

*BOOK REVIEW ESSAY***WATER:
AN ESSENTIAL ELEMENT FOR LIFE***

ROZA PATI**

In its timely publication *Water: An Essential Element For Life*, The Pontifical Council for Justice and Peace presents a most valuable study and offers a needed guiding light for understanding, assessing and solving the problems relating to one of the most critical resources of humankind, a truly common heritage of humanity:—water. This pre-human, non-living matter constitutes a factor indispensable to the survival of every living being on our planet. In thoughtful reflection, this book offers a moral compass in undertaking a quintessential analysis of the myriad of issues that surround access to water, sufficiency and safety of water, shortage of water and basic sanitation, care for water, sustainable management of water as well as methods of effectively dealing with water-related problems that have plagued our society, North and South, industrialized as well as developing economies. It pleads to governments and all people of good will for solidarity in recognizing and allocating the right to water (pp. 111, 115), as it also asks for sustainable solutions that “will not penalize those who suffer most from poverty and marginalization” (p. 7), and that will mitigate the “disproportionate hardship” carried by women (p. 16). On the basis of the Holy See’s competence, predominantly one of a moral order, the publication reflects the global wisdom and practice of people—public, private and civil society participants—acting in the arena of the ever-evolving subject of water.

* PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, *WATER: AN ESSENTIAL ELEMENT FOR LIFE*, 117 pp. (Vatican Press, 2013).

** Dr. Roza Pati is Professor of Law at St. Thomas University School of Law in Miami, and Member of the Pontifical Council for Justice and Peace at The Vatican. At St. Thomas Law, she is the Executive Director of the *LL.M/J.S.D. Program in Intercultural Human Rights*, and Director of the *Human Trafficking Academy*.

The book brings together the Holy See's contributions to four of the World Water Forums (2003 in Kyoto, 2006 in Mexico City, 2009 in Istanbul, and 2012 in Marseilles). The collection identifies and analyzes the pressing concerns related to water, this most important natural good for humanity. In its introduction, His Eminence Cardinal Peter K. A. Turkson and Bishop Mario Toso, respectively, President and then-Secretary of the Pontifical Council for Justice and Peace, warn the reader that a comprehensive "synthesis can only be obtained by reading them as a whole" (p. 5). They tell us that the documents are guided by the light of the Gospel as they are also firmly grounded in the Social Doctrine of the Church (p. 6), which in turn demands that human dignity constitute the axis of our work in any given field, including the "burning issue" of water.

The reader is immediately immersed into the key issues that the international community is dealing with nowadays. Water has become a major worldwide concern and the issues related to it have repercussions on many different levels, including peace, security and stability, as often water is at the center of conflicts and tensions amongst states, particularly those countries in regions of extreme drought. Its scarcity sees deserts expanding, as in Africa, but it does not spare the Western world either, as experienced just now in California. Water is thus correctly viewed not only as an economic commodity but also as a social and environmental good that is essential to the very existence and survival of humanity.

A most welcome contribution of this book is its addressing water as a human right of its own (pp. 47-49, 84, 105), and not just as one implied in other rights guarantees (pp. 35, 48), such as the right to life, to food and to health (pp. 16, 47). Looking at it from the prism of a specific right, it follows that the State incurs obligations to respect, protect and ensure the human right to water (pp. 96-97). The book starts from the realization that water is the foundation of people's well-being and that the main approach to it must be based on the broad principle of the *universal destination of the goods of creation*: all people, all countries, present and future generations have the right of access to goods such as water that are fundamental ingredients for human development. In presenting the actual problems, the collection introduces the reader to an anthropological approach to-

ward the problem and to the guiding principles Catholic Social Doctrine has developed on solving issues common to humanity. Amongst the book's ethical considerations, one that stands out and that permeates the whole text is that of solidarity, combined with a preferential attention to the poor (pp. 19-20; 58), just as it morally mandates a commitment to the common good of the community.

The first document in the collection, "A Contribution of the Holy See to the Third World Water Forum" of 2003 in Kyoto (Japan), offers a reflection on the dramatic situation of water worldwide through analyzing the factors and the elements surrounding the issue: human, social, economic, ethical and religious. The contribution starts by drawing our attention to the pertinent sign of our time: the problem is not one of absolute scarcity of water, but rather one of the distribution and use of available resources (p. 17). Centrality of the human person is asked to be the focus of all states' water policies with the goal of providing maximum access to safe water to everyone (p. 18). Solidarity must be the basic value of those policies and must aim at the common good (p. 19). Water is one of the main necessities of life. It is also a social element as it relates to health, food and wellbeing. It is essential to the economies of the world for the production of goods and energy, and for sustaining the national and international environments. It is of particular importance to food security, for the development of poor countries, and internal human growth. Placing the human person into the center of the discussion, helps us analyze the water issue from a human *rights* perspective. Water scarcity in some regions, the low quality of water in some others, and lack of accessibility in many parts of the world have caused great hardships for many people around the globe. All these problems have a devastating effect on the materially less fortunate, and the Holy See speaks out on their behalf, inviting policy to focus on the water needs of the poor populations (p. 37). It also urges to appreciate and not to overlook the God-given potential of the poor and their "extraordinary creativity in seeking means of survival in the absence of adequate services" (p. 38).

A recurrent theme in the considerations of Catholic Social Doctrine is manifested clearly: fundamental human needs escape the logic of the market (pp. 27, 55). As His Holiness Pope Francis has

reminded us more recently, “The worship of the ancient golden calf (cf. *Ex* 32:1-35) has returned in a new and ruthless guise in the idolatry of money and the dictatorship of an impersonal economy lacking a truly human purpose. . . . In this system, which tends to devour everything which stands in the way of increased profits, whatever is fragile, like the environment, is defenseless before the interests of a deified market, which become the only rule.” (Apostolic Exhortation, *Evangelii gaudium*, 24 November 2013, paras. 55 and 56.) As the contribution emphasizes accordingly, the preservation of certain common goods cannot be entrusted to market forces alone. Water is one of those vulnerable common goods, and it is, almost by default, a responsibility of the State. As such, it is understandably a political issue, which depends on the “leadership and vision of political leaders” (p. 33). At times, poor institutional structure results in “political uncertainty and lack of political responsibility” (p. 34). Disaster mitigation and risk management are considered under the premise that most of the natural disasters are “man-made at their roots,” either because of inadequate attention to the environment, or due to human action or inaction. The paper opines that post disaster reconstruction should not be directed towards reconstructing the past but towards “building for a safer and more ecologically sustainable future” (p. 31). In conclusion, the contribution of the Holy See in Kyoto (2003) calls upon States and politics for a truly holistic approach to confronting the challenges presented by the issue of water.

The second document in the book represents an update of the Kyoto contribution and reflects even deeper on the issue of water, in unequivocal terms lifting access to water to a standard of global responsibility (pp. 44-45), and requiring a rights-based approach to water as a legal entitlement and not simply a discretionary service provided on a humanitarian basis (p. 49). It also invites the global community to work towards molding our culture to value and cherish water not just as a commodity but as a good belonging to everyone (pp. 51-52). This paper was prepared in 2006 and presented at the Fourth World Water Forum in Mexico City. Water is identified as a good of creation and “destined for all human beings and their communities” (p. 46). It is an essential element linked to the human rights to life, to food and to health. The document reminds us how

2015] WATER: AN ESSENTIAL ELEMENT FOR LIFE 295

water is a key factor for peace and security because many times conflicts have occurred to gain control over water resources, as in Middle East and the Horn of Africa (p. 50). It further emphasizes the necessity of having an effective management and a system of water governance that respects traditional knowledge and the principle of subsidiarity, and that engages community participation and ownership (pp. 52-53). The target is to accomplish the primary goals of maximizing access to safe water and guaranteeing its sanitation for all, as a human need and not as an exclusive advantage for those who can afford paying for it (p. 54-55).

The third text, a contribution of the Holy See to the Fifth World Water Forum of 2009 in Istanbul, indicates that adequate stewardship mandates an analysis of drinking water in conjunction with sanitation. It further focuses on the right to water, and on its promotion, protection and fulfillment. Its subtitle “*And Now a Matter of Greater Urgency*” encapsulates the gist of the Holy See’s call for an explicit recognition of a right to water deeply rooted in human dignity. It starts with introducing the Millennium Development Goals (MDGs) and shows the efforts made by governments to achieve adequate and safe access to water. It notes, however, that, despite improvements, the situation in the developing countries leaves much to be desired. A few statistics illuminate this fact: “One in five people do not use safe water, and roughly half are without adequate sanitation. . . . More than a billion people lack the most basic water supply. More than 2.6 billion lack access to a clean toilet. An estimated ten thousand people die each day due to diseases caused by a lack of clean water and sanitation” (pp. 67-69). These are real threats to the right to life, and the Holy See finds unacceptable even a single death due to right being denied (p. 78). The document then highlights the status and the desirability of a right to water and its dimension at the international law level. The right to water is not explicitly found in the International Covenant on Economic, Social and Cultural Rights (1966) or the Universal Declaration of Human Rights (1948) even though these instruments state that everyone has the right to an adequate standard of living for himself and for his family. In the Convention on the Rights of the Child of 1989, it is stated that access to “clean drinking water” is an actual aspect of the well-being

and health of individuals. But, it is a common truth that safe and sufficient drinking water is a necessary precondition for the realization of other human rights. It is thought that the right to water, just as the right to air, was implicitly included at the time where the fundamental rights were declared (pp. 70-73). Still, the Holy See presses for a formal recognition of the right to water as a “universal inalienable right,” quoting His Holiness Pope Emeritus Benedict XVI (p. 75). The biggest challenge is how to effectively ensure and protect this right at a national and international level. The acknowledgment of a right to water is the first step but it requires constant implementation and improvement. The second step would be to set sustainable water policies that could lead to a better access to clean drinking water and safe sanitation. In its conclusion to this paper, the Holy See reiterates the centrality of the human person as the guiding light in considering issues of water and sanitation, in order to “provide to everyone, . . . access to safe water systems, as a matter of rights and as a matter of life” (p. 80).

The final contribution to the book is the 2012 Holy See’s intervention to the Sixth World Water Forum, entitled “*Time for Solutions*.” This document was written with the Holy See’s hopes to offer a useful contribution to making incisive decisions (p. 87). It starts by acknowledging the progress made up to that time in affirming the right to water. It mentions the 2010 United Nations General Assembly Resolution on “The Human Right to Water and Sanitation” (U.N. Doc. A/64/L.63/Rev.1, 26 July 2010), where the right to water is recognized as a fundamental right “for the full exercise of the right to life and all human rights” (p. 89). It continues with a presentation of the status quo of water-related issues in the world identifying the main problems as related to the insufficient quantity and quality of water, the underestimated statistics on thirst, the complexity of the geographical distribution of water problems, the delay and insufficient progress in the sanitation sector and the dangers presented by a commercial concept of water based exclusively on criteria of maximization of profit (pp. 91-96).

In its search for effective solutions, the Holy See states that solutions to water problems cannot be cabined independently. They have to be devised in a global approach to development encompass-

2015] WATER: AN ESSENTIAL ELEMENT FOR LIFE 297

ing issues of hunger, malnutrition, economy, finance, energy, environment, production, hygiene, agriculture, urbanization, natural disasters, etc. (pp. 98-99). These problems require interdisciplinary analysis at various levels: local, regional and global. The intervention further identifies a growing demand for water not just because of population growth, but also because of non-essential insatiable consumption, which puts resources in jeopardy (pp. 100-101). It advocates for sustainable solutions to accelerate progress in the implementation of the right to water. New structures, new ways of governance and new policies are required. The rationale of a new governance scheme must be directed towards the concept of the universal destination of goods and the common good (pp. 103-108). In fact the “right to use earthly goods, including water, is a natural, inviolable right with universal value inasmuch as it is due to every human being” (p. 107). Both private enterprises and public institutions must be at the service of the right to water and their policies ought to be an expression of solidarity, sense of love for the common good, and justice ensuring available remedies to guarantee the right. Above all, positive law has to be based “on the principles of natural moral law in order to guarantee respect for the dignity and value of the human person” (p. 109).

Water: An Essential Element For Life offers a wealth of guidance for policy, law and practice that is based on valid and lofty, but achievable universal principles of human dignity and common good. The right to water, a universal and inalienable right, sits at the foundation of the enjoyment of all other rights. Hence, it is of utmost importance that it be addressed with highest order priority for the present and for future generations. Written in most accessible prose, this book should instruct international and domestic policy related to water. It is indispensable to any public and private actor who is tasked with decision-making related to water, or who simply wants to examine in greater depth the matter of the right to water and all of its implications. The collection can also help the international community to become more aware of, sensitized to, and informed about the topics and problems related to the economics and the sustainability of the use of water. It is a vivid expression and implementation of various principles of Catholic Social Doctrine such as the principles

298 *INTERCULTURAL HUMAN RIGHTS LAW REVIEW* [Vol. 10]

of solidarity, subsidiarity, the common good and social justice, and it is also an inspiring instrument for present and for aspiring leaders of good will, conscience and decency. It is a book that all of us who believe in human rights, equality, solidarity and human dignity for all, should have on our desk for constant reference and guidance.