



To,

Mr. Pedro Arrojo-Agudo,
Special Rapporteur on the Human Rights to Safe Drinking
Water and Sanitation, OHCHR-UNOG
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RE: Submission and Response to Questionnaire for Non-State Actors re: the
**Thematic Report to the 79th session of the UN General Assembly “Water and food nexus:
a human rights approach to water management in food systems”**

Included in this submission are:

1. Cover page:
2. Main submission in response to your question 27.3 PP: 2-7
3. Annexure PP: 8-9

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I acknowledge that I live, learn, and work on the ancestral, traditional and contemporary lands of the Dakota peoples ceded in the Treaties of [1837](#) and [1851](#). Whose land people in N. America live on: native-land.ca

Member of the UN HLPE Committee bringing out the [Agroecology Report for the UN CFS](#) and
Contributing author to the [Water for Food Security Report of the UN-CFS High-Level Panel of Experts](#)

Dear Special Rapporteur,

We appreciate that the Special Rapporteur on the human rights to safe drinking water and sanitation, Pedro Arrojo Agudo, is inviting inputs from States and other stakeholders to inform his thematic report on “Water and food nexus: a human rights approach to water management in food systems,” to be presented at the UN General Assembly's 79th session in October 2024.

Problems and solutions around water for FSN are often conceptualized and framed in ways that neglect the needs and interests of poor, food insecure and marginalized people, including especially children and women, and efforts across sectors are rarely joined up. Poor or vulnerable people's capabilities and entitlements to water and food production and/or consumption are neglected, together with their ability to ensure that the water and food needs of their children are met. It is important to address current inequalities in water and food supply, consumption and related distributional processes at global, national and local levels, and focus on enhancing equity, gender and social justice around water for FSN, and we hope your thematic report will address these lacunae head on.

The three of us are among the members of the Project Team (Lyla Mehta being the team lead) that helped bring out the High-Level Panel of Experts (HLPE) Report on [Water for food security and nutrition](#) for the UN Committee on Food Security (UN CFS). This HLPE report was the basis of the [Policy recommendations on water for food security and nutrition](#) that the UN CFS Plenary endorsed in 2015 making it the first multilaterally agreed policy recommendations on water for food and nutrition security, including on the need to consider the rights to water and food jointly

Our co-authored book, [Water for Food Security, Nutrition and Social Justice \(2020\)](#), further built on the UN CFS report . The book specifically **analyses vital but hitherto ignored intersections between the human right to food and the right to water and breaks new ground by framing food and nutrition security in terms of both the right to food and the right to water.**

Our book has argued that without water there can be no food security and nutrition. Water is life. Water of sufficient quantity and quality is an essential input to agricultural production as well as to the consumption, preparation and processing of food. Safe drinking water and sanitation are fundamental to the nutrition, health and dignity of all. Water is what brings life to ecosystems, such as forests, lakes or wetlands that provide poor people with nutrition, and is fundamental for all other productive sectors, including energy, and manufacturing. Yet millions of people around the world lack access to safe drinking water and adequate sanitation

facilities, affecting their nutritional and health status. Even though accessible fresh water resources are adequate at global levels to meet the water needs of the world, these resources are unevenly distributed across the globe. From local to global, there is vast inequality in access to water, determined by socio-economic, political, gender and power relations that also affect food security and nutrition.

We have continued to collaborate calling for a joined-up approach on the right to water and the right to food and nutrition security with an emphasis on agroecological transitions. Along with other partners, we organized a side event at the [United Nations 2023 Water Conference](#) : “*Water and Nutrition: Harmonizing Actions between the Water and Nutrition Decade. What does it take?*” [At the side event](#), we stressed that a joint approach is an imperative for meeting the goals of the water and nutrition decades, especially in the context of the indivisibility of human rights, in this case the right to adequate food, the right to water and sanitation and the right to health. [At the side event](#) we also stressed the importance of recognizing agroecological transformation¹ as key to meeting [multiple SDG goals](#), and that it is particularly important in the context of smallholder food producers and nations that are considered [LDCs, or countries transitioning from LDC status](#).

In this response to [27.3](#)² we will be drawing on our collaborative work that spans over the last decade.

A key focus of our work has been the relationship between Water and Food & Nutrition security (FSN) of the world’s poor. We argue that a ‘broader conceptualization of the right to water is truer to how water is understood and embedded in the daily lives of local communities around the world, especially those who are poor. **Local communities rarely distinguish between water for domestic and subsistence purposes.** Of primary importance is a possible expansion of the current scope of the right to water to incorporate the right to water for meeting individual and household food and nutrition requirements, with a focus on meeting the rights of the poor as a priority. Given that a majority of the world’s poor still rely on aquatic ecosystems to meet their basic water needs, protecting and restoring the quality and quantity of water in such ecosystems is as much part of meeting their right to water as their right to a healthy environment. Such an approach will inform a different framing of the multiple challenges we face in the context of our food systems and therefore the solutions.

¹ Agroecological transformation based on the 13 agroecological principles of the UN CFS HLPE Report and FAO’s 10 elements of agroecology, will help society move towards food sovereignty, diversified diets and nutrition security, while meeting SDG goals related to ecological sustainability, poverty reduction & sustainable agricultural water use.

² 27.3: Can you describe broadly how your research, project implementation, or intervention process works, how it links to the right to water and food, and how you engage with other actors?

This would fundamentally shift the current global discourse on water allocation in which water for economic (commoditized) purposes is given greater weight and priority than water for the self-provision of food and nutrition for the poor, or water for a healthy environment. It would provide a substantial impetus towards strongly recognizing water as first of all a social good for meeting the basic food and water needs of the poor. This presents an important opportunity to reconceptualize the right to water as it intersects with and supports the right to food in ways that are sustainable, equitable and that respond to changing climatic conditions. The current definitions of the right to water are clearest on the need for potable water and water for sanitation, but there are emerging discussions on expanding the scope to address the importance of adequate water for ecosystem sustenance and subsistence agriculture, as a right.

This raises the issue of how much water is sufficient to meet the rights to water and food. The alignment of the rights to food and water would prioritize the right to water for ecosystem sustenance and food production over water use for other uses (including water for non-food crops), at whatever scale. Given that climate change related water woes are plaguing rural communities across the world, this would also mean that agricultural [practices that prioritize water conservation](#), improve soil health and enhance the water holding capacity of the soil, such as [agroecological approaches](#), need to be incentivized so as to ensure local food and nutrition security.

Current challenges:

Even though a [2013 FAO report](#) suggests that smallholder farmers produce more than 70 percent of the world's food, it has since been [pointed out](#) it would be more accurate to say that family farms (of varying sizes) produce around 80% of worlds food, while smallholder farmers produce 28%-31% of the world's crops, measured in kilocalories. It still remains that [most \(84%\) of the world's 570 million farms are smallholdings](#); that is, farms less than two hectares in size, but often lack recognition of their land and water rights in formal legal systems; women and girls often spend several hours a day collecting water but lack decision-making power when it comes to water management; indigenous peoples are often displaced from their lands and rivers as a result of large infrastructure projects; and the interests of fisherfolk and pastoralists are rarely advanced in national policies. This is why mechanisms to allocate water need to give adequate priority to water for local food production as well as for the basic needs of poorest populations and those pushed to the edges of society.

With climate change, and population increases, there is increasing demands on land and water, including from corporates wanting to protect their interests, further increasing

pressure for available land and water. In such processes and transactions, states have a binding obligation to ensure that private and public sector investments, whether national or international, respect the human rights to water, sanitation, food and health of poor and marginalized communities.

Effective water governance is also crucial to ensure equitable and gender-just decision making and allocation processes around water. But in reality, water governance processes tend to be highly political and are often fragmented. The politics of allocation are often biased by the ability of powerful actors to influence decision making processes, making water-grabbing an increasingly key issue to be addressed. Water, food and land governance regimes tend to be highly disconnected, often doubly disadvantaging marginal land and water users. While approaches such as IWRM and the nexus are intended to break down existing silos, they are often executed in a top-down manner and are difficult to implement, leaving the poor still marginalized. Water reform processes have often not served to enhance the water and food security of poor or vulnerable people. Indeed, it can be argued that some water reform processes have further marginalized the water use of the rural poor. In addition, large scale land acquisitions that have been taking place in recent years have often tended to exclude local populations from their lands and water resources and increased local level conflicts.

This idea—of expanding the right to drinking water to include both productive uses of water as a social good and for conserving ecosystem functions--was initially developed as we were exploring the synergies between the rights to water and food for the early drafts of the HLPE report. It has found many supporters (from civil society and academia) but also has been critiqued by those in the establishment (key donors and also actors in the UN system).³ The main argument was that many countries are currently struggling to realize the basic right to drinking water due to funding constraints and an expansion of this right or indeed the existence of another right that focuses on water for livelihood or productive uses would impede the progressive realization of the RTW and create confusion and shift priorities and financial resources.

But, as has been documented by many scholars, while financial constraints are often mentioned as the reason that impedes the realization of basic rights, the main problem lies in the lack of political will and accountability. We recall the initial resistance to the RTW in the 1990s and around the turn of the century which began to change slowly after the General Comment No. 15 emerged explicitly providing an authoritative interpretation of the RTW. By 2010, water was declared as a fundamental human right by the UN General Assembly. This shows that ideas often rejected as utopian and impractical are realized when the time is ripe. At the national level, countries like Bolivia and Ecuador are combining the right to water and

³ [Water for Food Security, Nutrition and Social Justice \(2020\)](#), p.195

food in their constitutions.⁴ The Kenyan, South African and Zimbabwean constitutions imply a right to affordable and available water for personal, domestic and livelihood uses, thus recognizing the ‘indivisibility of human dignity, social justice, equality, and non-discrimination and protection of the poor and marginalized as basis principles’.⁵

Also, it needs to be added that the Right to Food debates have been broader and more political and inclusive than Right to Water debates, which have not pushed for these wider interpretations. Given that this includes the work so far of the Office of the previous Special Rapporteurs on the RTW (which tended to promote a more narrow focus of the RTW), it is heartening to see this initiative by the current Rapporteur to provide input to the UNGA on water for food security. It is one of the most crucial issues we face today, whose importance is only going to grow in an ever-warming planet. In this context, the well-being and survival of vulnerable communities, and protecting them against dispossession through land and water grabs, must be the first priority of the state.

Way forward

- **Such an approach would require the national and regional water authorities to** revise their water allocation systems to recognize the importance of allocating water first and foremost for ecosystem sustenance and to help meet the rights of the poor to sufficient water to meet their FSN requirements, and also the need to coordinate with multiple sectors including biodiversity and environmental divisions for designing landscape level and regional/ watershed level plans.
- **Such an approach would also require national and regional authorities to** adopt a coordinated approach among multiple sectors to [solving multiple problems plaguing the food systems](#), including through investing in research, and extension as well as investing in rural infrastructure development along with multi sector coordination as the [Govt of Mexico has been doing](#).⁶
- **This would also require the UN GA to request** the Human Rights Council to explore the opportunities for and the implications of expanding the scope of the right to water so that it advances the right to the food and nutrition security of the most vulnerable. This entails expanding the scope of the right to water to include water for ecosystems reserves and water for subsistence production, consistent with the more developed jurisprudence around the right to food.

⁴ Ibid, (p. 189).

⁵ Hellum, A., Kameri-Mbote, P. and Van Koppen, B. (eds) (2015) *Water is Life: Women’s Human Rights in National and Local Water Governance in Southern and Eastern Africa*. Harare: Weaver Press

⁶ One of the regions where this is happening is among small holder farming community of Oaxacan Mixteca.

- **This would also require the UN Human Rights Council to request** UN special rapporteurs on the Right to Food, the Right to Water, Right to Environment and the Right to Health in consultation with other experts in international law and other stakeholders, to develop the most accurate framing of the issue to achieve synergies between the rights to water and food as well as health and environment in order to promote food security and nutrition for the most vulnerable groups, while ensuring ecosystem sustainability.
- **This would also require the UN Committee on Food security to consider** the development of voluntary guidelines on implementing the right to water in a manner that supports realization of the right to food through sustainable food system transformation, to strengthen the implementation of its policy guidelines on water for food security as per the HLPE recommendations on agroecological transformations, and FAO's 10 elements of agroecology, as part of its next [Multi Year program of Work \(MYPoW 2023-2027\)](#), which is presented as a combination of four cross-cutting focus areas
 1. Enhancing equity and inclusiveness in agriculture and food systems
 2. Fostering resilience of food systems to shocks and stresses
 3. Promoting agriculture and food systems actions that protect the planet
 4. Strengthening means of implementation and collaborative action for food security and nutrition

The CFS should: I) Jointly organize a special meeting inviting all food security, nutrition, environment (biodiversity, climate, and water)-related actors to discuss how to coordinate policies and programmes toward progress in the FSN outcomes of their activities, with active participation of [CSIPM](#), representing those most affected by food insecurity and malnutrition.

We end this submission in the hope that, with this thematic report, the key global players concerned with Right to water and Right to food and nutrition security, such as the World Committee on Food Security, the Human Rights Council and also the Special Rapporteurs on water, food, environment and health will seriously explore pushing the linkages and synergies between the rights to water and food in order to ensure healthy and productive lives for all through protecting our environment and prioritizing the needs of our marginalized.

We close this with a **list of summary findings and key recommendations** (Please see **Annexure, further below**), from the [UN CFS - HLPE report on Water for Food Security and Nutrition](#) (see pp: 19-24) elaborating in detail on a few points that are particularly relevant **for this submission, especially on the specific recommendation on promoting a rights-based approach to governance of water for Food and Nutrition security.**

Annexure

1. Summary of the [UN CFS - HLPE report on Water for Food Security and Nutrition](#) (see pp: 11-18):

- Water is central to Food Security and Nutrition (FSN)
 - Water availability and stability for FSN
 - Competing uses of water
 - Water scarcity and access to water
 - Water quality
- Managing water scarcities in agriculture and food systems
 - Management for improved water and agriculture productivity in both rainfed and irrigated systems
 - Optimise uses and re-uses for FSN at all levels
 - Trade can compensate water scarcities for FSN
 - Data and monitoring
- Challenges of water governance for food security and nutrition
 - The challenge of integration and prioritization
 - In many cases national water policies do not prioritise water for food security. While some do outline the order of priorities for water allocation with a focus on FSN, fully implementing it remains a challenge, not least due to the lack of integration in decision-making, with decisions on irrigation, industrial or power generation development being taken in different departments with little consideration for the cumulative impacts on water. Some countries however have put in place improved intersectoral decision making, a critical process in ensuring sufficient water for FSN.
 - Sustainable management of water resources for FSN often depends on the protection and conservation of specific ecosystems, particularly wetlands and forests, which themselves also contribute to the FSN of local populations. Similarly, quality water streams and bodies are important for inland fisheries and aquaculture. The ecosystem approach as defined by the Convention of Biological Diversity provides a good model. It requires specific integrated governance mechanisms.
 - Actors
 - Institutions
 - Mechanisms to manage competing demands
- Land and water linkages
 - When land and water governance are not adequately linked, changes in land ownership and tenure at one location can have impacts on water access rights elsewhere, with impacts on agriculture and FSN. Conversely, loss of access to water can impede the proper use of land. In particular, large land acquisitions can lead to the re-allocation of water locally or downstream and can negatively affect the FSN of communities, local or remote.
 - The Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (VGGT), and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) have not paid much attention to the topic of water resources, despite it having important linkages with land issues, and it being a determinant of fisheries resources.
 - Investments
 - International agreements and initiatives
- The right to safe drinking water and sanitation, and the right to food (*P:18; para. 60*)
 - The human right to safe drinking water and sanitation and the human right to food have close ties because safe drinking water and sanitation are crucial for health and good nutrition, and because access to water is indispensable for food producers, and the right to food of producers. There are ongoing reflections, warranting further exploration and research, on the consequences of these two rights for water governance, and how they can promote a human rights-based approach to water

governance for FSN. These reflections also lead to considerations about the extra-territorial obligations of States to regulate the activities of third parties under their jurisdiction to ensure that they do not violate the human rights of people living in other countries.

2. Recommendations (pp: 19-24), [UN CFS - HLPE report on Water for Food Security and Nutrition](#)

1. *Ensure sustainable management and conservation of ecosystems for the continued availability, quality and stability of water for FSN*
2. ***Ensure an integrated approach to water and FSN related policies***
3. *Prioritise the most vulnerable and marginalised, including mainstreaming gender and addressing the specific needs of women*
4. *Improve water management in agriculture and adapt agricultural systems to improve their overall water efficiency and water productivity, and their resilience to water stresses*
5. *Improve the contribution of trade to “water for FSN*
6. *Devise and share enhanced knowledge, technologies and management tools related to water for FSN*
7. *Foster an inclusive and effective governance of water for FSN*
8. *Promote a rights-based approach to governance of water for FSN*

Below is the [full set of sub-recommendations](#) on the #8. Recommendation on **promoting a rights-based approach to governance of water for Food and Nutrition security (FSN)**, ([PP: 23-24](#)).

To Promote a rights-based approach to governance of water for FSN

States must:

- a) Comply with their obligations under international human rights treaties and similar agreements, including but not limited to the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

States should:

- b) Ensure the full and meaningful implementation of the existing Right to safe drinking water and sanitation.
- c) Ensure the full and meaningful realization of the Right to adequate food, and the full and meaningful implementation of the Voluntary Guidelines on Right to Food (VGRtF), fully taking into account the contribution of water to FSN.
- d) Ensure the full and meaningful implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) in such a way that it takes into account the inextricable relationship between land (fisheries and forests) and water, and the associated tenure rights.
- e) Fully take into account, in the governance of water, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) and the importance of quality water streams and bodies for inland fisheries and aquaculture.
- f) Assess the direct and indirect effects, of the development and implementation of water and/or land related policies, interventions and investments, on the realization of Right to safe drinking water and sanitation, and of the Right to adequate food.
- g) Implement the UN Declaration on the Rights of Indigenous Peoples, particularly in the context of laws and policies that affect water for FSN.

The United Nations Human Rights Council and its Special Procedures (especially the Special Rapporteurs on the Human Right to Safe Drinking Water and Sanitation, the Right to Food, the Right to Health, the Rights of Indigenous Peoples and the Independent Expert on Human Rights and the Environment) **should:**

- i) Address in their work means to strengthen the realization of the Right to drinking water and sanitation and to explore the implications of the linkages between water and FSN on the realization of human rights.
- j) Provide guidance on the relevance and possible use of the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights, as related to water for FSN”
