THE EMERGING RIGHT TO SANITATION: SOCIO-ECONOMIC OR ENVIRONMENTAL RIGHT?

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“The disposal of human wastes is a subject normally buried in euphemism and avoidance – at least in public. Privately, every single person on the planet is intimately concerned on a day-to-day, even hour-to-hour, basis with the need to relieve themselves in a congenial place and fashion. The physiological necessity of excretion cannot be averted, even if it cannot be spoken of”
Emergence of right:
- Right to Livelihood – socio-economic in nature
- Connection to water

Sanitation:
- History
- sustainable sanitation

Sanitation as a human rights issue

Environmental critique of the present conceptualisation of right to sanitation
Sanitation through the ages

- Around 1867BC residents of ancient Babylon already had indoor toilets connected to rudimentary sewer system.

- Similar archaeological discoveries in Egypt, Crete and Rome.

- Western world required health threats such as cholera (and the Great Stink of 1858) to establish human waste disposal system around 19th century.

  - Pit latrines – utilising sand
  - Water-borne – the birth of the flush toilet
Today

- **Sustainable sanitation systems**
- **Grey water systems**
- **Dry methods, i.e. Urine diverting systems**
- **Cost-effective – additional benefits = spin-off ventures**

Today

- 2.6 billion people lack adequate sanitation
- 1.8 million die every year – diarrhoeal diseases – 90% = children under 5
- Flush toilets - only 30% of world population
- 1 billion – no access at all

Over-reliance on water-borne sewage
Lack of sustainable water supply – wastewater treatment works
Sewage systems and treatment plants = expensive to set-up, maintain, upgrade

Do we really have to use potable water to flush away human excreta??

- Sustainable sanitation systems
- Grey water systems
- Dry methods, i.e. Urine diverting systems
- Cost-effective – additional benefits = spin-off ventures
Sanitation as a human rights issue

- Right to dignity
- Right to equality
- Right to bodily integrity and right to life
- Right to housing
- Right to education
- Right to a healthy environment
- Right to health
- Right to water

Equality of dignity
The emergence of an international human right to sanitation

- Only explicit reference to a right to sanitation:
  - The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
  - Convention on the Rights of the Child (CRC)

- July 2010 - UN General Assembly for the first time recognised a right to sanitation
  - Affirmed by HR Council - declared the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights – derived from article 11 – right to livelihood
Special Rapporteur

- Mandate: to clarify “the content of human rights obligations, including non-discrimination obligations, in relation to access to safe drinking water and sanitation”

- Defines sanitation as a “system for the collection, transport, treatment and disposal or reuse of human excreta and associated hygiene”

- Acknowledges inter-connectedness with right to other human rights, especially dignity

- But - right innately linked to water = the right to water and sanitation

  - Rationale “waterborne sewerage systems are common in many parts of the world and without proper sanitation, human excreta contaminate drinking water sources, affecting water quality and leading to disastrous health consequences”
Criteria for right

- **Availability**: The human right to water is limited to personal and domestic uses and foresees a supply for each person that must be sufficient for these purposes. Likewise, a sufficient number of sanitation facilities has to be available.

- **Quality**: Water has to be safe for consumption and other uses, so that it is no threat to human health. Sanitation facilities must be hygienically and technically safe to use. To ensure hygiene, access to water for cleansing and hand washing after use is essential.

- **Acceptability**: Sanitation facilities, in particular, have to be culturally acceptable. This will often require gender-specific facilities, constructed in a way that ensures privacy and dignity.

- **Accessibility**: Water and sanitation services must be accessible to everyone in the household or its vicinity on a continuous basis. Physical security must not be threatened when accessing facilities.

- **Affordability**: Access to sanitation and water must not compromise the ability to pay for other essential necessities guaranteed by human rights such as food, housing and health care.
The right to sanitation – a flawed conception

- Any acknowledgment of the role of the environment and consequences of sanitation for the environment is nowhere has been decidedly absent
- Conceptualised a socio-economic right – right to livelihood
- Interpreted as connected to water – purely as a socio-economic right
Flawed conception (2)

- Connection to water ignores water as "ecosystem"
- Ignores sustainability requirements: availability, inadequacy of supply systems, affordability, culturally appropriate
- Socio-economic status of right - right has to be interpreted within context & according to limitations
  - Availability of financial means
  - Progressive realisation
  - Strong international support for core minimum content

Ideal: sustainability

Adapted from Nel
Right to Sustainable Sanitation

- First prize: stand alone right to sustainable sanitation

- Realism:
  - Re-interpretation of right:
    - Divorced from water as only way to give effect to right
    - Sustainability requirements which includes acknowledgement of centrality of environment