
Realizing the Human Right to Water in Tanzania

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INTRODUCTION

Water is fundamental for life and health. It is a natural resource upon which all life depends. Without water, the survival of living things is impossible.¹ Access to safe water and sanitation are crucial for human survival and are essential considerations when addressing socioeconomic development, poverty, and health problems. Lack of adequate water for sanitation and hygiene is one of the leading causes of sickness and death in the world.²

When people lack access to safe water in sufficient quantity, they are forced to use contaminated water.³ When people get sick because of using contaminated water, their ability to attend school or earn a living is reduced, and their productivity is impaired. Also, the cost of treating water-related diseases may be too high for many people, adding to the cycle of poverty and disease.⁴ It is estimated that more than 1.1 billion people in the world (eighty percent of them rural dwellers) are denied the right to clean drinking water, and 2.4 billion have no access to proper sanitation.⁵ As a result, every year 2.2 billion people die from water-related diseases⁶ and 1.87 million children die from diarrhea, ninety percent of which results from unsafe drinking water.⁷

In Tanzania, as in many other sub-Saharan African countries, numerous people do not have access to safe water. There are more than 41 million people living in Tanzania,⁸ of whom have little water to use, and some use contaminated water.⁹ The Household Budget Survey in Tanzania estimated close to half of the households lack access to safe drinking water.¹⁰ This article examines the concept of right to water as a human right and analyzes the implementation of the right to water in Tanzania through both customary and statutory laws. The article concludes that water supplies in Tanzania are not sufficient to meet the needs of its population. Inequalities in water supply continue to exist both between and within rural and urban areas. The government needs not only to adopt human rights laws, but also to cooperate with customary institutions in implementing these laws to ensure that the human right to water is realized.

THE RIGHT TO WATER AS A HUMAN RIGHT

The right to water is the fundamental human right of access to water of a quality and quantity sufficient to satisfy basic human needs: consumption, hygiene and sanitation (e.g. bathing or laundry), cleaning, cooking, and subsistence agriculture. It



Courtesy of Leticia Nkonya.

A woman drawing water from a spring in northwestern Tanzania.

requires the state to guarantee a minimum quantity of water sufficient for individual human life and health. However, the right to water does not include guaranteeing water for commercial, industrial, or large-scale agricultural or irrigation activities.¹¹

The last few decades have seen a greater recognition of the right to water as a universal human right, which evolved through several international and regional legal instruments. Article 24.2(c) of the Convention on the Rights of the Child states that children have a right to clean drinking water.¹² Article 14.2(h) of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) states that rural women have a right to “enjoy adequate living conditions, particularly in relation to . . . water supply” on an equal basis with men.¹³ And Article 15 (Right to Food Security) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa obligates States Parties to “provide women with access to clean drinking water”¹⁴

In 2002, the Committee on Economic, Social and Cultural Rights (CESCR) adopted its General Comment No. 15 on the right to water, based in Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The CESCR defined the right to water as the right of “everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”¹⁵ This adoption of water as a human right obligates countries that have ratified the ICESCR to gradually ensure fair and non-discriminatory access to safe drinking water. Moreover, in 2007 the United Nations High Commissioner for Human Rights clarified that “it is now time to consider access to safe drinking water and sanitation as a human right, defined as the right to equal and non-discriminatory access to a sufficient amount of safe drinking water for personal

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and domestic uses — drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene — to sustain life and health.”¹⁶

A distinction should be made between the “right to water” and “water rights,” where the latter refers the legal right to use, sell, lease, and decide who will have access to water and how.¹⁷ Nevertheless, these two types of rights are interrelated. Water rights are the legal authorization to use a specified quantity of water “for a specific purpose under specific conditions,” while the human right to water focuses on the amount and quality of water required by human beings to meet their basic needs, which should serve as a minimum requirement for water rights to be granted to each individual.¹⁸

The right to water is viewed as an important step in the realization of other human rights such as the right to life, the right to food, the right to education, and the right to health. States are responsible for respecting, protecting, and fulfilling all human rights, including the right water.¹⁹ Fulfilling the human right to water requires the government to take necessary steps to improve the safety, accessibility, and affordability of water for all.²⁰ Respecting the right to water requires that governments refrain from actions that undermine enjoyment of the right, such as limiting access to water, polluting water sources, or engaging in forced evictions that remove people not only from homes and land but also from water sources. Protecting the right to water also requires the government to ensure that third parties such as individuals, corporations, groups, or other entities do not undermine or interfere with the enjoyment of the right to water.²¹

THE IMPLEMENTATION OF THE HUMAN RIGHT TO WATER IN TANZANIA

Tanzania has signed and ratified the following international human rights instruments related to the right to water without any reservations: the ICESCR,²² the UN Convention on the Rights of the Child,²³ the African Charter on Human and Peoples Rights; and CEDAW.²⁴ The ratification of these instruments without any reservations indicates Tanzania’s willingness to be bound by all their provisions.²⁵ However, Tanzania’s legal system is largely based on common law; therefore, international instruments are not directly applicable before they have been implemented in domestic legislation, either by amending or repealing existing legislation, or enacting new legislation.²⁶

The government of Tanzania has been slow in changing its laws to fully conform to human rights instruments. For example, Tanzania ratified CEDAW in 1981, but has not yet incorporated it into statutory law through an act of Parliament. Nevertheless, courts have relied on Tanzania’s ratification of CEDAW in making formal judgments.²⁷ Meanwhile, Tanzania’s constitution requires all state authorities and institutions, in undertaking their activities, to ensure “that human dignity and other human rights are respected and cherished.”²⁸ Also, the Tanzanian National Water Policy of 2002 recognizes that “access to clean and safe water is a basic need and right for all human beings” and emphasizes that “water for basic human needs in adequate quantity and acceptable quality will receive highest priority.”²⁹ Additionally, the Water Resources Management Act of 2009, Section 4(1)(b) recognizes that “safe drinking water is a basic human right.”³⁰

The CESCR General Comment No. 15 on the right to water describes three elements that have to be met for the full enjoyment of the right to water: quality (safe and acceptable for use); accessibility (within a reasonable distance, affordable, and non-discriminatory); and availability (sufficient quantity without interruption).³¹ The following discussion breaks these into four elements, separating access and discrimination issues from quality and affordability of water issues, and looks at how effectively each has been addressed in Tanzania.

THE QUALITY OF WATER

For water to be safe, it needs to be free from contamination and acceptable in terms of color, odor, and taste. Water contamination may result from a variety of both natural and man-made causes. Man-made causes include chemicals from farming activities, urban and industrial discharges, and mining activities. Natural processes include “heavy metals and arsenic that may leak from the earth into underground water.”³²

Although Tanzania has abundant water resources, pollution and poor water quality are common problems, and water is diminishing in terms of quantity and quality. Drinking water supplies have sometimes failed to meet the minimum requirements for water safety. Moreover, the water supply systems in urban and rural areas have failed to cope with the increased water demands of a fast-growing population.³³ The Proposed National Action Program to Combat Desertification has found that “[i]n urban areas, water is contaminated by effluent disposal

and leakage,” while in rural areas water is polluted by silt, sediment, and other contaminants from soil loss and surface runoff during the rainy season.³⁴ According to the Household Budget Survey in Tanzania, about “48 percent of all Tanzanian households, and 60 percent of the population in rural areas, depend on an unprotected source of drinking water,”³⁵ which may be contaminated. Protected wells and springs are used by only eighteen percent of all households,³⁶ and 34 percent of households use piped water.³⁷ However, piped water sources do not always guarantee safe water. Piped water may be contaminated or from an untreated source. Although protected underground water sources are generally regarded as safe, wells or springs may be polluted by nearby latrines or saline water. Also, many chemicals can leech underground and contaminate underground water. Moreover, according to the Tanzanian National Water Policy, at least thirty percent of rural water supply systems are not functioning properly.³⁸

According to a 2002 study, “Not a single city or town in Tanzania has sewage-treatment facilities.”³⁹ Currently, sewage waste from cities or towns is discharged untreated into coastal waters through local sewer networks and rivers.⁴⁰ The drainage system for surface water is also not well developed. As a result, most water bodies are heavily polluted. The system of collecting solid waste is also not very efficient. For example, in the city of Dar es Salaam, only 64 percent of waste is collected and only about thirteen percent of waste is removed.⁴¹ As a result, the build-up of waste contributes to the pollution of water sources. Further, many people living in slums have little or no access to basic necessities, such as clean water, toilet facilities, and sewage disposal. As of 2007, about seven percent of households in Tanzania still did not have any toilet facilities.⁴² Without access to toilets or other sanitation facilities, some slum dwellers are forced to use public areas, most often drainage routes, to relieve themselves so that human waste is simply washed into rivers with storm water.

The major statutory water management instrument in Tanzania is the Water Utilization (Control and Regulation) Act No. 42 of 1974 and its subsequent amendments.⁴³ The 1981 amendments to this Act include Section 18A(1), which restricts discharge of waste into an underground water body within 230 meters of any well or water body or within ninety meters of a water source.⁴⁴ This law fails to recognize, however, the realities of access to toilets, sewage systems, or waste treatment discussed above. Moreover, pollutants can still move into underground water even if the statutory distance requirement is met. Other factors, such as the hydraulic gradient, hydraulic conductivity, nature of the aquifer, and soil texture, may affect the movement of pollutants regardless of the distance from water source.⁴⁵

Tanzania’s Water Laws (Miscellaneous Amendments) Act Number 8 of 1997, Section 29(d) prohibits any kind of pollution of water sources.⁴⁶ The law maintains that whoever is found guilty of polluting water may be fined up to 1.5 million Tanzanian shillings (about U.S. \$1,154), sentenced to three years prison, or both.⁴⁷ Both fines and prison sentences increase for any subsequent conviction, while conviction for continuing to pollute after receiving a written notice carries an additional fine of up to 50,000 shillings (about U.S. \$39) per day.⁴⁸ Enforcement of this law, however, is a challenge due to corruption and lack

of financial and human resources.⁴⁹ Also, sometimes “the fines are too low to compensate for any damage caused and they are not likely to be recovered from the Tanzanian poor who to some extent are polluters of our water resources and also victims of such pollution particularly in squatter areas.”⁵⁰

Alternatives to improve enforcement of the Waters Law Act include greater reliance on customary legal institutions and moving the focus away from formal sanctions. Although the Act does not recognize the role of customary institutions in managing water resources, such institutions would be more cost effective because there would be little need to pay bureaucrats to manage and enforce water laws.⁵¹ Rather than emphasizing formal sanctions, the government could focus on creating incentives for people to keep water clean. This includes formal recognition of the more immediate and efficient punishments imposed by customary institutions, such as social ostracism, rather than the costly sanctions imposed by statutory institutions, such as imprisonment. Moreover, customary institutions are relatively free from corruption and more effective because it is not easy for the offender to escape punishment by bribing an entire village.⁵²

ACCESSIBILITY AND NON-DISCRIMINATION

Accessibility of water can be measured by the amount of time an individual must spend in round-trip travel to reach safe water. Water is considered inaccessible if it requires travel of more than one kilometer or thirty minutes round-trip.⁵³ Water is also considered inaccessible when it is improperly stored in a way that can be contaminated.⁵⁴ To ensure accessibility, the government needs to make sure water is in or near the household and is not contaminated. If this is not possible, the government needs to make sure an uncontaminated water source is within thirty minutes of any household. Non-discriminatory water provisions means the government must ensure that water is accessible to all people, including the poor, vulnerable, and marginalized. The Tanzanian government recognizes access to an improved water supply as a basic need and human right. As a result, the government policy aims at achieving equitable access to adequate, safe, affordable, and sustainable clean water both in rural and urban areas.⁵⁵

The Water Utilization (Control and Regulation) Act declares all the water in the country to be the property of the Republic of Tanzania, and gives everyone the right to use, but not to own, water.⁵⁶ The Act prohibits private ownership of water and considers water a public resource that needs to be available to everyone. The Act stipulates that water users obtain rights to use water by acquiring a water permit, which gives them legal license to use the permitted water. The water use right is classified in order of priority, with water for domestic use given the highest priority.⁵⁷ However, many people, especially in rural areas, may not apply for formal water use permits because of their adherence and loyalty to customary laws.⁵⁸ The resulting conflict between legal systems is problematic: according to a journal report, “Whenever there is scarcity and competition . . . the authorities pretend that the only prevailing law is state law.”⁵⁹

For the majority of people in rural Tanzania, access to and use of water resources is regulated by customary laws under which



Women fetching water in rural Tanzania.

all natural resources are community property. Membership in a community ensures the right to use communal water resources.⁶⁰ There is no private control of natural water sources, but customary institutions have the right to control and determine the use of water resources for the benefit of the whole community. Customary laws emphasize the norm that everyone has the right to drinking water. No one can be excluded from using a water source for domestic use, regardless of whether the water is from a natural or developed source, or whether the water source is situated on private or public land. Every community member has access to natural water sources such as rivers, streams, and ponds. Finally, water sources that are developed either by individuals or groups are privately owned.⁶¹

In Tanzania, fetching water is the task of women and girls. Oftentimes, women and girls spend long hours fetching water for their families. In rural areas, more than fifty percent of households “have to travel more than one kilometre to their drinking water source in the dry season.”⁶² Women in rural areas travel, mainly on foot, an average of forty minutes to collect water, and almost one quarter of households travel over an hour.⁶³ Where there is no easy access to water, girls have to help their mothers with this burdensome task, which often interferes with their right to education. Heavy household workloads, exacerbated by problems of water access, and strict gender roles, greatly affect girls’ school attendance.⁶⁴

Tanzania remains a highly unequal society, and this fact is reflected in access to water services. Educated and wealthy people tend to migrate to the prosperous and favored areas, which have greater water supply than poor areas. Households in scattered rural communities are more likely to either receive no or poor water supply services. Also, the current water policy requires rural communities to contribute towards water supply projects.⁶⁵ As a result, inequality exists between better-off and poorer communities within rural areas, between rural and urban areas, and within urban areas.

Tanzania’s urban and slum population is rapidly increasing at a rate of more than six percent per year — one of the highest growth rates in sub-Saharan Africa.⁶⁶ The fast-growing urban population, coupled with diminishing capacity of the government to provide or facilitate the provision of water sources, has overburdened the water services in most urban settlements. In urban areas, more than 92 percent of the urban population lives in slums,⁶⁷ and “only about 70 [percent] of the urban population has access to reliable water supply.”⁶⁸ Slums are a reflection of poverty, inequality, and social exclusion that exists in urban areas. Most slum dwellers do not have convenient access to improved water sources. The development of water supply in slum areas is difficult because most are located in ravines, and on hills and flood plains. Also, because of poverty, some slum dwellers build their homes using materials such as mud, plant leaves and stems, and tin which makes it difficult to install permanent water pipes.⁶⁹ Further, the cost of installing water pipes may be too high for slum dwellers. Additionally, the statutory laws require one to have a legal tenure on property before constructing a water source or extending water pipes, yet most slum dwellers do not have formal property rights to the land on which they live.

SUFFICIENT WATER

The CESCR General Comment No. 15 indicates that people need to have sufficient water for drinking, personal sanitation, washing clothes, food preparation, and hygiene. According to Gleick, human beings need a minimum of about twenty to forty liters of fresh water per person per day to meet drinking and sanitation needs alone.⁷⁰ If water for bathing and cooking is included, the minimum amount of water needed varies between 27 and 200 liters per capita per day.⁷¹ The average total domestic water use per person per day in Tanzania is below the minimum requirement, at about 10.1 liters.⁷² Access to safe and reliable local water supplies is a major challenge for many people in Tanzania. Without the benefit of piped-in supplies, many people, especially in rural areas where 77 percent of the Tanzanian population lives, must devote a sizeable part of their day to securing water for their daily needs and still end up with less than they require.

To some extent, the quantity of water accessed is subject to statutory regulation. For extraction of surface water, statutory law in Tanzania requires people to obtain water rights that specify the quantity of water to be extracted. Groundwater extraction of 22,700 liters or more per day requires formal water rights and is regulated by the government, while lesser surface water collection is not regulated.⁷³ Individuals who have land rights may dig their own private wells and extract up to 22,700 liters per day.⁷⁴

Once again, there is conflict between statutory law and the customary laws that often govern in rural areas. According to customary laws, there is no limit on the quantity of water available to households if it comes from natural water sources such as springs. However, the quantity of water is affected by how far women must travel to fetch water, the availability of water from a water source, the size of household, and how many women in the household are available and able to collect and carry water. The quantity of water from sources developed by water users

is also regulated by customary laws whereby each household receives an equal quantity of water depending on how much water a source can produce and how many households are members of a particular water user group. However, membership is by household, so households receive equal quantity of water regardless of their size. If water from one user group is not enough, a household must subscribe to more than one user group, which may be costly.⁷⁵

For people in urban areas who use piped water, there is no limit to the quantity of water they can use for domestic purposes as long as they are able to pay for it. However, the quantity of water available to households with piped system may be affected by water supply interruptions, a common occurrence in Tanzania. Public water supplies and delivery in Tanzania are highly deficient, so that even urban residents experience frequent interruption of water due to faulty valves, broken pipes, insufficient water pressure, and water rationing. Water rationing is very common and, as a result, people may be forced to rely on buying water from vendors or kiosks (water-selling stations run by NGOs and water utility companies).⁷⁶ Some households can afford to install water tanks and booster pumps to pump water out of the pipes, and some depend on groundwater from privately drilled boreholes.⁷⁷

AFFORDABILITY OF WATER

Water is considered affordable when its cost does not reduce one's ability to purchase other necessities like food, medical care, housing, and education. Households should not spend more than three percent of their income on water.⁷⁸

The National Water Policy (NAWAPO) of 2002 outlines the process of decentralization of water schemes by devolution of responsibility from governments to villagers for cost recovery and ownership. The government's role is in policy and guideline formulation, coordination, monitoring, and regulation; local authorities have responsibility for water resource management. Communities are expected to initiate demand for facility improvement and commit themselves to achieving full cost recovery for ongoing operation and maintenance.⁷⁹ NAWAPO requires rural communities to share the costs of managing water supplies and to participate in financing their water supply programs. Rural people pay part of the capital costs, whether in cash or in kind.

Because of the NAWAPO program, safe drinking water may be available for people in rural areas from a mechanically drilled well equipped with a hand pump. However, this is not affordable for everyone. Local government authorities, generally the district water office, provide and install the water pump. Alternatively, some villagers obtain water pumps through a water user group; however the group must be registered, obtain a formal land title to the area, open a bank account containing no less than Tanzania shillings 60,000 (about U.S. \$60), and pay to maintain the water source. This is a lot of money for poor people, but non-members cannot access water unless they are considered very poor and consequently unable to afford membership and water maintenance fees. These individuals have to request special permission from the whole group and may be required to provide in-kind contributions. Thus, water user fees aimed at achieving cost recovery can be a big burden for the most vulnerable groups

within the community. Those who cannot afford to join the groups may not have access to safe drinking water and instead be forced to collect water from unprotected sources.

In urban areas, most slum dwellers do not have nearby access to improved water sources, and where there is access, the cost may be too high for most families to afford. Sometimes they have no option but to use water from ponds and rivers, often polluted by factories, because either they cannot afford to buy the quantity of water they need or the safe water source is too far from where they live. When people must pay for water in urban areas, they either pay the city water authorities to have piped water in their household or they buy water from water vendors or kiosks. Poor urban dwellers typically lack piped water, and therefore rely heavily on these water vendors and kiosks. Consequently, they pay higher prices for water than their wealthy counterparts who have piped water in their homes. The cost of a twenty-liter bucket of water in a big city like Dar es Salaam, ranges from 250 to 300 Tanzania shillings (about U.S. \$0.18 to \$0.22), and "that's on the days when water is available in the city at large; when there are shortages — and this happens frequently — prices shoot up to 500 [Tanzanian shillings] per gallon."⁸⁰ The same amount of water piped at home costs less than one Tanzania shilling (about U.S. \$0.0008).⁸¹

CONCLUSION

It is clear that fulfilling the right to water in Tanzania is still far from reality. Water supplies in both rural and urban areas are not sufficient to sustain water needs. The quality of water for most people is still poor; many people in both rural and urban areas continue to use contaminated water. For countless people, safe water is not affordable. Inequality in water supply services continue to exist and the poor are most affected, as many either live outside of the service areas for the piped water system or cannot afford safe water. When water fees increase, people who are too poor to pay may suffer cuts in their water supply. Those who are outside the formal system depend on streams, rivers, and lakes that may be polluted.

In order to address these manifold problems, the government needs to restructure, rehabilitate, and expand public water supplies. One of the most effective ways to solve water pollution is to educate people about how they are polluting water sources and the resulting effect on their health. Moreover, the government needs to invest in proper water disposal, anti-pollution strategies, and drinking water purification because, often, even piped water is contaminated. Because the government lacks the capacity to enforce its water pollution rules, it needs to work with customary institutions. The government should strengthen, recognize, and formalize customary laws for water management. Some combination of both customary and statutory institutions may potentially increase the efficient management of water sources. The government also needs to subsidize water and make water affordable for the poor. Finally, it should increase the overall supply of available safe water through further development of shallow wells, deep wells, and boreholes to tap underground water. Such efforts by the government, with effective collaboration from customary institutions, will move Tanzania closer to meeting its obligation to progressively realize its people's right to water.

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ENDNOTES: Realizing the Human Right to Water in Tanzania

- ¹ L. J. Rothschild & R. L. Mancinelli, *Life in Extreme Environments*, 409 NATURE 1092 (2001).
- ² World Health Organization [WHO], *Global Water Supply and Sanitation Assessment*, 1, U.N. Doc. UNICEF/WSSCC/WHO (Mar. 17-22, 2000), available at http://www.who.int/water_sanitation_health/monitoring/jmp2000.pdf.
- ³ Ester Dungumaro, *Socioeconomic Differentials and Availability of Domestic Water in South Africa* in PHYSICS AND CHEMISTRY OF THE EARTH: PART A 1141, 1142 (2007).
- ⁴ LETICIA K. NKONYA, RURAL WATER MANAGEMENT IN AFRICA: THE IMPACT OF CUSTOMARY INSTITUTIONS IN TANZANIA 2 (Cambria Press 2008).
- ⁵ WHO, *supra* note 2.
- ⁶ *Id.*
- ⁷ UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT [USAID], SAFEGUARDING THE WORLD'S WATER: 2008 REPORT ON USAID WATER SECTOR ACTIVITIES 11 (Sept. 2009).
- ⁸ U.S. Central Intelligence Agency, *The World Factbook: Tanzania*, [https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html# <https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html>](https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html#<https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html>) (last visited May 4, 2010).
- ⁹ *Id.*
- ¹⁰ MINISTRY OF ECONOMIC AFFAIRS AND DEVELOPMENT PLANNING, HOUSEHOLD BUDGET SURVEY OF 2007 2.3 (United Republic of Tanzania 2007).
- ¹¹ Henri Smets, *The Right to Water as a Human Right*, 30(5) ENVIRONMENTAL POLICY & LAW 248, 249 (2000).
- ¹² Convention on the Rights of the Child, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (Nov. 20, 1990).
- ¹³ Convention on the Elimination of All Forms of Discrimination against Women [CEDAW], Dec. 18, 1979, G.A. Res. 34/180, U.N. Doc. A/RES/34/180.
- ¹⁴ African Charter on Human and Peoples' Rights, Supplementary Protocol on the Rights of Women in Africa, Assembly of the African Union, adopted July 11, 2003.
- ¹⁵ U.N. Econ. & Soc. Council [ECOSOC], Comm. on Econ., Soc. & Cultural Rights [CESCR], *Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: General Comment No. 15 (2002) The Right to Water (Articles. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)*, ¶ 2, UN Doc. E/C.12/2002/11 (Jan. 20, 2003).
- ¹⁶ U.N. General Assembly, Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Scope and Content of the Relevant Human Rights Obligations Related to Equitable Access to Safe Drinking Water and Sanitation Under International Human Rights Instruments*, ¶ 66, U.N. Doc. A/HRC/6/3 (Aug. 2007).
- ¹⁷ See Edella Schlager & Elinor Ostrom, *Property-Rights Regimes and Natural Resources: A Conceptual Analysis*, 68(3) LAND ECONOMICS 249 (1992).
- ¹⁸ CÉLINE DUBREUIL, THE RIGHT TO WATER: FROM CONCEPT TO IMPLEMENTATION 5 (World Water Council 2006).
- ¹⁹ ECOSOC, *supra* note 15, ¶ 25.
- ²⁰ MAIKE GORSBOTH, IDENTIFYING AND ADDRESSING VIOLATIONS OF THE HUMAN RIGHT TO WATER 5 (FoodFirst International Action Network & Bread for the World 2005).
- ²¹ Rebecca Brown, *Unequal Burden: Water Privatization and Women's Human Rights in Tanzania*, 18(1) GENDER & DEV. 59, 60 (2010); John Scanlon, Angela Cassar & Noemi Nemes, *Water as a Human Right?* (IUCN Environmental Policy and Law Paper No. 51, 2004), available at <http://www.unwater.org/downloads/EPLP-051.pdf>.
- ²² John Hatchard, *Ratification of International and Regional Human Rights Instruments by African States*, 36 J. OF AFRICAN L. 186 (1992).
- ²³ Fortunata Makene, Decoupling in the World Polity: The Case of Children's Education and Health Rights in Tanzania (July 6, 2006) (unpublished manuscript, on file with the Law and Society Association).
- ²⁴ Michael Kevane, What are the effects of moving to gender equality? Using CEDAW in cross-country regressions 6 (Mar. 10, 2004) (preliminary draft), available at <http://lsb.scu.edu/~mkevane/cedawgrowth.pdf>.
- ²⁵ Eugenne Mniwasa, Maintenance of 'Illegitimate Children' in Tanzania: A Right or Rhetoric? A Review of the Affiliation Ordinance Chapter 278 (2003) (unpublished paper, on file with the Southern and Eastern African Regional Centre for Women's Law Centre, University of Zimbabwe), available at <http://www.uz.ac.zw/law/women/long%20essays/Illegit%20child.pdf>.
- ²⁶ African Commission on Human and Peoples' Rights, The Second to Tenth Consolidated Periodic Report Submitted by the United Republic of Tanzania under the African Charter on Human and People's Rights (2006), available at http://www.achpr.org/english/state_reports/Tanzania/report_Tanzania.pdf.
- ²⁷ KEVANE, *supra* note 24, at 6-7.
- ²⁸ TANZANIA CONST. § 9(a) 1998.
- ²⁹ The National Water Policy [NAWAPO] of 2002, Ministry of Water and Livestock Development (Dar es Salaam, United Republic of Tanzania).
- ³⁰ Water Resources Management Act of 2009 (Dar es Salaam, United Republic of Tanzania).
- ³¹ ECOSOC, *supra* note 15, ¶ 25.
- ³² World Savvy Monitor, Water for Drinking, Cooking, and Washing, http://worldsavvy.org/monitor/index.php?option=com_content&view=article&id=707&Itemid=1193 (last visited Apr. 11, 2010) [hereinafter Water for Drinking, Cooking, and Washing].
- ³³ Palamagamba John Kabudi, Challenges of Legislating for Water Utilization in Rural Tanzania: Drafting New Laws (Jan. 26-28, 2005) (unpublished paper, presented at the International Workshop on African Water Laws: Plural Legislative Frameworks for Rural Water Management in Africa, Johannesburg, South Africa).
- ³⁴ Proposed National Action Program to Combat Desertification of 1999 (Dar es Salaam, United Republic of Tanzania).
- ³⁵ Household Budget Survey, *supra* note 11, at 2.3.
- ³⁶ *Id.*
- ³⁷ NAWAPO, *supra* note 29, at 4.
- ³⁸ Salim M. Mohammed, *A Review of Water Quality and Pollution Studies in Tanzania*, 31(7) AMBIO: A JOURNAL OF THE HUMAN ENVIRONMENT 617, 619 (2002).
- ³⁹ *Id.*
- ⁴⁰ PROCEEDINGS OF A SEMINAR ON WETLANDS OF TANZANIA, 27-29 NOVEMBER 1991 87 (G. L. Kamukala & S.A. Crafter eds., 1993).

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