resource was still considered to be an economic concern related to the distribution of resources and not from the point of view of rights.

Between the 1980s and the 1990s the paper titled Decenio Internacional del Agua Potable y el Saneamiento Ambiental (International Drinking Water Supply and Sanitation Decade) was issued, new decisions were taken on the planning and the use of water resources, that is to say, work continued on water from the economic point of view, and the resource was understood as being an indispensable element of the environment. However, it was still considered as being an independent element for which a specific legal regulation could be drawn up.

After this decade, the scientific-institutional concern focused on reducing the number of natural disasters and through the different measures taken the point of view of the States gradually changes, because although in some far-off way and without forgetting about water as an economic resource, the States realise that the different aspects related to water or which affect it, need to be studied and controlled, and not only as part of the environment, but also as an element that after the gradual repercussions of climate change on the environment, call for a more detailed and independent regulation. So little by little, the areas increase in which standards for water need to be established, such as in the International Conference on Water and the Environment of 1992, in which the shortage and the abusive use of freshwater was highlighted for sustainable development, to protect the environment and the ecosystems, for industrial development, food safety, health and the well-being of humans; or in the Earth Summit, through which the Agenda 21 was adopted, and governments agreed to develop and use the water resources in such a way that priority was given to satisfying basic needs and preserving the ecosystems.

After the International Conference on Population and Development of 1994 water starts to be included specifically, in its action plan it is obvious that the intention is to “ensure that the demographic and environmental factors, along with the eradication of poverty are included in the sustainable development policies, plans and programmes to guarantee that everyone can enjoy the right to an adequate standard of living for themselves and their families, even proper food, clothes, housing, water and sanitation”. Just like the regulation



of the UDHR, adequate water and sanitation is directly taken into account as an inherent part of a correct standard of living of people, and this is without having to indirectly interpret this through other rights. In spite of this, it wasn't until 1977 with the 1st World Water Forum that technically speaking an independent regulation concerning the right to water was drawn up that focused on the concern to acknowledge the basic needs to have access to drinking water and sanitation, as well as establish an efficient mechanism for shared water management, support and the preserve the ecosystems and promote an efficient use of water.

The following year the “Manifiesto del Agua: por un Contrato Mundial” (International Global Water Contract) was issued, which highlighted the need to begin a water revolution, based on acknowledging it as a ‘vital world heritage common resource’. From that moment onwards, and through the participation of different international agents (WHO, UNICEF...), a series of Summits, Forums, Meetings were held (II World Water Forum, MDGs, Paris Summit, Dublin+10, Río+10, Social Forum in Porto Alegre, Alternative World Water Forum (AWWF), III World Water Forum, Rome Declaration, ...), together with other technical reports from UN special rapporteurs and agencies (Report on the Evaluation of the International Drinking Water. Supply and Sanitation 2002/6, UN reports on the Water Resources, Water Fort the Poor Act, Resolution 2004/6...), manage to put the spotlight on acknowledging the right to water as one of the rights of the individual, whose content is related to the basic needs of life, although unfortunately this has still not been included in any binding regulatory text.

In order to come up with a solution for this situation the General Comment No. 15 of the UN was issued. This was like a turning point in the interpretation and the definition of the right to water and adequate sanitation. According to the Comment, the right to water is defined as being the right of everyone to have enough, healthy, acceptable, accessible and affordable water for personal and domestic use. Although it might seem that it is still the same definition as that given up until then, the difference lies in the fact that the right to water is acknowledged for the first time as being an independent right, a necessary requirement to enjoy other rights such as the right to food, the right to a healthy environment, the right the environmental hygiene, the right to health, the right to proper housing or the right to life. Water is a limited natural resource and a fundamental public asset for life and health, which means that the human right to water is indispensable to live life with dignity. It is a prerequisite to enjoy other human rights. Furthermore; the Comment reiterated the fact that an adequate supply of healthy water is essential to avoid death by dehydration, to reduce the risk of diseases associated with the lack of water or dirty water, to satisfy consumption, cooking needs, personal and domestic hygiene needs.

Not only did it establish the regulatory context of the right to water, but also it is the first text through which the rights of the users are established in relation to the right to water and proper sanitation, detailing both the general and specific obligations that States are expected to assume and guarantee that they will be complied with, such as the rights and the duties of users, whether it is on an individual level or within a group. Notwithstanding this however, what seemed at the time to be a complete innovation is now obsolete, seeing as the needs associated with this right are growing faster than the evolution of the protection that the right must give it, especially when the different States have to take action to provide this protection. Years later different Comments were issued, the most important of them all was made in 2010, through which the universal nature of the human right to water is acknowledged and the right to drinking water and sanitation is acknowledged as being an essential human right to be able to live life to the full and to enjoy all human rights. It called upon the States and the international organisations to do whatever was necessary to achieve it. This resolution modifies and improves what was stated in the General Comment No. 15 because, firstly, it

includes sanitation as an inherent part of the right to water and, secondly, as it is recognised by the General Assembly, it becomes part of the international system of human rights [15].

Unfortunately, the comments are only soft law that are like guidelines for the States to help them make progress on the implementation and the improvement of the enjoyment of human rights [14]. They are legal instruments that belong to the *soft law* and, therefore, they lack the legal force of *hard law*, seeing as they contain fundamental principles on the legal water order that establish a clear standard for the State legislations to follow, but no mechanism that urges the States to comply with these obligations.

4 THE NEW SOCIAL MOVEMENTS FOR THE WATER CULTURE

Water has basic life functions, both with regard to humans and the societies in which they organise their existence and also the ecosystems that depend on it. The blue soul of this Planet is not for nothing, which means that the access to a certain amount of drinking water that is enough to guarantee a dignified life must be considered to be a human right of people and groups. This is because, apart from giving life to humans, water is also a basic element to support the life of the continental aquatic ecosystems.

Therefore, it is no wonder that new voices, the voices of the people are gradually being heard as they demand a new water resource strategy and the acknowledgement of water as a human right with new more sociable and humanitarian approaches to water and water management, in order to guarantee that everyone has the adequate access to it without having to infringe upon the rights that they are entitled to as human beings. This continual development and growth of these demands and social movements has resulted in the appearance of the so-called New Water Culture, which is basically the humanistic management of water. It incorporates the long dialectical history between the human being and freshwater, expressed through a rich world of symbolisms, perceptions, feelings, arts and cultural expressions, sometimes universal and other times local. It includes the greatness of natural beauty, entertainment and sensuality. It acknowledges the rights of the generations to come and it demands that everyone has the right to use the rivers. It introduces the aesthetic and cultural dimension because it understands that the rivers are the depositories of symbolisms and evocation that belong to the world of values and given its distinct nature they cannot be subject to the law of markets.

The New Water Culture is a type of perception/management that believes that not everything is acceptable, that the end does not justify the means and that the water technology and the power to intervene in the natural environment don't have any limitations, but they do have a moral limit. This means that not everything that can be done using technology is actually legitimate [16]. Hence, the New Water Culture can be understood as being a change of paradigm in favour of environmental, economic, social and cultural sustainability, which focuses on an ecosystematic factor and not only water as heritage, through the active participation of the solidarity that joins together the latest claims of society in general in its core. It is used to pioneer the Human Right to Water, as it highlights the 'other values' of water that are not heritage and it interrelates them with the basic elements of the human rights of the previous generations. Consequently, the moment has come when our patrimonialist idea about rivers and aquifers inspired by the evaluation of water as a simple economic resource has to change to accept the ethical notion dominated by the principle of intergenerational equity with a strict justice approach [17].

The origins of the New Water Culture can be found in a group of strategies that were publicised in the European Declaration for a New Water Culture, signed in Madrid in 2005 which proposes, as a general objective, a cultural change based on cultural diversity through which the heritage of the memory and the rich symbolism that water has had for human



beings since time immemorial can be recovered, incorporating new values and perspectives that introduce the paradigm of sustainability, because for the new water culture a river is a feeling, it is memory heritage, it is natural well-being, it is invaluable recreation and evocative power, elements that are fundamental to the land through which it flows, it is part of the very essence and not just simple volumes of flowing water and liquids.

The strategic approach of this new vision of water is included in the belief that water resources are heritage of the biosphere, so they must be run by the communities and public institutions to guarantee equitable and sustainable management. This school of thought states that the existing water model, based almost exclusively on the management of the supply, is totally untenable in all dimensions, seeing as it is dominated by two principles: the idea that water is seen as a production factor and with certain measures it can be the basis of economic growth and that not only is water not scarce with regard to the needs of the system, but also that the main problem is encouraging the economic agents to use it. The objective of these water policies and the allocation mechanisms among the different uses has been that of making water available to potential users at low prices or even free to favour the supply to the large growing population centres and to stimulate economic activity [18], which undermines the correct concept of the right to an adequate amount of water.

Therefore, a new type of water management is needed that values it enough to satisfy the essential and most basic needs: a social value around which we organise our social and productive activity and a value of heritage, culture and history, given that water is linked to the land and it has shaped the history of our people, landscapes and uses. Therefore, it is a value of identity. This fits in with the management model of the demand where the objective of the water policy isn't to ensure low cost water to favour the productive activity of people themselves, but rather that of an efficient use not only in technical terms, but also optimum efficient economic use in the sense used by welfare economics [18].

That is to say, a change in the mentality in how water is perceived is required, to be able to make an instrumental change that helps to reduce economic costs and the environmental impact and increase the value of water as a social, ecological, economic and human asset, because the existing neoliberal globalization model has tended to exclude the social and environmental values, putting the ethical principles on the back burner and imposing the simple logic of the market [19]. Similarly, this new culture demands that the water sources are administered in such a way that every individual and every community is guaranteed free access to the quantity of water required to satisfy the basic needs of human consumption, health, hygiene and food production, which is a basic fundamental right, by incorporating the principles of equity, solidarity, sustainability, supply control, responsibility, democratic participation and transparency [20], developing the values and elements that make up the rights of the third generation where the right to water was initially included, but also interrelated with the defining elements of the first and the second generation, because although the right to water is temporarily not classified among them, undoubtedly it benefits from them, it gives them a base to carry out a suitable development of the rights included in them.

In this way, it could be confirmed that the human/fundamental right to water develops its content through principles such as the gender perspective, multiculturalism, equity, responsibility, decentralization, transparency in the management of resources by incorporating the principle of intergenerational solidarity, with a more rational and responsible use of the resources, striving to attain a democratic and social use that gets those who benefit from it to participate, namely, those who have the right to water, to be able to therefore attain a good ecological condition of the resources, which in turn protect the right of all.

Consequently, the new water culture proposes to manage the rivers, lakes and wetlands like living ecosystems, whereby the protection of the natural resources in general and of the water resources in particular is required, because only a rational and responsible use of these will favour the sustainable development and management of the water sources. This means that the old values such as universal fraternity become important, as the basis of peaceful coexistence and the balance between human beings and the environment, which will also favour citizen's participation to apply the principle, with adequate access to the necessary information to make decisions in specific areas of survival.

The demands made by this new movement try and alleviate the current situation of scarcity that is the result of a group of existing factors, which range from an obsolete concept about water that ignores the idea of the cycle, to the bad state of the agricultural and urban storage and distribution infrastructures, an old-fashioned institutional framework for the Irrigation Communities and a public administration that neglects its competences, ignoring its responsibilities, so that it doesn't have to face certain conflicts and interest groups [21]. Accepting this new paradigm of environmental sustainability involves promoting far-reaching changes in our scale of values and in our model of life, by including and demanding these in the Earth Charter and highlight the need for a new cultural approach on water management that refocuses both our social relationships with water, how it is used, and our relationship with the aquatic ecosystems.

In short, the implementation of a new water culture that acknowledges and values the ecological functions and the environmental services provided by rivers, lakes, wetlands and aquifers is now urgent and necessary, as is the sociocultural, identity-based and emotional values that these natural assets have in an ethical framework dominated by the principles of equity and sustainability. Thereby Humanity would have to face a triple historic challenge [17]:

- a) Guarantee the sustainability of the aquatic ecosystems, the aquifers, the coastal and marine ecosystems, as well as the water cycle as a whole, as the key to life in the biosphere.
- b) Promote new participatory public management models in the framework of democratic globalization that guarantee human rights and universalize the basic rights of a global citizenship.
- c) Recover our emotional relationship with water, by recovering the heritage values of beauty, enjoyment and territorial collective identities: rivers, lakes and wetlands.

This is all without forgetting, as the UNDP tells us, that "*the human rights are not optional. Neither are they a voluntary legal provision that is adopted or are abandoned according to the whims of each government; they are instead enforceable obligations that convey universal values, which governments are responsible for complying with*". This must also be accompanied by a very significant change in the structure of the traditional economy, which has proved to be incapable of taking on and including environmental values and future interests, it is a paradigm of the domination of nature in favour of another that assigns a wiser, more humble and patient scientific-technical approach, which is aware of the cycles and the functions that the dynamic balances of the biosphere have, in order to join human development with natural order [22].

5 CONCLUSIONS

Water is such as vital and essential resource. Without water there is no life, which is why it is necessary to highlight the fact that although it has arisen together with the environment, to make the most of the concept of sustainable development, the right to water has not been



established specifically in response to an ecological interest, because if a human right to water did not effectively exist the other human rights would cease to exist.

That is why the international community has started to acknowledge the right to water as being a top priority need for everyone, even though the instruments with which they work belong to the soft *law*. They are not legally binding for the States; they are only designed to be like acts of commitment or goodwill. Although the social and political claim is clear to control the human right to water, it hasn't gone any further: understanding that it is a human right, which combines the characteristic requirements of human rights with the values and the typical elements of the original rights of the first and second generation of rights are consolidated by the social ethical-ecological and distinct intergenerational solidarity values of sustainable development and those of the new social movements, but without the necessary effort and impetus that puts it in the necessary category of a real right, based on the point of view of dignity of the individual, a value that shapes us as human beings. Therefore, this problem has to be dealt with seriously, because otherwise, the future wars will be wars over water, not over land or riches, but for natural resources that are necessary for our own survival.

REFERENCES

- [1] Consortium of social and economic research, *Building citizenship: the human right to water*, Right to Health Observatory Lima, pp. 67–75, 2005. (Consortio de investigación económica y social, *Construyendo ciudadanía: el derecho humano al agua*, Observatorio de Derecho a la Salud, Lima, pp. 67–75, 2005.)
- [2] Report of the evaluation from the Intergovernmental Panel of Experts on Climate Change, 2007. (Informe de evaluación del Panel Intergubernamental de Expertos sobre el Cambio Climático, 2007.)
- [3] Garrote, L., De Lama, B. & Martin, F., Forecasts for Spain according to the latest studies on climate change, in the joint work of various authors. *The climate change in Spain and the consequences of such in the water sector*, Universidad Rey Juan Carlos y Aqualia: Madrid, p. 4, 2008. (Garrote, L., De Lama, B., & Martin, F., Previsiones para España según los últimos estudios del cambio climático, en la obra colectiva VVAA. *El cambio climático en España y sus consecuencias en el sector del agua*, Universidad Rey Juan Carlos y Aqualia: Madrid, p. 4, 2008.)
- [4] Raffin, M., For a genealogy of the human rights issue. *Revue Aspects*, **1**, p. 97, 2008. (Raffin, M., Pour une généalogie de la question de droits de l'homme. *Revue Aspects*, **1**, p. 97, 2008.)
- [5] Peña Chacón, M., Human Right to Water. *Environment & Law, Revista Electrónica de Derecho Ambiental*, **16**, p. 10, 2007. (Peña Chacón, M., Derecho Humano al Agua. *Medio Ambiente & Derecho, Revista Electrónica de Derecho Ambiental*, **16**, p. 10, 2007.)
- [6] Unesco, “Water for everyone, Water for life”, 1st UN report on the Development of Water Resources in the World, International Water Resource Evaluation Programme, 2003. http://webworld.unesco.org/water/wwap/wwdr/wwdr1/index_es.shtml. (Unesco, “Agua para todos, Agua para la vida”, I Informe de NNUU sobre el Desarrollo de los Recursos Hídricos en el Mundo, Programa Mundial de Evaluación de los Recursos Hídricos, 2003. http://webworld.unesco.org/water/wwap/wwdr/wwdr1/index_es.shtml.)
- [7] Serrano Tur, L., *Fresh Water and International Law: Water as a Common Asset and a Human Right from the Point of View of Sustainable Development*, Hygens e Institut de Drets Humans de Catalunya, Colección Lex: Barcelona, p. 173, 2014. (Serrano Tur,



- L., *Aguas dulces y derecho internacional: el agua como bien común y como derecho humano desde la perspectiva del desarrollo sostenible*, Hygens e Institut de Drets Humans de Catalunya, Colección Lex: Barcelona, p. 173, 2014.)
- [8] Arrogo Agudo, P., Water management in Spain, where do we come from, where are we going? *Water the challenge of the 21st century. Vanguardia Dossier*, **21**, pp. 110–112, 2006. (Arrogo Agudo, P., La gestión del agua en España, ¿de dónde venimos, a dónde vamos? *Agua, el desafío del S.XXI. Vanguardia Dossier*, **21**, pp. 110–112, 2006.)
- [9] Unesco, “Water, a shared responsibility”, 2nd UN Report on the Development of Water Sources in the World, International Water Resource Evaluation Programme, 2006. http://webworld.unesco.org/water/wwap/wwdr/wwdr2/indez_es.shtml. (Unesco, “El agua, una responsabilidad compartida”, 2º Informe de NNUU sobre el Desarrollo de los Recursos Hídricos en el Mundo, Programa Mundial de Evaluación de los Recursos Hídricos, 2006. http://webworld.unesco.org/water/wwap/wwdr/wwdr2/indez_es.shtml.)
- [10] Arrojo Agudo, P., A new rational economic approach on water management. *Water in Spain: Future Proposals*, P. Arrojo Agudo (Coord.), meetings collection No. 5, from the East and the Mediterranean together with the Fundación Alternativas, pp. 155–179, Aragón, 2004. (Arrojo Agudo, P., Un nuevo enfoque de racionalidad económica en la gestión de aguas. *El Agua en España: propuestas de futuro*, P. Arrojo Agudo (Coord.), colección encuentros nº 5, del oriente y el mediterráneo en colaboración con la Fundación Alternativas, pp. 155–179, Aragón, 2004.)
- [11] Arrojo Agudo, P., *The new water culture in the 21st century*, Words of Water–Water Tribunal, Expoagua, pp. 27–28, Zaragoza, 2008. (Arrojo Agudo, P., *La nouvelle culture de l'eau au XXI^e siècle*, Palabras del Agua–Tribuna del Agua, Expoagua, pp. 27–28, Zaragoza, 2008.)
- [12] Collado Urieta, H., Reptes de la Sostenibilitat a Catalunya: paper from the Sustainable Development Advisory Board, in the joint work of various authors. *Water rights, Protection and Preservation of the Environment*, Irrigation Community Agricultural Trade Union of the Ebro River, Monographs 672: Tirant lo Blanch, Barcelona, pp. 125–135, 2009. (Collado Urieta, H., Reptes de la Sostenibilitat a Catalunya: el paper del Consell Assessor per al Desenvolupament Sostenible, en la obra colectiva VVAA. *Derecho de aguas, protección y conservación del medio ambiente*, Comunitat de Regants Síndic Agrícola de l'Ebre, Monografías 672: Tirant lo Blanch, Barcelona, pp. 125–135, 2009.)
- [13] Sánchez Víctor, M., Promoting a fundamental human right to water in international law. *Revista Electrónica de Estudios Internacionales*, **16**, 2008. www.reei.org. (Sánchez Víctor, M., Hacia un derecho humano fundamental al agua en el derecho internacional. *Revista Electrónica de Estudios Internacionales*, **16**, 2008. www.reei.org.)
- [14] García, M.A. & Arrellano Nucamendi, M., Water, a common asset and human right or merchandise?, project ‘Social Context and Human Rights in Chiapas’, Analysis Document, Mexico, pp. 1–9, 2007. (García, M.A. & Arrellano Nucamendi, M., El agua, ¿bien común y derecho humano o mercancía?, proyecto ‘Contexto Social y Derechos Humanos en Chiapas’, Documento de Análisis, Méjico, pp. 1–9, 2007.)
- [15] The Corporation Andina de Fomento, *Implementing the Human Right to Water in South America, 7th International Water Forum*, CAF, Peru, p. 4, 2015. (Corporación Andina de Fomento, *Implementación del Derecho Humano al Agua en América Latina, VII Foro Mundial del Agua*, CAF, Perú, p. 4, 2015.)

- [16] Martínez Gil, F.J., The new water culture. *Water in Spain: Future Proposals*, P. Arrojo Agudo (Coord.), meetings collection No. 5, from the East and the Mediterranean together with the Fundación Alternativas, Aragón, p. 318, 2004. (Martínez Gil, F.J., La nueva cultura del agua. *El Agua en España: propuestas de futuro*, P. Arrojo Agudo, (Coord.), colección encuentros nº 5, del oriente y el mediterráneo en colaboración con la Fundación Alternativas, Aragón, p. 318, 2004.)
- [17] Arrojo Agudo, P., *The Ethical Challenge of the New Water Culture: Functions, Values and Rights at Stake*, State and Society, (139), Paidós, Barcelona, p. 318, 2004. (Arrojo Agudo, P., *El reto ético de la nueva cultura del agua: funciones, valores y derechos en juego*, Estado y Sociedad, (139), Paidós, Barcelona, p. 318, 2004.)
- [18] Genovés, J.C., The European Water Directive and the reform of the Public Administration. *Water in Spain: Future Proposals*, P. Arrojo Agudo (Coord.), meetings collection No. 5, from the East and the Mediterranean together with the Fundación Alternativas, Aragón, p. 248, 2004. (Genovés, J.C., La Directiva Europea de Aguas y la reforma de la Administración Pública. *El agua en España: propuestas de futuro*, P. Arrojo Agudo (Coord.), colección encuentros nº 5, del oriente y del mediterráneo en colaboración con la Fundación Alternativas, Aragón, p. 248, 2004.)
- [19] Peñalver Cabré, A., Approach to the legal framework of the human right to water: a point of view from domestic law, in joint work from various authors. *The Human Right to Have Access to Drinking Water and Sanitation*, Emerging Human Rights Charter Series, 4, Institution of Human Rights of Catalonia: Barcelona, p. 52, 2008. (Peñalver Cabré, A., Aproximación al marco jurídico del derecho humano al agua: una perspectiva desde el derecho interno, en la obra colectiva VVAA, *El dercho humano al acceso al agua potable y al saneamiento*, Sèrie Carta de Drets Humans Emergents, 4, Institut de Drets Humans de Catalunya, Barcelona, p. 52, 2008.)
- [20] García Morales, A., *The Human Right to Water, Process and Structure Collection* Trotta, Madrid, p. 268, 2009. García Morales, A., *El Derecho Humano al Agua, Colección Estructuras y Procesos*, Trotta, Madrid, p. 268, 2009.
- [21] Aquilera Klink, F., “Towards a new water economy: basic questions”, *Revista Polis*, 14, p. 4, 2006. Aquilera Klink, F., “Hacia una nueva economía del agua: cuestiones fundamentales”, *Revista Polis*, 14, p. 4, 2006.
- [22] Cuadrats Prats, J.M., *Water in the 21st Century: Management and Planning*, Document Collection Instituto Fernando el Católico, Zaragoza, pp. 88–89, 2006. (*El agua en el S.XXI: gestión y planificación*, Colección Actas, Instituto Fernando el católico, Zaragoza, pp. 88–89, 2006.)