

The Human Right to Water and Public Policy Reform: Bridging International Legal Norms and Domestic Implementation

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Abstract

The recognition of the human right to water has expanded significantly within international law, particularly following the adoption of General Comment No. 15 by the Committee on Economic, Social and Cultural Rights and United Nations General Assembly Resolution 64/292. Despite these developments, significant challenges remain in translating international legal norms into effective public policies capable of ensuring universal and equitable access to water. This study examines the relationship between the human right to water and public policy reform by analysing how international legal norms influence domestic water governance and policy implementation. Employing a qualitative doctrinal legal research approach, the study analyses international legal instruments, policy documents, and relevant scholarly literature relating to water rights, governance, and Sustainable Development Goal 6 (SDG 6). The findings reveal that international norms provide an important framework for water governance through principles of availability, accessibility, affordability, accountability, participation, and sustainability. However, institutional fragmentation, regulatory weaknesses, financial constraints, and governance deficiencies continue to impede effective implementation in many jurisdictions. The study further demonstrates that successful realisation of the human right to water depends not only on legal recognition but also on the capacity of governments to integrate human rights principles into public policy, institutional arrangements, and service delivery mechanisms. Based on the findings, the study proposes a Human Rights-Based Water Governance Framework to strengthen policy implementation and improve access to water. The study contributes to the existing literature by bridging the gap between international human rights law and public policy reform while providing practical insights for policymakers seeking to advance sustainable and equitable water governance.

Keywords: Human Right to Water, Public Policy Reform, Water Governance, General Comment No. 15, Sustainable Development Goal 6, Human Rights-Based Approach

Introduction

Water is indispensable for human survival, public health, socio-economic development, and environmental sustainability. Beyond its biological significance, access to safe and sufficient water constitutes a fundamental prerequisite for the enjoyment of various internationally recognised human rights, including the rights to life, health, human dignity, and an adequate standard of living (Popkin et al., 2010; Salas-Salvadó et al., 2020). Despite its essential role in sustaining human life, the right to water was not expressly recognised in the principal international human rights instruments adopted during the early development of the international human rights framework. Instead, the recognition of water as a human right evolved gradually through the interpretation of existing human rights provisions, international policy developments, and the growing acknowledgement of water as an indispensable condition for human well-being (Singh et al., 2026; Ahmad, 2020). Water governance is therefore not merely a question of resource management or utility provision; it determines whether basic human needs and interdependent rights can be realised in practice.

The normative recognition of the human right to water was significantly strengthened through General Comment No. 15 issued by the Committee on Economic, Social and Cultural Rights (CESCR) in 2002. Through its interpretation of Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Committee recognised water as a fundamental human right and clarified that every individual is entitled to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use (CESCR, 2002). This development marked a significant shift in international legal discourse by transforming water from a basic human necessity into a recognised normative entitlement. The subsequent adoption of United Nations General Assembly Resolution 64/292 in 2010 further reinforced this recognition by explicitly acknowledging the human right to water and sanitation as essential for the full enjoyment of life and all other human rights.

The importance of examining this topic lies in the practical consequences of the divide between formal recognition and lived access. A right that is affirmed internationally but not embedded in budgeting, regulation, institutional responsibility, monitoring, and service delivery cannot reliably protect the people who depend most on public water systems. The issue is therefore especially consequential for low-income households, rural and underserved communities, and other groups exposed to unequal access, weak infrastructure, or unaffordable services (Meier et al., 2013; Brown et al., 2016; Pujol & Palom, 2022). Studying the translation of legal norms into public policy is needed to identify which governance arrangements can turn the right to water from a normative promise into an operational standard against which public action and service outcomes may be assessed.

Although the international recognition of water rights has expanded considerably, the effective implementation of these norms remains a significant challenge. Existing literature demonstrates that the recognition of a right within international law does not automatically translate into meaningful access at the national level. Many countries continue to experience challenges relating to unequal access to water, inadequate infrastructure, fragmented governance structures, and limited institutional capacity despite international commitments to water rights (Meier et al., 2013; Brown et al., 2016; Pujol & Palom, 2022). Consequently, the principal challenge facing contemporary water governance is no longer limited to the recognition of water as a human right but rather concerns the extent to which international norms can be effectively translated into public policies capable of ensuring universal and equitable access to water.

The growing emphasis on sustainable development has further intensified the importance of effective water governance. Sustainable Development Goal 6 (SDG 6) seeks to ensure the availability and sustainable management of water and sanitation for all by 2030. While SDG 6 provides measurable targets and implementation indicators, achieving these objectives requires effective legal, institutional, and policy frameworks capable of integrating human rights principles into public

administration and service delivery (Gupta & Bosch, 2022; Kasker, 2025). As a result, the relationship between international human rights norms and domestic policy implementation has become increasingly important within contemporary debates concerning water governance and sustainable development.

Existing scholarship has extensively examined the evolution of the human right to water, the legal significance of General Comment No. 15, and the contribution of international human rights law towards strengthening water governance (Ahmad, 2020; Reiners, 2021; Winkler, 2014). Similarly, a growing body of literature has explored the role of public policy in improving access to water and sanitation services (Brown et al., 2016; Meier et al., 2014). However, comparatively limited attention has been devoted to critically examining how international legal norms relating to the human right to water are translated into public policy reforms and institutional practices at the domestic level. Much of the existing literature focuses either on the legal recognition of water rights or on technical and administrative aspects of water governance, resulting in insufficient analysis of the interaction between international human rights norms and public policy implementation. This gap is particularly significant given the continuing challenges faced by many countries in transforming international commitments into effective governance outcomes and equitable water service delivery. The absence of such an integrated analysis limits the utility of the legal framework because it leaves policymakers without a clear account of how normative standards should influence legislation, institutional mandates, resource allocation, regulation, monitoring, and remedial mechanisms. An examination that connects these domains is therefore needed both to evaluate the effectiveness of existing arrangements and to identify reforms capable of producing measurable improvements in access.

Accordingly, this study examines the relationship between the human right to water and public policy reform by analysing how international legal norms, particularly those contained in General Comment No. 15, influence domestic policy development and water governance practices. Specifically, the study seeks to examine the international legal norms governing the human right to water, analyse the role of General Comment No. 15 in shaping public policy relating to water governance, evaluate the institutional and governance challenges affecting implementation, and propose a human rights-based framework for strengthening water governance and public policy reform. By bridging the gap between international legal recognition and domestic policy implementation, this study contributes to the growing discourse on water governance, human rights, and sustainable development. The findings may assist policymakers, public administrators, and regulatory authorities in developing more effective water governance strategies that are consistent with international human rights standards while supporting the achievement of Sustainable Development Goal 6. The significance of the study is both analytical and practical. For national and local governments, water ministries, regulators, and public administrators, the proposed framework offers criteria for aligning laws, institutional responsibilities, policy priorities, and monitoring systems with international obligations. For public and private service providers, it clarifies the governance considerations that should inform service coverage, affordability, complaint handling, and accountability. It also provides civil society organisations, researchers, and affected communities with a structured basis for evaluating implementation and advocating for more equitable services. The ultimate beneficiaries are rights-holders, particularly low-income, rural, marginalised, and underserved populations for whom failures of policy implementation have the most immediate consequences. In this way, the study translates abstract principles into an evaluative and reform-oriented tool that can support SDG 6 implementation while improving accountability and service delivery (Brown et al., 2016; Meier et al., 2014; Gupta & Bosch, 2022).

Literature Review

The Human Right to Water in International Law

The recognition of the human right to water has emerged progressively through the development of international human rights law and international water governance. Although access to water is indispensable for human survival and well-being, early international human rights instruments did not explicitly recognise water as a standalone human right. Instead, the legal foundation of water rights developed through the interpretation of broader human rights guarantees, particularly those relating to life, health, human dignity, and an adequate standard of living (Ahmad, 2020; Alsaadi et al., 2020). The evolution of the human right to water reflects a growing international consensus that access to safe and sufficient water is essential for the enjoyment of all other human rights. While the Universal Declaration of Human Rights 1948 does not expressly mention water, its provisions relating to human dignity and adequate living conditions have frequently been interpreted as encompassing access to basic necessities, including water (Singh et al., 2026). Similarly, the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) does not explicitly establish a right to water. Nevertheless, Articles 11 and 12 concerning the right to an adequate standard of living and the right to health have provided the principal legal basis for subsequent recognition of water rights within international human rights law (Ahmad, 2020; Winkler, 2014).

The normative development of water rights accelerated through various international initiatives and declarations addressing water governance and sustainable development. The Mar del Plata Water Conference in 1977 represented one of the earliest international acknowledgements that all peoples are entitled to access drinking water sufficient to meet their basic needs. Subsequent developments, including the Dublin Statement on Water and Sustainable Development and the Rio Declaration on Environment and Development in 1992, further reinforced the importance of equitable and sustainable access to water resources. These instruments contributed to the emergence of a rights-based approach to water governance by emphasising the relationship between water, human welfare, environmental sustainability, and socio-economic development (Singh et al., 2026).

A significant turning point occurred with the adoption of General Comment No. 15 by the Committee on Economic, Social and Cultural Rights in 2002. Through its interpretation of Articles 11 and 12 of the ICESCR, the Committee formally recognised water as a human right indispensable for leading a life in human dignity. This interpretation clarified that access to water must satisfy requirements of availability, quality, accessibility, and affordability, thereby establishing a comprehensive normative framework for evaluating state obligations and policy implementation (CESCR, 2002; Quadri, 2020). The influence of General Comment No. 15 was subsequently reinforced by United Nations General Assembly Resolution 64/292 in 2010, which explicitly recognised the human right to water and sanitation and called upon states and international organisations to strengthen efforts towards universal access.

Despite these developments, scholarly debate continues regarding the precise legal status of the human right to water. Some scholars argue that water has achieved recognition as an autonomous human right through the cumulative effect of treaty interpretation, international resolutions, and state practice (Reiners, 2021; Winkler, 2014). Others contend that the right remains largely dependent on soft law instruments and implied interpretations of existing treaties rather than explicit treaty provisions (Quadri, 2020). Nevertheless, there is broad consensus that access to water has become an integral component of contemporary international human rights discourse and occupies an increasingly important position within international legal and policy frameworks.

The growing recognition of the human right to water has also influenced national legal systems and public policy development. Several states have incorporated water rights into constitutional provisions, legislation, and policy frameworks, reflecting the increasing acceptance of water as both a

legal entitlement and a public policy priority (Loen & Gloppen, 2021). These developments demonstrate that the evolution of water rights extends beyond normative recognition at the international level and increasingly requires effective implementation through domestic governance and public administration mechanisms.

General Comment No. 15 as a Policy Framework

General Comment No. 15 issued by the Committee on Economic, Social and Cultural Rights (CESCR) in 2002 represents the most authoritative normative framework governing the human right to water under international law. Although the International Covenant on Economic, Social and Cultural Rights (ICESCR) does not expressly recognise water as a standalone right, the Committee interpreted Articles 11 and 12 as encompassing a right to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use (CESCR, 2002). This interpretation significantly expanded the normative content of the Covenant and established a legal and policy framework for assessing state responsibilities in relation to water governance.

The significance of General Comment No. 15 extends beyond its contribution to international human rights law. It also provides a practical framework for public policy formulation by identifying the substantive elements of water rights and the corresponding obligations of states. The General Comment emphasises that governments are required not only to recognise the right to water but also to implement legislative, administrative, financial, and institutional measures necessary to ensure its effective realisation. Consequently, the right to water is no longer viewed solely as a legal entitlement but also as a governance objective requiring active state intervention and policy commitment (Meier et al., 2013).

A key contribution of General Comment No. 15 lies in its articulation of state obligations to respect, protect, and fulfil the right to water. The obligation to respect requires states to refrain from actions that directly interfere with access to water. The obligation to protect requires governments to prevent third parties, including private entities, from compromising individuals' access to safe and affordable water. Meanwhile, the obligation to fulfil requires states to adopt appropriate measures to facilitate, promote, and provide access to water where necessary (CESCR, 2002; Winkler, 2014). These obligations provide an important policy framework for evaluating the adequacy of domestic water governance arrangements and public service delivery systems.

The policy relevance of General Comment No. 15 has been widely recognised in the literature. It has influenced national legislation, constitutional reforms, water sector policies, and development programmes in various jurisdictions (Brown et al., 2016; Meier et al., 2014). The General Comment has also contributed to the development of a human rights-based approach to water governance, whereby access to water is treated as a matter of entitlement rather than charity or discretionary public assistance. Under this approach, governments are expected to ensure transparency, accountability, participation, and non-discrimination in the design and implementation of water policies.

Nevertheless, the practical implementation of General Comment No. 15 remains subject to several challenges. As a soft law instrument, it does not possess the legally binding force of an international treaty. Consequently, its effectiveness depends largely on the willingness and capacity of states to incorporate its principles into domestic legal and policy frameworks (Quadri, 2020; Reiners, 2021). Differences in institutional capacity, financial resources, governance structures, and political priorities may therefore result in varying levels of implementation across jurisdictions. These challenges have led scholars to argue that while General Comment No. 15 provides a comprehensive normative foundation for water governance, its practical impact ultimately depends on effective policy translation and institutional commitment at the national level.

Despite these limitations, General Comment No. 15 remains the most influential international instrument guiding public policy relating to water governance. Its emphasis on availability, accessibility, affordability, quality, and non-discrimination has shaped contemporary understanding of the human right to water and continues to influence policy reforms aimed at improving access to water and sanitation services. As such, the General Comment serves as a crucial bridge between international human rights norms and domestic public policy implementation.

Translating Human Rights into Public Policy

The recognition of a human right within international law does not automatically guarantee its effective implementation. The practical realisation of human rights depends largely on the extent to which international norms are translated into domestic legal frameworks, public policies, institutional arrangements, and administrative practices. In the context of water governance, this challenge is particularly significant because access to water requires substantial investments in infrastructure, effective regulatory mechanisms, sustainable resource management, and coordinated institutional action. Consequently, the implementation of the human right to water extends beyond legal recognition and requires comprehensive policy interventions at the national and local levels (Meier et al., 2013).

The literature increasingly recognises that a human rights-based approach provides an important framework for transforming international norms into public policy. Under this approach, access to water is regarded not merely as a public service or development objective but as a legally protected entitlement that imposes obligations upon governments and public institutions. This perspective shifts policy priorities from discretionary welfare provision towards rights-based governance, where states are required to ensure that water policies are guided by principles of equality, participation, accountability, transparency, and non-discrimination (Brown et al., 2016). As a result, water governance becomes closely linked to broader objectives relating to social justice and human development.

A key contribution to this discourse is provided by Meier et al. (2013), who argue that the implementation of the human right to water requires the integration of human rights principles into policy design, institutional structures, and regulatory frameworks. According to this approach, governments must establish clear legal standards, allocate adequate resources, and develop monitoring mechanisms capable of ensuring compliance with human rights obligations. The effectiveness of water policies should therefore be assessed not only by their technical efficiency but also by their ability to guarantee equitable and sustainable access to water for all segments of society. Further scholarship highlights the importance of policy reform in translating international water rights into practical outcomes. Meier et al. (2014) observe that successful implementation often depends on the ability of governments to incorporate human rights principles into legislative reforms, sectoral policies, and institutional governance structures. This process may include the recognition of water rights within national constitutions, the establishment of independent regulatory bodies, the strengthening of accountability mechanisms, and the development of targeted programmes aimed at improving access among vulnerable populations. Such reforms demonstrate that public policy serves as the primary mechanism through which international human rights commitments are operationalised.

The relationship between human rights and public policy is particularly evident in efforts to achieve universal access to water and sanitation. Brown et al. (2016) contend that the human right to water provides a normative foundation for public policies by establishing clear standards regarding availability, quality, accessibility, and affordability. These standards assist governments in identifying policy priorities, evaluating service delivery outcomes, and addressing inequalities in access to water

resources. Consequently, the human right to water functions not only as a legal principle but also as a policy tool capable of guiding governance reforms and development strategies.

Despite these advances, significant challenges continue to hinder the effective translation of international norms into public policy. Resource constraints, institutional fragmentation, regulatory weaknesses, political instability, and competing policy priorities often limit the ability of governments to fully implement water rights (Meier et al., 2014; Brown et al., 2016). In addition, disparities between urban and rural areas, socio-economic inequalities, and environmental pressures may further undermine access to water, particularly among marginalised communities. These challenges demonstrate that the effectiveness of the human right to water ultimately depends on the capacity of public institutions to transform normative commitments into concrete governance outcomes.

Accordingly, the translation of international human rights norms into public policy represents a critical dimension of contemporary water governance. While international instruments provide the normative basis for recognising water rights, public policies serve as the primary mechanism through which these rights are realised in practice. The success of the human right to water therefore depends on the ability of governments to integrate human rights principles into policy formulation, implementation, monitoring, and evaluation processes.

Water Governance and Public Service Delivery

Effective implementation of the human right to water depends largely on the quality of water governance and the effectiveness of public service delivery systems. While international legal instruments provide normative guidance regarding access to water, the practical realisation of these rights is ultimately determined by the ability of governments and public institutions to develop, regulate, and deliver water services in an equitable, sustainable, and accountable manner. Consequently, water governance has emerged as a central component in contemporary discussions concerning the implementation of water rights and sustainable development.

Water governance generally refers to the political, legal, administrative, and institutional processes through which decisions relating to water resources and water services are made and implemented. Effective governance requires clear legal frameworks, well-defined institutional responsibilities, transparent decision-making processes, and mechanisms that promote accountability and public participation. In the absence of these elements, the implementation of water rights may be undermined by fragmented responsibilities, regulatory inconsistencies, and unequal access to services (Fonseca & Vargas, 2020).

The literature highlights that institutional arrangements play a crucial role in determining the success of water governance. Fonseca and Vargas (2020) demonstrate that institutional ambiguity and overlapping regulatory responsibilities can create significant obstacles to the protection and implementation of the human right to water. Where multiple agencies possess competing mandates without effective coordination mechanisms, policy implementation often becomes inconsistent, resulting in inefficiencies and disparities in service delivery. Such challenges may weaken the ability of governments to ensure universal access to safe and affordable water.

Public service delivery also represents a critical dimension of water governance. Access to water depends not only on legal recognition but also on the availability of infrastructure, financial resources, technical expertise, and administrative capacity. Grönwall and Danert (2020) argue that the human right to water should be evaluated through a practical governance lens that considers how water services are actually delivered to communities. Their analysis suggests that service delivery models must be sufficiently flexible to accommodate local conditions while maintaining compliance with human rights principles relating to accessibility, affordability, and non-discrimination.

The importance of governance reform is further demonstrated by experiences in countries that have incorporated water rights into their constitutional and legal frameworks. Loen and Gloppen (2021) observe that constitutional recognition of the right to water can strengthen political commitment and provide a stronger legal basis for policy development. However, legal recognition alone is insufficient if it is not accompanied by institutional reforms, adequate funding, and effective implementation mechanisms. This suggests that successful realisation of water rights requires an integrated approach that combines legal recognition with practical governance measures.

Contemporary water governance is also increasingly influenced by broader concerns relating to sustainability, equity, and social justice. Governments are required to balance competing demands for water resources while ensuring that vulnerable and marginalised communities are not excluded from access to essential services. Human rights principles therefore provide an important framework for evaluating governance performance by emphasising participation, accountability, transparency, and equality in decision-making processes. These principles contribute to the development of more inclusive and responsive water governance systems capable of supporting both human rights objectives and sustainable development goals.

Accordingly, effective public service delivery and sound governance structures are indispensable for the implementation of the human right to water. The literature demonstrates that institutional effectiveness, regulatory clarity, stakeholder participation, and accountability mechanisms are among the key factors influencing the success of water governance. As a result, improving access to water requires not only legal recognition of water rights but also comprehensive reforms aimed at strengthening governance institutions and enhancing the quality of public service delivery.

Research Gap

The existing literature demonstrates significant progress in the development of the human right to water as a recognised component of international human rights law. Previous studies have extensively examined the evolution of water rights, the legal significance of General Comment No. 15, and the growing recognition of access to water as an indispensable element of the rights to life, health, and human dignity (Ahmad, 2020; Reiners, 2021; Singh et al., 2026; Winkler, 2014). Similarly, a substantial body of scholarship has analysed the normative foundations of water rights and the role of international legal instruments in strengthening global water governance (Alsaadi et al., 2020; Quadri, 2020).

In parallel, a growing number of studies have focused on water governance, public service delivery, and the implementation of Sustainable Development Goal 6. These studies have highlighted the importance of institutional effectiveness, regulatory frameworks, accountability mechanisms, and policy coordination in ensuring equitable access to water and sanitation services (Gupta & Bosch, 2022; Kasker, 2025; Grönwall & Danert, 2020). Other scholars have examined the role of public policy reform in translating human rights principles into practical governance measures and development programmes (Brown et al., 2016; Meier et al., 2013; Meier et al., 2014).

Despite these contributions, the literature remains fragmented. Existing studies tend to examine the human right to water from either a legal perspective or a public policy perspective. Research focusing on international law generally concentrates on the normative recognition of water rights and the interpretation of relevant human rights instruments, while governance studies predominantly address administrative, institutional, and technical aspects of water management. Consequently, limited attention has been devoted to examining how international legal norms relating to the human right to water are translated into public policy reforms and governance mechanisms capable of ensuring effective implementation at the domestic level.

Furthermore, while General Comment No. 15 is frequently cited as the principal normative foundation of the human right to water, comparatively few studies have critically analysed its influence on policy formulation, institutional reform, and public service delivery. The interaction between international human rights obligations, domestic governance structures, and public policy implementation therefore remains insufficiently explored. This gap is particularly important given the persistent challenges faced by many countries in achieving universal access to safe and affordable water despite increasing international recognition of water rights.

Accordingly, this study seeks to address this gap by examining the relationship between international legal norms and public policy reform in the context of water governance. Specifically, the study analyses how the principles articulated in General Comment No. 15 influence domestic policy development, evaluates the institutional challenges affecting implementation, and proposes a human rights-based framework for strengthening water governance. In doing so, the study contributes to a more integrated understanding of the relationship between international human rights law, public policy reform, and sustainable water governance.

Methodology

This study adopts a qualitative doctrinal legal research approach to examine the relationship between the human right to water and public policy reform. Doctrinal legal research is appropriate because the study focuses on analysing legal principles, international human rights instruments, policy frameworks, and scholarly literature relating to the implementation of the human right to water.

Data for this study were obtained from both primary and secondary sources. Primary sources consist of international legal instruments and authoritative documents, including the Universal Declaration of Human Rights 1948, the International Covenant on Economic, Social and Cultural Rights 1966, United Nations General Assembly Resolution 64/292, and General Comment No. 15 of the Committee on Economic, Social and Cultural Rights. Secondary sources include peer-reviewed journal articles, books, book chapters, policy reports, and academic literature indexed in Scopus databases relating to water rights, public policy, governance, and Sustainable Development Goal 6 (SDG 6).

The collected materials were analysed using qualitative content analysis. This method was employed to identify key legal principles, policy approaches, institutional challenges, and governance mechanisms associated with the implementation of the human right to water. The analysis further examined how international legal norms have influenced domestic policy development and public service delivery. Through a systematic review and synthesis of the literature, the study evaluates the effectiveness of existing governance frameworks and proposes a human rights-based approach to strengthen water governance and public policy reform.

Findings and Discussion

International Norms Governing the Human Right to Water

The contemporary understanding of the human right to water is largely shaped by the progressive development of international human rights law. Although the principal international human rights instruments did not expressly recognise water as a standalone right, subsequent interpretations and normative developments have established access to water as an indispensable component of human dignity, public health, and socio-economic well-being. Consequently, international legal norms have become an important foundation for the formulation of national policies and governance frameworks relating to water management and service delivery.

The Universal Declaration of Human Rights (UDHR) 1948 provides the earliest normative basis for recognising the importance of access to water. While the Declaration does not explicitly refer to water, Article 25 guarantees the right to an adequate standard of living, including conditions necessary for

health and well-being. Contemporary scholarship generally interprets this provision as encompassing access to safe water because the enjoyment of health, sanitation, and adequate living conditions cannot be achieved without sufficient water resources (Singh et al., 2026; Ahmad, 2020). The UDHR therefore laid the conceptual foundation for subsequent developments concerning water rights within international law.

A more direct legal basis emerged through the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966. Although the Covenant does not contain an explicit provision on water, Articles 11 and 12 relating to the right to an adequate standard of living and the right to health have become the principal legal foundations for recognising water rights. The interpretation of these provisions by the Committee on Economic, Social and Cultural Rights subsequently expanded the scope of socio-economic rights to include access to water as a necessary condition for the enjoyment of other fundamental rights (Winkler, 2014; Ahmad, 2020). This development reflects the principle of interdependence among human rights, whereby the enjoyment of one right often depends upon the fulfilment of others.

The most significant normative development occurred with the adoption of General Comment No. 15 in 2002. Through this instrument, the Committee explicitly recognised water as a human right and established a comprehensive framework defining the essential elements of water access. According to the General Comment, water must be available in sufficient quantities, safe for consumption, physically accessible, affordable, and free from discrimination (CESCR, 2002). More importantly, the General Comment clarified the obligations of states to respect, protect, and fulfil the right to water, thereby providing governments with a practical framework for policy formulation and implementation. As a result, General Comment No. 15 has become the principal normative reference point for public authorities seeking to align domestic water policies with international human rights standards (Quadri, 2020; Reiners, 2021).

The normative status of the human right to water was further strengthened by United Nations General Assembly Resolution 64/292 adopted in 2010. The Resolution explicitly recognised the human right to water and sanitation and called upon states and international organisations to provide financial resources, capacity-building initiatives, and technology transfer to support universal access. Although the Resolution does not possess legally binding force, it reflects a growing international consensus regarding the importance of water as a fundamental human right and has significantly influenced national policy development and international cooperation efforts (Brown et al., 2016; Singh et al., 2026).

From a public policy perspective, these international norms perform several important functions. First, they establish minimum standards that governments should incorporate into domestic legislation and policy frameworks. Second, they provide benchmarks for evaluating the effectiveness of water governance and public service delivery. Third, they strengthen accountability by enabling citizens and civil society organisations to assess whether government actions are consistent with internationally recognised human rights principles. Consequently, international legal norms serve not only as sources of legal obligation but also as policy instruments that guide governance reforms and institutional development.

Nevertheless, the effectiveness of these norms depends largely on their implementation at the domestic level. International recognition alone cannot guarantee equitable access to water without supportive legal frameworks, adequate institutional capacity, sufficient financial resources, and effective governance mechanisms. This demonstrates that while international norms provide the foundation for recognising water rights, public policy remains the principal mechanism through which these rights are realised in practice.

Translating International Norms into Public Policies

The effectiveness of international human rights norms ultimately depends on their translation into domestic legal frameworks, public policies, and governance mechanisms. While instruments such as General Comment No. 15 and United Nations General Assembly Resolution 64/292 provide important normative guidance, they do not automatically guarantee universal access to water. The practical realisation of the human right to water requires governments to incorporate these principles into policy design, legislative reforms, institutional arrangements, and service delivery systems. Consequently, public policy serves as the primary mechanism through which international commitments are transformed into tangible outcomes for individuals and communities.

The literature suggests that a human rights-based approach provides an effective framework for translating international norms into public policies. Unlike traditional approaches that treat water primarily as a public utility or development objective, a human rights-based approach regards access to water as a legal entitlement that imposes corresponding obligations upon the state (Meier et al., 2013). This perspective requires governments to ensure that water policies are guided by principles of equality, accountability, participation, transparency, and non-discrimination. As a result, policy decisions are assessed not only according to economic efficiency or technical performance but also according to their ability to safeguard human rights.

One of the most significant contributions of General Comment No. 15 is its provision of clear standards that can guide public policy formulation. The principles of availability, accessibility, affordability, and quality provide measurable benchmarks that governments may utilise when designing water policies and evaluating service delivery performance. These standards enable policymakers to identify deficiencies within existing governance systems and develop targeted interventions aimed at improving access to water, particularly among vulnerable and marginalised populations (Brown et al., 2016). Consequently, General Comment No. 15 functions as both a legal framework and a policy instrument for advancing water governance reforms.

The process of policy translation often involves legislative reforms, institutional restructuring, and the development of regulatory mechanisms that align domestic governance systems with international human rights standards. According to Meier et al. (2014), successful implementation of the human right to water requires governments to establish clear legal obligations, strengthen monitoring mechanisms, allocate adequate financial resources, and ensure effective coordination among relevant institutions. Such measures contribute to greater accountability and enhance the capacity of public authorities to fulfil their obligations relating to water access and service provision.

Public policy reforms influenced by human rights principles have also contributed to improvements in water governance across various jurisdictions. Constitutional recognition of water rights, the establishment of independent regulatory agencies, and the adoption of rights-based water strategies demonstrate how international norms can shape domestic governance structures (Loen & Gloppen, 2021). These reforms illustrate that the implementation of water rights is not solely a legal exercise but also a governance process that requires political commitment, institutional capacity, and sustained policy support.

Nevertheless, translating international norms into public policies remains a complex undertaking. Governments frequently encounter challenges relating to limited financial resources, competing development priorities, administrative inefficiencies, and institutional fragmentation (Meier et al., 2014; Brown et al., 2016). In some instances, policy reforms may be constrained by political considerations or conflicting interests among stakeholders. These challenges highlight the need for continuous institutional strengthening and policy innovation to ensure that human rights commitments are effectively reflected in governance practices.

The analysis demonstrates that the translation of international norms into public policy is essential for the practical realisation of the human right to water. While international legal instruments establish the normative foundation, public policies provide the operational framework through which water rights are implemented and protected. Effective policy translation therefore serves as a critical bridge between international human rights commitments and the everyday realities of water access experienced by communities.

Institutional and Governance Challenges

Despite the growing recognition of the human right to water and the increasing incorporation of human rights principles into public policy frameworks, significant institutional and governance challenges continue to impede effective implementation. These challenges demonstrate that legal recognition alone is insufficient to guarantee universal access to safe, affordable, and sustainable water. The success of water governance depends largely on the effectiveness of institutions, regulatory frameworks, financial resources, and administrative capacity responsible for translating policy commitments into practical outcomes.

One of the most frequently identified challenges relates to institutional fragmentation. Water governance often involves multiple ministries, regulatory agencies, local authorities, and service providers operating under different legal and administrative mandates. In the absence of effective coordination mechanisms, overlapping responsibilities may result in policy inconsistencies, duplication of functions, and regulatory inefficiencies. Such institutional ambiguity can weaken accountability and hinder the implementation of water policies designed to protect human rights (Fonseca & Vargas, 2020). Consequently, fragmented governance structures may reduce the ability of governments to ensure equitable access to water services across different regions and population groups.

Regulatory weaknesses also represent a major obstacle to the effective implementation of water rights. Although many countries have adopted legislation and policies relating to water access, the absence of effective monitoring, enforcement, and compliance mechanisms frequently limits their effectiveness. Weak regulatory oversight may result in inadequate service standards, unequal distribution of resources, and insufficient protection for vulnerable communities. In some jurisdictions, the lack of clearly defined institutional responsibilities further complicates efforts to hold public authorities and service providers accountable for failures in water service delivery (Grönwall & Danert, 2020).

Financial and infrastructural constraints constitute another significant challenge. The provision of safe and reliable water services requires substantial investments in infrastructure development, maintenance, treatment facilities, and distribution networks. However, many governments face difficulties in securing sufficient resources to meet growing demand, particularly in developing countries and rural areas. Resource limitations often affect the quality, accessibility, and sustainability of water services, thereby undermining the practical realisation of the human right to water (Brown et al., 2016). These challenges are further exacerbated by population growth, urbanisation, and increasing pressure on existing water resources.

The literature also highlights persistent inequalities in access to water services. Significant disparities continue to exist between urban and rural communities, as well as among different socio-economic groups. Marginalised populations frequently encounter barriers relating to affordability, physical accessibility, and service quality, despite formal recognition of water rights. Such inequalities are inconsistent with the principles of non-discrimination and equality that underpin the human rights-based approach to water governance (Pujol & Palom, 2022). As a result, the achievement of universal access remains a major challenge for policymakers and public administrators.

Emerging environmental challenges further complicate water governance. Climate change, environmental degradation, pollution, and water scarcity increasingly threaten the sustainability of water resources and place additional pressure on governance institutions. These developments require governments to balance competing demands for water while simultaneously protecting human rights and promoting sustainable development. Recent scholarship emphasises that achieving “water for all” requires governance systems capable of responding to environmental uncertainty while maintaining commitments to equity, accountability, and social justice (Fanaian et al., 2025).

The analysis indicates that institutional effectiveness remains one of the most important determinants of successful implementation of the human right to water. While international norms and public policies provide the necessary framework, their effectiveness depends on strong institutions, adequate resources, effective regulation, and coordinated governance structures. Addressing these challenges is therefore essential for ensuring that the human right to water is translated from a normative commitment into a practical reality for all members of society.

Policy Reform and Best Practices

The challenges associated with implementing the human right to water have prompted governments, international organisations, and policy experts to advocate for comprehensive reforms aimed at strengthening water governance and improving public service delivery. While legal recognition of water rights provides an important normative foundation, effective implementation requires supportive institutional arrangements, sound regulatory frameworks, and sustainable policy interventions. Consequently, policy reform has emerged as a critical mechanism for bridging the gap between international human rights commitments and practical governance outcomes.

One of the most significant reforms identified in the literature is the incorporation of the human right to water into domestic constitutional and legal frameworks. Constitutional recognition strengthens the legal status of water rights and enhances governmental accountability by providing a clearer basis for policy development and judicial enforcement. Comparative experiences from countries such as Kenya and Slovenia demonstrate that constitutional recognition can increase political commitment towards water governance and facilitate the adoption of rights-based policies designed to improve access to water services (Loen & Gloppen, 2021). Although constitutional recognition alone does not guarantee implementation, it provides an important legal and institutional foundation for subsequent policy reforms.

Another important reform involves the adoption of a human rights-based approach in water governance. Such an approach requires policymakers to integrate principles of equality, participation, accountability, transparency, and non-discrimination into the design and implementation of water policies. Rather than viewing water solely as a public utility or economic resource, a human rights-based approach emphasises the state's obligation to ensure that all individuals have access to safe, sufficient, and affordable water (Brown et al., 2016). This approach has been increasingly adopted in national water strategies and development programmes aimed at reducing inequalities in access to water and sanitation services.

Institutional reform also plays a crucial role in improving water governance. Effective implementation requires clearly defined institutional responsibilities, coordinated governance structures, and robust regulatory oversight. Meier et al. (2014) emphasise that successful policy implementation depends on the establishment of effective monitoring systems, transparent decision-making processes, and mechanisms that enable public participation in water governance. Strengthening institutional capacity can improve policy coordination, enhance accountability, and ensure that water services are delivered more efficiently and equitably.

Best practices identified in the literature further highlight the importance of prioritising vulnerable and marginalised populations within water governance frameworks. Governments are increasingly encouraged to adopt targeted interventions aimed at addressing disparities in water access, particularly in rural communities, low-income settlements, and underserved regions. Such initiatives may include subsidised water programmes, infrastructure expansion projects, community-based water management systems, and targeted financial assistance schemes. These measures are consistent with the principle of substantive equality that underpins international human rights law and contribute towards achieving universal access to water services.

The implementation of evidence-based policymaking has also emerged as an important best practice. Governments are increasingly relying on data collection, performance indicators, and monitoring frameworks to assess the effectiveness of water policies and identify areas requiring improvement. The adoption of measurable targets under Sustainable Development Goal 6 has further encouraged governments to strengthen monitoring and evaluation mechanisms, thereby promoting greater accountability and transparency in water governance (Gupta & Bosch, 2022; Kasker, 2025). Such mechanisms enable policymakers to assess progress, allocate resources more effectively, and ensure that policy interventions are aligned with human rights objectives.

The analysis demonstrates that successful implementation of the human right to water requires more than legal recognition alone. Effective policy reform must be accompanied by institutional strengthening, regulatory improvements, stakeholder participation, and sustained political commitment. The experiences of various jurisdictions suggest that the integration of human rights principles into governance frameworks can contribute significantly to improving access to water and enhancing the effectiveness of public service delivery. These best practices provide valuable guidance for governments seeking to strengthen water governance and fulfil their obligations under international human rights law.

Towards a Human Rights-Based Water Governance Framework

The preceding analysis demonstrates that the effective implementation of the human right to water requires more than the mere recognition of legal norms. While international instruments such as General Comment No. 15 and United Nations General Assembly Resolution 64/292 provide a strong normative foundation, the realisation of water rights ultimately depends on the effectiveness of governance systems responsible for policy formulation, regulation, implementation, and service delivery. Consequently, a comprehensive governance framework grounded in human rights principles is required to bridge the gap between international commitments and practical outcomes.

Based on the literature and findings of this study, a Human Rights-Based Water Governance Framework should be guided by six interrelated principles, namely availability, accessibility, affordability, accountability, participation, and sustainability. These principles are derived from the substantive requirements of the human right to water and contemporary approaches to public governance and sustainable development.

The principle of availability requires governments to ensure that sufficient quantities of water are consistently available to meet personal and domestic needs. This includes long-term planning for water resource management, infrastructure development, and the protection of water sources against depletion and contamination. Availability is fundamental because the enjoyment of all other dimensions of water rights depends upon the existence of adequate water resources (CESCR, 2002; Winkler, 2014).

Accessibility constitutes the second pillar of the framework. Water services must be physically accessible to all individuals without discrimination. This requires governments to address geographical

disparities, improve service coverage in rural and underserved areas, and eliminate barriers that prevent vulnerable communities from accessing safe water. Accessibility also encompasses equal access to information relating to water governance and public service delivery, thereby promoting transparency and informed participation (Brown et al., 2016).

Affordability represents another essential component of rights-based water governance. Access to water should not impose a disproportionate financial burden on households, particularly low-income and marginalised groups. Public policies should therefore balance economic sustainability with social equity by ensuring that pricing mechanisms do not undermine access to essential water services. This principle is particularly important in contexts where water services are partially commercialised or subject to cost-recovery mechanisms (Meier et al., 2013).

Accountability serves as a key governance principle that ensures public institutions, regulators, and service providers remain answerable for their actions and decisions. Effective accountability mechanisms require clear institutional responsibilities, regulatory oversight, performance monitoring, and accessible avenues for public complaints and redress. Accountability strengthens public trust and promotes compliance with human rights obligations by ensuring that failures in service delivery can be identified and addressed (Meier et al., 2014).

Participation is equally important in promoting inclusive and responsive water governance. Human rights-based approaches emphasise the involvement of affected communities in decision-making processes relating to water management and policy development. Meaningful participation enhances policy legitimacy, improves responsiveness to local needs, and contributes to more equitable governance outcomes. Public engagement also facilitates greater transparency and strengthens democratic accountability within water governance systems (Brown et al., 2016).

The final principle, sustainability, reflects the need to balance present and future water needs. Sustainable water governance requires governments to protect water resources, address environmental degradation, respond to climate-related risks, and ensure the long-term viability of water systems. The integration of sustainability considerations is consistent with the objectives of Sustainable Development Goal 6 and recognises that the protection of water rights depends upon the responsible management of water resources for future generations (Gupta & Bosch, 2022; Fanaian et al., 2025).

Taken together, these six principles provide a comprehensive framework for strengthening water governance and enhancing the implementation of the human right to water. The framework recognises that legal recognition, policy reform, institutional effectiveness, and sustainable resource management must operate in an integrated manner. By embedding human rights principles within governance structures and public policy processes, governments can move beyond normative commitments and ensure the practical realisation of water rights for all members of society.

Conclusion

The recognition of the human right to water has undergone significant development within international law over the past several decades. Although early international human rights instruments did not expressly recognise water as a standalone right, subsequent normative developments have progressively strengthened its status within the international human rights framework. Through the interpretation of the International Covenant on Economic, Social and Cultural Rights, particularly through General Comment No. 15, access to water has become increasingly recognised as an indispensable element of the rights to life, health, human dignity, and an adequate standard of living. The adoption of United Nations General Assembly Resolution 64/292 further

reinforced this recognition and contributed to the growing international consensus regarding the importance of water as a fundamental human right.

This study examined the relationship between the human right to water and public policy reform by analysing the influence of international legal norms on domestic governance and policy implementation. The findings demonstrate that international instruments provide an important normative foundation for water governance by establishing standards relating to availability, accessibility, affordability, quality, and non-discrimination. These principles have significantly influenced contemporary approaches to water governance and have encouraged governments to adopt more rights-oriented policy frameworks aimed at improving access to water and sanitation services.

The study further reveals that the practical realisation of the human right to water depends largely on the ability of governments to translate international norms into effective public policies and institutional arrangements. While legal recognition remains important, it is insufficient in the absence of appropriate governance structures, regulatory mechanisms, financial resources, and administrative capacity. Public policy therefore serves as the principal mechanism through which international human rights commitments are transformed into tangible outcomes for individuals and communities. The analysis highlights the crucial role played by legislative reform, institutional strengthening, policy coordination, and public service delivery in ensuring that water rights are effectively protected and implemented.

Despite the growing recognition of water rights, significant challenges continue to affect implementation across many jurisdictions. Institutional fragmentation, regulatory weaknesses, inadequate infrastructure, financial constraints, and inequalities in access remain among the principal obstacles to achieving universal access to water. In addition, environmental pressures, climate change, population growth, and increasing demand for water resources further complicate governance efforts. These challenges demonstrate that the implementation of water rights requires continuous policy adaptation and sustained institutional commitment.

In response to these challenges, this study proposed a Human Rights-Based Water Governance Framework consisting of six interrelated principles: availability, accessibility, affordability, accountability, participation, and sustainability. The framework emphasises that effective water governance requires an integrated approach combining legal recognition, policy reform, institutional effectiveness, and sustainable resource management. By embedding human rights principles within governance structures and public policy processes, governments can strengthen accountability, improve service delivery, and promote more equitable access to water resources.

The study contributes to the existing literature by bridging the gap between international human rights law and public policy implementation. While previous studies have generally examined the human right to water from either a legal or governance perspective, this study provides an integrated analysis of how international legal norms influence public policy reform and water governance practices. The findings highlight the importance of viewing water rights not only as a legal entitlement but also as a governance objective that requires practical implementation through effective public institutions and policy frameworks.

From a policy perspective, governments should strengthen legislative and institutional frameworks that support the implementation of water rights, enhance regulatory oversight, improve stakeholder participation, and prioritise vulnerable communities in water governance initiatives. Greater emphasis should also be placed on integrating human rights principles into water sector planning, monitoring, and evaluation processes. Such measures would contribute towards achieving Sustainable

Development Goal 6 and ensuring that access to safe, affordable, and sustainable water becomes a practical reality rather than merely a normative aspiration.

Future research may further examine the implementation of the human right to water within specific national contexts, compare governance approaches across jurisdictions, and evaluate the effectiveness of rights-based water policies in achieving equitable access to water. Such studies would contribute to a deeper understanding of the relationship between international human rights law, public policy reform, and sustainable water governance in an increasingly complex global environment.

References

- Ahmad, N. (2020). Human right to water under international law regime: An overview. *Commonwealth Law Bulletin*, 46(3), 415–439. <https://doi.org/10.1080/03050718.2020.1770618>
- Alsaadi, S. A. K., Khalid, R. M., & Dahalan, W. S. A. W. (2020). Revisiting the human right to water in contemporary international law. *UUM Journal of Legal Studies*, 11(1), 37–49. <https://doi.org/10.32890/uumjls.11.1.2020.6860>
- Brown, C., Neves-Silva, P., & Heller, L. (2016). The human right to water and sanitation: A new perspective for public policies. *Ciência & Saúde Coletiva*, 21(3), 661–670. <https://doi.org/10.1590/1413-81232015213.20142015>
- Fanaian, S., Manero, A., Nguyen, N.-M., & Grafton, R. Q. (2025). Beyond a decade of water justice: Review, directions, and pathways to achieve “Water for All”. *Wiley Interdisciplinary Reviews: Water*, 12(6), e70043. <https://doi.org/10.1002/wat2.70043>
- Fonseca, T. G., & Vargas, E. C. (2020). Institutional and regulatory ambiguity of the management and human right to water in Costa Rica: Water for whom? *Agua y Territorio*, 15, 13–20. <https://doi.org/10.17561/at.15.4646>
- Grönwall, J., & Danert, K. (2020). Regarding groundwater and drinking water access through a human rights lens: Self-supply as a norm. *Water*, 12(2), 419. <https://doi.org/10.3390/w12020419>
- Gupta, J., & Bosch, H. (2022). SDG 6: Ensure availability and sustainable management of water and sanitation for all. In *The Cambridge Handbook of the Sustainable Development Goals and International Law* (pp. 163–184). Cambridge University Press. <https://doi.org/10.1017/9781108769631.008>
- Kasker, M. S. (2025). An analysis of the legal nature of SDG 6 within the context of international water law. *Potchefstroom Electronic Law Journal*, 28. <https://doi.org/10.17159/1727-3781/2025/V28I0A19040>
- Loen, M., & Gloppen, S. (2021). Constitutionalising the right to water in Kenya and Slovenia: Domestic drivers, opportunity structures, and transnational norm entrepreneurs. *Water*, 13(24), 3548. <https://doi.org/10.3390/w13243548>
- Meier, B. M., Kayser, G. L., Amjad, U. Q., & Bartram, J. (2013). Implementing an evolving human right through water and sanitation policy. *Water Policy*, 15(1), 116–133. <https://doi.org/10.2166/wp.2012.198>
- Meier, B. M., Kayser, G. L., Kestenbaum, J. G., Amjad, U. Q., Dalcanale, F., & Bartram, J. (2014). Translating the human right to water and sanitation into public policy reform. *Science and Engineering Ethics*, 20(4), 833–848. <https://doi.org/10.1007/s11948-013-9504-x>
- Pujol, D. S., & Palom, A. R. (2022). Inequities in global access to water and sanitation: A multiscale approach. *Documents d'Analisi Geografica*, 68(3), 553–561. <https://doi.org/10.5565/rev/dag.736>
- Popkin, B. M., D'Anci, K. E., & Rosenberg, I. H. (2010). Water, hydration, and health. *Nutrition Reviews*, 68(8), 439–458. <https://doi.org/10.1111/j.1753-4887.2010.00304.x>
- Quadri, E. (2020). Recognising the human right to water: A goal yet to be achieved. *Journal of Water Law*, 27(1), 20–26.

- Reiners, N. (2021). Despite or because of contestation? How water became a human right. *Human Rights Quarterly*, 43(2), 329–343. <https://doi.org/10.1353/hrq.2021.0021>
- Salas-Salvadó, J., Maraver, F., Rodríguez-Mañas, L., de Pipaon, M. S., Vitoria, I., & Moreno, L. A. (2020). The importance of water consumption in health and disease prevention: The current situation. *Nutricion Hospitalaria*, 37(5), 1072–1086. <https://doi.org/10.20960/nh.03160>
- Singh, V., Kumar, P., & Singh, M. K. (2026). Evolution of the right to potable water as an aspect of the right to life: An overview. *Social Sciences and Humanities Open*, 13, 102708. <https://doi.org/10.1016/j.ssaho.2026.102708>
- Winkler, I. T. (2014). *The human right to water: Significance, legal status and implications for water allocation*. Bloomsbury Publishing. <https://doi.org/10.5040/9781472566089>
- Committee on Economic, Social and Cultural Rights (CESCR). (2002). *General Comment No. 15: The Right to Water (Arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)*, U.N. Doc. E/C.12/2002/11.
- United Nations General Assembly. (2010). *Resolution 64/292: The Human Right to Water and Sanitation*, U.N. Doc. A/RES/64/292.
- United Nations. (1948). *Universal Declaration of Human Rights*.
- United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights*.