

Private wells & self-supply in urban areas: opportunities and challenges

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**Self-supply a.k.a. off-grid solutions
a.k.a. individual on-site solutions**



Recognised as part of the right to an adequate standard of living under the ICESCR, Art 11 (1966) + UN General Assembly Res. 64/292 (2010)

... entitles everyone to

- sufficient
- **safe**
- accessible
- culturally acceptable &
- affordable water
- for personal and domestic uses

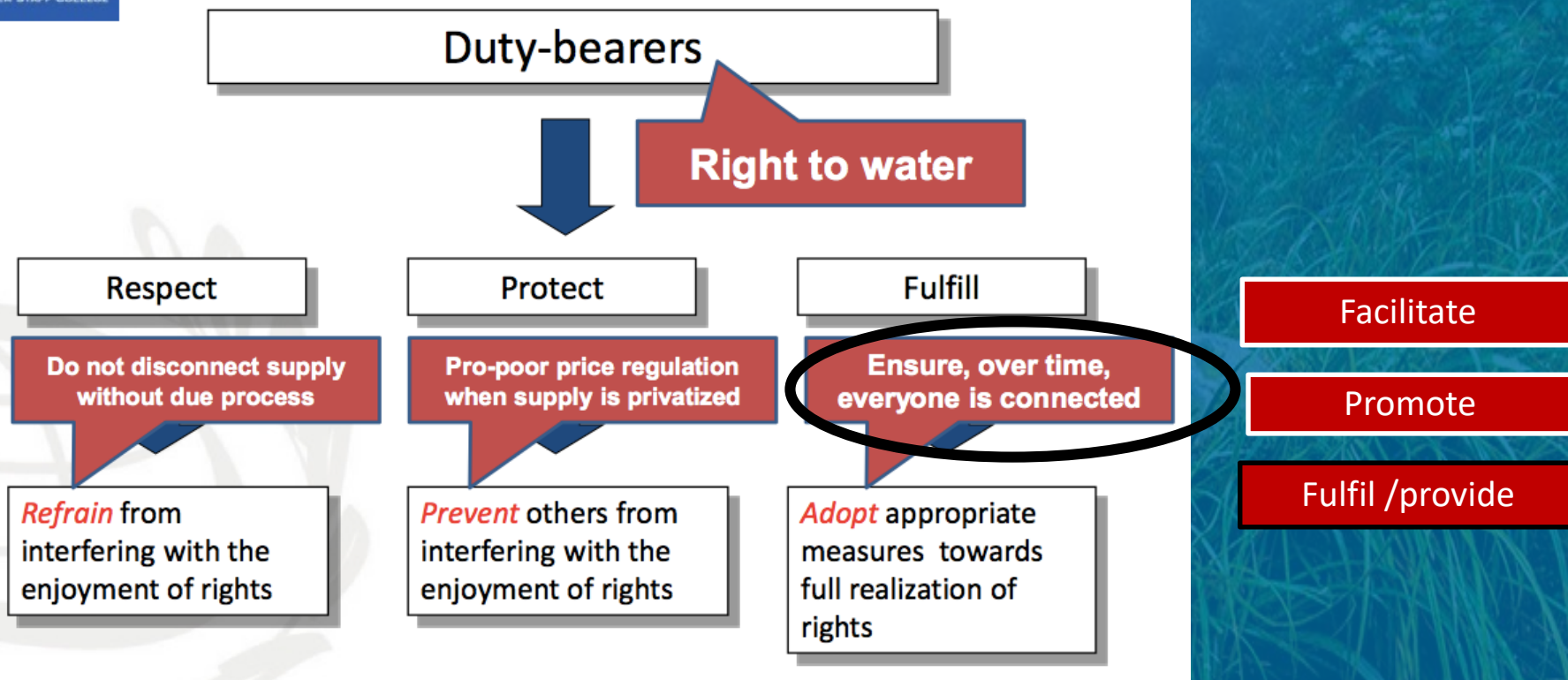
... as interpreted by the UN Committee on Economic Social and Cultural Rights, the Human Rights Council, the UN Office of the High Commissioner for Human Rights et al.

Corresponding State obligations:

1. *Respect existing arrangement*
2. *Protect from interference*
3. *Fulfil*
 - i. *Facilitate*
 - ii. *Promote*
 - iii. ***Fulfil***

The human right to water

Human rights obligations



Human rights *obligations*
w.r.t. to water

Facilitate: enable, empower, assist end-users to pursue their own enjoyment of the right, incl. by developing water & health policies, establishing effective laws & planning tools ...

Promote: ensure end-users' awareness, by educational measures & capacity development ...

Fulfil: provide drinking water services directly

So what?

The international human rights framework stipulates that **services** provision is a 'last resort' solution

States are obliged to fulfil (*provide*)
‘welfare’ rights **when**
the individual /group is **unable**
to realize these rights themselves
by the means at their disposal
/by their own efforts,
on grounds **reasonably** considered beyond
their control

Opportunities for the State
Self-supply = the norm?



- Self-provision = self-sufficiency; access from 'own', available sources *just in time*
- No *uncertainty* re. if or when utility service delivery will happen or if rationing due to drought
- Certain level of control over associated *costs* (installation, O&M, energy for pumping...)

Opportunities for *end-users*

Existing private wells/self-supply arrangements

- should be *respected* & not undermined (e.g. by forcing HH to pay for piped connection)
- should be *protected* from others' interfering (especially private sector & other non-State actors)

Under the HRBA, rights-holder are 'capable agents' who should be given a role in their own development

Opportunities for *rights-holders*

Ql: *Potential* health issues, if no/inadequate PoU treatment, from

- natural background levels of Fl, As...
- human-made contaminants/land use interface /poor sanitation practices

Qn:

- Competitive deepening; elite capture;
- Recharge /increasingly/ uncertain w. CC & urbanisation

Misc.:

- Practice goes unnoticed, unacknowledged
- Regulatory risks (e.g. authorities order closing down)

Challenges (1)

High-end strata opt out from paying tariffs for utility services that are key to meet costs + can cross-subsidise pro-poor approach

Must take measures to 'facilitate' & 'promote' incl. monitoring, advice and enforceable regulation, assess & control competitive deepening & renewability issues (?)

Actual & potential health issues must be controlled; (Climate Resilient) Water Safety Plans and health-related messages

Challenges for the State



If (piped or other) services provision is a 'last resort' obligation, what responsibilities do non-State actors have?

1. non-State actors include private vendors, bottling companies, industries ... UNICEF & WaterAid, the academic community...
2. which can & should contribute to protecting GW resources' sustainability ... & end-users' health

Opportunities or challenges?



WHEN does the State's obligation to fulfil /provide safe drinking water kick in?

- A) Immediately after a natural disaster such as Cyclone Idai (core obligation)
- B) When it seems that the new neighbour's deep borehole ... or CC ... has caused one's own to dry up ?
- C) Where contamination renders the water non-potable ?
- D) ... and a multitude of other situations ?

Unclear policy implications



With this framing of the obligation
to provide drinking water

→ HHs are **expected to self-
provide**

⇒ the State's role is to ...
ensure resources mgt
+ health & safety

The State must enable end-users to pursue self-supply in a sustainable manner and ensure there is adequate awareness and knowledge regarding if and when drinking water is safe.

Article

Regarding Groundwater and Drinking Water Access through A Human Rights Lens: Self-Supply as A Norm

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Abstract: Globally, some 2.5 billion people depend solely on groundwater to satisfy their daily drinking water needs. The reliance on this resource and its centrality to realize the human right to ‘safe’ drinking water has increased manifold, but this is yet to be fully acknowledged globally or by governments and political leaders at the national level. This paper analyses the interface of international human rights law, as corresponding to the obligations and responsibilities of different actors, regarding groundwater resources planning, management and protection. Drawing on the literature, we discuss the State’s duties to respect, protect and fulfil this right especially in relation to the freedom of end-users to self-supply from groundwater sources; the training and regulation of non-State service providers including drillers and private vendors; and health and safety concerns. Interpreting the State’s duty to ‘fulfil’ through direct water service provision ‘as a last resort’, this paper suggests that self-provision is the original norm for enjoying the right to water. This has significant implications for the State’s role in raising awareness concerning point source protection and aquifer recharge for water resources management and in decisions concerning water allocation. By ignoring self-provision, which is primarily from groundwater, the State is not only missing a tremendous opportunity but is jeopardizing the water security of future generations.

Keywords: groundwater; human rights; safe drinking water; HRWS; HRBA; self-supply; off-grid; private vendors; borehole drilling; source protection

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