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### **The Human Right to Water: Legal and Policy Dimensions by Salman M.A. Salman and Siobhan McInerney-Lankford**

Kristen McGeeney

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### Recommended Citation

McGeeney, Kristen and Melanie Nakagawa. "The Human Right to Water: Legal and Policy Dimensions by Salman M.A. Salman and Siobhan McInerney-Lankford." *Sustainable Development Law & Policy*, Winter 2005, 71.

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# BOOK REVIEWS

## THE HUMAN RIGHT TO WATER: LEGAL AND POLICY DIMENSIONS

By Salman M.A. Salman and Siobhan McNerney-Lankford

Published by The International Bank for Reconstruction and Development / The World Bank, 2004. \$30.00.

Reviewed by Kristen McGeeney and Melanie Nakagawa\*

Through its in-depth discussion of water resources, *The Human Right to Water* is an astute discussion linking human rights to the environment. This book is an important step in advancing the understanding of how the environment affects people's rights and recognizing that human rights lawyers and environmental lawyers often have similar goals. Even though a human right to water has gradually gained recognition, only in 2002 did the international community, through the U.N. Committee on Economic, Social, and Cultural Rights ("CESCR"), state that water is a human rights issue bringing the topic to center stage.


Salman M.A. Salman, a specialist in water law at the World Bank and lead counsel in the Environmentally and Socially Sustainable Development ("ESSD") and International Law Group of the World Bank Legal Presidency, and Siobhán McNerney-Lankford, a specialist in human rights law and counsel in the ESSD and International Law Group at the Bank, have joined this conversation with the publication of the *Human Right to Water*. The main goal of this book is to provide an overview of how water fits within the human rights framework rather than an analysis of the implications of declaring water as a human right. Overall, the book was not only informative but a well-written discussion on the evolution of a human right to water and is a valuable resource for analyzing the legal basis for this right.

This book outlines the progression of general international law and specific human rights law in framing a linkage to a human right to water. The authors discuss resolutions and declarations from a variety of conferences and forums, addressing water both as a basic human need and as a right. These include declarations on the Right to Development, the International Year of Fresh Water (2003), the Millennium Development Goals, and the International Decade for Action, "Water for Life" 2005-2015. The authors narrow the book's focus to the international legal regime on human rights by first exploring the International Bill of Human Rights. They then explore how the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights have been applied to water.

Any discussion about a human right to water from a legal and policy point of view must be based upon a sound understanding of the current status of a human right to water. It is here that the book provides the greatest value to the reader. The two main strengths

of this book are (1) its ability to present comprehensive research and analysis on the evolution of the CESCR and the importance of the Committee's General Comments, and (2) its use of practical examples illustrating how the human right to water can be achieved, specifically in South Africa, Armenia, and Chile.

The authors concluded, "General Comment No. 15 recognizing a human right to water, provides further evidence that there is an incipient right to water evolving in public international law today" (pg. 89). Though presenting strong legal and policy support for identifying the connection between human rights and water, the authors avoid discussing why this connection is only in its incipient stages rather than an established right. Admittedly, the legal and policy implications of recognizing such a right in the global community are beyond the scope of this book. However, the discussion of this right may lead to speculation about what would a human right to water mean to the Bank as an institution whose mission statement is "to fight poverty and improve the living standards of people in the developing world,"<sup>1</sup> but is also an institution whose role is to balance the wants of the people and the interests of its member governments? Readers will not find a definitive discussion of sustainable solutions that strike a balance between the recognition of water as essential to human life but also as a finite resource necessitating conservation and regulation.

Overall, Mr. Salman and Ms. McNerney-Lankford introduce a well-written introduction to recognizing a human right to water. It provides an excellent starting point for future insights into aspects of law and justice surrounding water and advancing the status of the human right to water. Yet, although the authors' purpose is achieved, the question still remains whether a human right to water should be more fully recognized by institutions and whether this right will affect the global community as it strives to satisfy the increasing demands placed on the planet's finite water resources. These complicated questions are ones that will neither be resolved easily nor quickly. 

<sup>1</sup> The World Bank website, at <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/0,,pagePK:50004410~piPK:36602~theSitePK:29708,00.html> (last visited Nov. 28, 2004).

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