**Call for Inputs**

**Too Dirty, Too Little, Too Much: The Global Water Crisis and Human Rights**

“There is simply no way to overstate the water crisis of the planet today.”

Maude Barlow, former senior advisor on water to the President of the   
United Nations General Assembly

A global agreement now exists that human rights norms apply to a broad spectrum of environmental issues, including water and sanitation.

The Special Rapporteur on human rights and the environment, Dr. David Boyd, is working to provide additional clarity regarding the substantive rights and obligations that are essential to the enjoyment of a safe, clean, healthy and sustainable environment.

He has submitted reports on clean air, a safe climate, a healthy biosphere, and good practices on the promotion and implementation of the right to a safe, clean, healthy and sustainable environment. He is now preparing a thematic report focusing on human rights and associated obligations related to water pollution, water scarcity and floods. For that purpose, he is seeking inputs on the topic from States and stakeholders through responses to the brief questionnaire below.

Your replies will inform the Special Rapporteur’s analysis and contribute to his report, which will be presented to the Human Rights Council in March 2021.

**Questionnaire**

The Special Rapporteur invites and welcomes your answers to the following questions:

*I recently published a blog (*[*link*](https://wle.cgiar.org/thrive/2020/06/04/groundwater-depletion-punjab-time-major-policy-overhaul)*) on the problem of groundwater depletion in Punjab (India), based on a peer-reviewed research paper (*[*link*](https://www.sciencedirect.com/science/article/abs/pii/S0305750X19304851)*) we published previously. My response to this questionnaire borrows liberally from that blog and research article.*

1. Please provide examples of ways in which water pollution, water scarcity and floods are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, and indigenous peoples’ rights.

Punjab, a small state in northwest India, derives its name from the Persian words panj (five) and āb (water), meaning the "land of five rivers". Ironically, this state is now regularly in the news for its rapidly depleting groundwater levels. The most recent [government report](https://dswcpunjab.gov.in/contents/docs/publications/Draft%20Report%20Punjab%20Groundwater%20Resources%202017.pdf) on Punjab's groundwater resources notes that groundwater extraction has increased from 149% (of naturally available recharge) in 2013 to 165% in 2018, and the state has maximum percentage of wells showing groundwater depletion among all states in India.

The primary driver of this rapid groundwater depletion and resultant scarcity is the widespread use of groundwater for agriculture in this region. As groundwater wells dry up, stream flows get reduced (impacting aquatic biodiversity), land subsidence occurs etc. Farmers too are suffering as input costs are increasing and profit margins are going down. Small-scale farmers are impacted disproportionately, and many get caught in a debt spiral that they are unable to come out of. The rights to water and livelihood of once prosperous farmers are being adversely impacted because of unsustainable groundwater use arising out of the Green Revolution.

1. How has climate change exacerbated water-related problems?

Indian monsoon variability has increased due to climate change ([link](http://www.rocksea.org/bin/research/roxy_monsoon_review_moef_2018.pdf)), leading to longer dry periods with low or no rain, while rainfall events have become intermittent and more intense. In the face of this increased monsoon uncertainty, dependence of agriculture in Punjab on irrigation is expected to increase, thereby straining the already scarce groundwater resources even more.

1. To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing water pollution, water scarcity and floods? Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, policies and programmes that apply a rights-based approach to preventing, reducing, or eliminating water pollution, water scarcity and floods. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the rights to clean water and adequate sanitation.

I am not familiar enough with Indian law to be able to answer this question.

1. If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, reducing, or eliminating water pollution, water scarcity and floods? If so, how? If not, why not?

I think India is among those 156 nations, but I am not familiar enough with Indian law to be able to answer this question.

1. Please provide specific examples of good practices in preventing, reducing, or eliminating water pollution, water scarcity and floods. These examples may occur at the international, national, sub-national, or local level. Examples may involve water quality and quantity monitoring; guaranteeing procedural rights (e.g. public access to water quality information, public participation in decision-making about proposed uses of water, access to remedies); water use and water quality legislation, regulations, standards, and policies; and initiatives to reduce water consumption and/or water pollution from specific sectors (e.g. agriculture, electricity generation, industry, transportation, domestic use). Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices.

In 2018, the Punjab government launched a pilot project called ["paani bachao, paisa kamao"](https://indianexpress.com/article/cities/chandigarh/pspcl-launches-pilot-project-to-give-cash-incentive-to-farmers-for-using-less-electricity-5214904/) ("save water, earn money") in partnership with the World Bank and prominent research organizations. In this project, a select group of farmers is being offered monetary compensation in lieu of reducing their agricultural groundwater consumption. The [preliminary results](https://www.tribuneindia.com/news/punjab/water-consumption-cut-to-half-175-doaba-farmers-reap-benefit-41769) of the scheme are encouraging, and one hopes similar initiatives will be scaled up to state-level soon.

1. Please identify specific challenges that your government, business, or organization has faced in attempting to employ a rights-based approach to address water pollution, water scarcity and floods and the impacts of these problems on human rights.

Majority of the groundwater wells in this region are privately dug, operated and owned by farmers. Access to groundwater is tied to land ownership, and there is no limit on how much groundwater a farmer can extract. Any government action, or even suggestion, to establish an equitable rights-based approach to groundwater is met with strong opposition from farmers. In the absence of any groundwater accounting, over-exploitation continues while the water levels drop rapidly.

1. Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to water pollution, water scarcity and floods (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and improve water quality and availability?

What I believe should be ensured: A more equitable distribution of groundwater so that farmers who cannot afford a well or do not own land, can also access groundwater irrigation.

1. How do you ensure that the rights of environmentalists working on water issues (environmental human rights defenders) are protected? What efforts has your Government or business made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

Not aware of any such government provision specifically for environmentalists, except the general legal recourse that is available to everyone.

1. There is substantial evidence that the actions of high-income States (from high levels of material consumption to high levels of greenhouse gas emissions) are linked to adverse effects on water availability and water quality in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to and preventing water pollution, water scarcity and floods?

Finance projects to investigate and propose alternative cropping patterns that can reduce groundwater consumption, support irrigation systems that improve water use efficiency (drip irrigation, sprinkler irrigation, better monitoring of soil moisture etc.).

1. For businesses, what policies or practices are in place to ensure that activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize water use and water pollution and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

Not very relevant to my chosen topic since most groundwater consumption is agricultural.

**Submission of responses**

Please send your responses to the questionnaire **in Word format** by email to [srenvironment@ohchr.org](mailto:srenvironment@ohchr.org). Submissions will also be accepted via regular mail at the following address:

Special Rapporteur on human rights and the environment

Special Procedures Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais des Nations

CH-1211 Geneva 10, Switzerland

**We kindly request that your submission be concise and limited to a maximum of   
5 pages (or 2,000 words), not including appendices or attachments.**

Due to a limited capacity for translation, we also request that your inputs be submitted in English, French, or Spanish.

To avoid unnecessary duplication: if you have recently replied to other questionnaires from UN human rights mechanisms (or other international bodies) with information that would be relevant to this request as well, we welcome your directing us to those replies.

**The deadline for submission is 10 November 2020.**

Unless otherwise requested, all submissions will be made publicly available and posted on the Special Rapporteur’s homepage at the OHCHR website.

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