



POLICY BRIEF

HOW PROTECTING THE HUMAN RIGHT TO WATER ALSO PROTECTS OUR CULTURAL HERITAGE

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EXECUTIVE SUMMARY

Water is not only essential for survival, sanitation, and health, but it is also deeply embedded in cultural identity, heritage, and ancestral knowledge. The human right to water, recognised by the United Nations General Assembly¹ and enshrined in multiple international instruments, provides a vital legal and moral framework for safeguarding both current and ancestral ways of life. Protecting access to water ensures the survival of cultural practices that rely on water for spiritual, communal, agricultural, and subsistence activities, particularly for Indigenous peoples, women, marginalised communities, and vulnerable populations.

This policy brief explores the interdependence of cultural heritage and the human right to water. It underscores how securing this right also supports environmental justice, gender equity, and sustainable development. It further outlines the threats posed by climate change, privatisation, pollution, and exclusionary policies, and recommends culturally sensitive water governance reforms that protect both rights and heritage.

1. INTRODUCTION

Cultural heritage is inextricably linked with the availability and accessibility of water. Sacred rivers, ancestral springs, traditional irrigation practices, and communal water rituals constitute the intangible and tangible heritage of many peoples worldwide. The UN Human Rights Council Resolution 15/9 and General Comment No. 15 (2002) from the Committee on Economic, Social and Cultural Rights (CESCR) affirms the human right to water as indispensable for leading a life in human dignity. The erosion of access to water—through environmental degradation, legal exclusion, or physical scarcity—therefore amounts to an erosion of cultural identity and heritage.

Human Right 2 Water highlights the need to integrate human rights into water governance frameworks to preserve these cultural dimensions¹¹. Cultural rights are recognised by OHCHR¹² as an essential part of human rights and that safeguarding cultural heritage entails protecting the underlying natural resources that sustain it.

“The right to take part in cultural life includes the right to access and enjoy cultural heritage. Safeguarding cultural heritage often requires the protection of the natural resources and environments in which that heritage is located and sustained.”

(OHCHR, A/HRC/43/50, para. 25)



2. WATER AND CULTURAL HERITAGE: INTERSECTIONS AND DEPENDENCIES

The interrelationship between water and culture manifests in diverse ways:

- **Sacred Water Bodies and Sites:** Many Indigenous and traditional communities revere rivers, lakes, and springs as sacred, incorporating them into cosmologies, ceremonies, and rituals. OHCHR Special Rapporteur on Human Rights and the Environment, Dr. John H. Knox, in his 2017 report to the UN Human Rights Council, highlights that the degradation of these sources affects spiritual practices and undermines community resilience^{IV}.

“The degradation of SNSTs (sacred national sites and territories) can undermine the spiritual and cultural practices of indigenous peoples and their resilience.”

- **Traditional Knowledge Systems:** Water management practices such as the aflaj systems in Oman, the subak system in Bali, or the acequia systems in New Mexico represent intangible cultural heritage. Per UNESCO, their loss due to modernisation or water mismanagement is a loss of ecological knowledge and cultural identity^V.
- **Livelihoods and Subsistence Practices:** Water sustains agricultural practices that define rural cultural identities. Fishing, pastoralism, and rain-fed agriculture are not only economic activities but also cultural expressions^{VI}.
- **Cultural Landscapes:** UNESCO World Heritage sites such as the rice terraces of the Philippine Cordilleras or the agricultural terraces in the Andes depend on traditional water distribution. Preserving such landscapes requires sustaining their hydrological integrity.

3. THE HUMAN RIGHT TO WATER: A PROTECTIVE FRAMEWORK

The UN Resolution 64/292 (2010)^{VII} recognises the right to safe and clean drinking water and sanitation as a human right essential for the full enjoyment of life and all human rights. This right entails obligations to respect, protect, and fulfil access to water:

- **Availability:** Sufficient water for personal and domestic uses.
- **Accessibility:** Non-discriminatory access within safe physical reach.
- **Quality:** Safe for consumption and use.
- **Acceptability:** Culturally appropriate, respecting religious or traditional requirements.
- **Affordability:** Water must be economically accessible to all.

As of 2024, a mere 27% of countries^{VIII} recognise the human right to water in their national constitutions, providing a legal pathway for individuals and communities to access their rights. Higher recognition of this right will help to ensure that water is available and accessible in ways that respect cultural relevance. States can also protect the cultural values associated with water in support of this human right.



4. IMPACTS ON VULNERABLE POPULATIONS

INDIGENOUS PEOPLES

Indigenous peoples have unique spiritual, cultural, and ancestral relationships with water. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP)^x recognises their right to maintain and strengthen their spiritual relationship with traditionally owned water bodies. Denial of water rights—through extractive industries, dam construction, or water pollution—disrupts sacred practices and livelihoods.

Human Right 2 Water's case studies highlight examples from Kenya, Guatemala, and Colombia where Indigenous access to water has been curtailed, leading to displacement and erosion of cultural identity^x. Protecting the right to water in these contexts is also a form of cultural preservation and reconciliation.

MARGINALISED GROUPS

Marginalised communities, including ethnic minorities, refugees, and people living in informal settlements, often face systemic barriers to water access. These barriers compound existing vulnerabilities and strip communities of their capacity to sustain traditional and cultural practices.

According to OHCHR, non-discriminatory access to water must be prioritised in line with the principle of substantive equality. This requires tailored interventions that respect cultural diversity while addressing practical access challenges.

WOMEN AND GIRLS

Women often serve as custodians of cultural water knowledge, managing household water and passing on traditional practices. Yet, they face gendered burdens in water collection and often lack voice in water governance.

A gender-sensitive approach, as highlighted in various several International and regional conventions and protocols^{xi} advocates for inclusive participation and recognises the cultural significance of water practices carried out by women. When water sources are lost or inaccessible, women's cultural roles are diminished, leading to broader social disempowerment.



URBAN POOR AND DISPLACED POPULATIONS

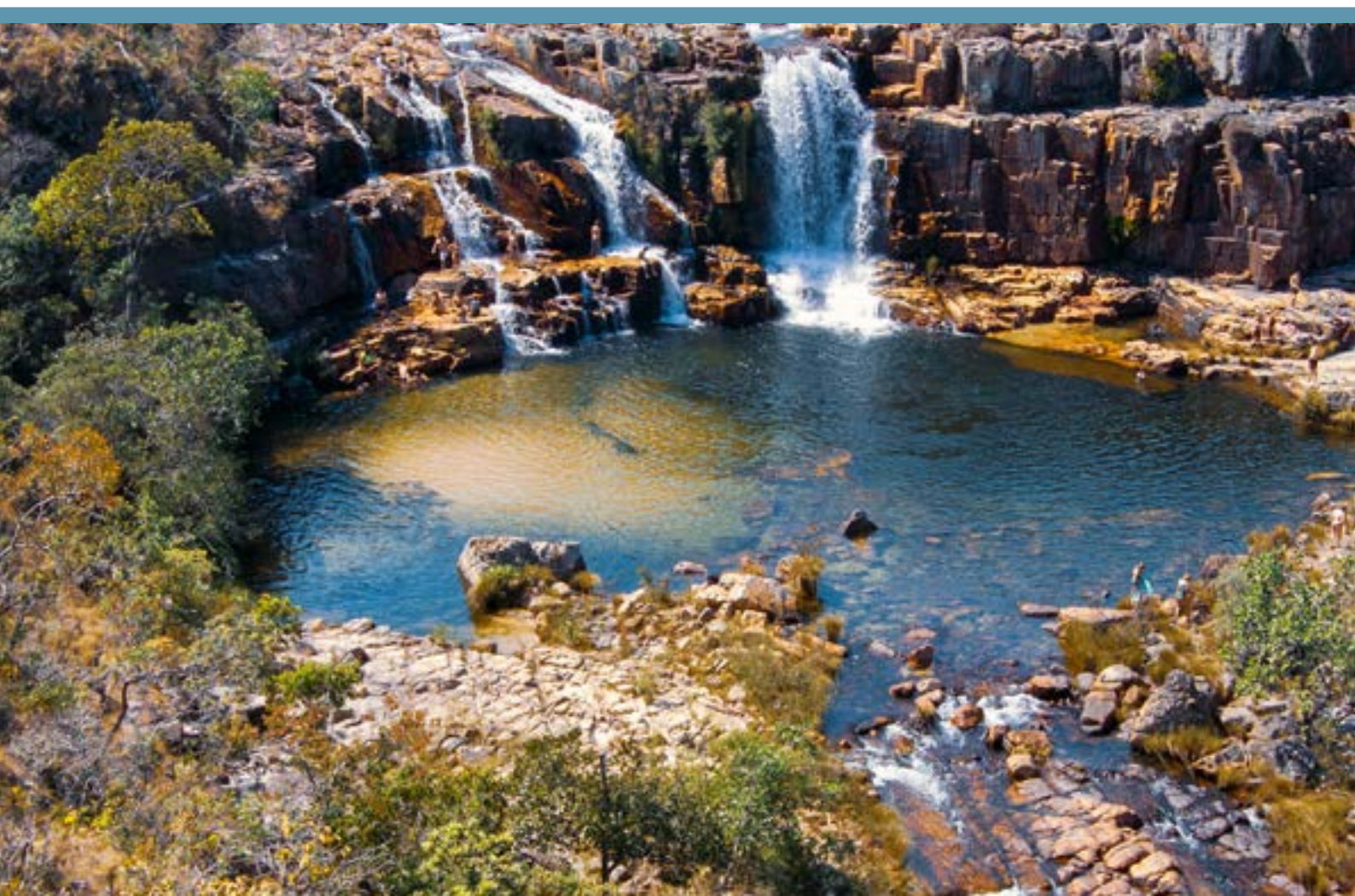
Urbanisation and conflict-induced displacement frequently separate people from culturally significant water sources. Informal settlements often lack piped water or sanitation, affecting both hygiene and cultural practices related to bathing, purification, and festivals^{XI}.

Efforts to meet SDG 6 (clean water and sanitation for all) must therefore be responsive to the cultural needs of displaced and urbanised populations.

5. THREATS TO WATER-RELATED CULTURAL HERITAGE

- Climate change affects precipitation patterns, droughts, and glacier melt with impacts on traditional water sources. Sacred springs dry up, agricultural cycles shift, and festivals tied to water abundance are disrupted^{XIII}.
- Infrastructure development—including dams, irrigation schemes, and pipelines—often submerges sacred sites or diverts ancestral water flows, severing communities from their cultural practices and heritage landscapes^{XIV}.
- Water commodification can exclude communities from access to essential water sources needed for cultural activities^{XV}, especially where privatisation is unregulated, and water is not treated as a human right.
- Industrial, agricultural, and mining pollution degrade water quality, making it unusable for ceremonial or traditional uses. Case studies such as the Ok Tedi mine in Papua New Guinea show how river contamination from mining tailings devastated the Yonggom people's fish-based livelihoods, riverine transportation routes, and ritual practices^{XVI}.

Such threats call for integrated policy responses that blend environmental protection with human rights and cultural preservation.



6. POLICY RECOMMENDATIONS

- 1. Embed Cultural Rights in Water Governance:** Integrate cultural heritage assessments in water infrastructure planning. Respect Free, Prior and Informed Consent (FPIC) in Indigenous and traditional territories.
- 2. Recognise Customary Water Systems:** Legally acknowledge and support traditional water management systems that preserve cultural identity and local ecosystems.
- 3. Strengthen Legal Protections:** Incorporate the human right to water in national constitutions, water laws, and heritage protection frameworks.
- 4. Ensure Inclusive Participation:** Facilitate meaningful participation by Indigenous peoples, women, and vulnerable communities in water governance decision-making. Use culturally appropriate consultation methods.
- 5. Implement Cultural Impact Assessments:** Require cultural heritage impact assessments for water-related infrastructure or resource extraction projects.
- 6. Promote Gender-Responsive Approaches:** Recognise and strengthen the role of women in preserving water-related cultural practices through training, leadership, and inclusive policies.
- 7. Invest in Climate Adaptation for Cultural Resilience:** Support community-led water conservation projects that preserve traditional knowledge and adapt to changing water availability.

7. CONCLUSION

Protecting the human right to water is not only a humanitarian and development imperative; it is a cultural necessity. Water sustains not just bodies, but histories, beliefs, and ways of life. As threats to water access and quality intensify, risks to cultural continuity and dignity are also increased. A rights-based, inclusive, and culturally sensitive approach to water governance can preserve the world's rich heritage while advancing equity and sustainability.

This policy brief calls on governments, donors, and water managers to act with urgency and cultural humility. Only by respecting the cultural dimensions of water can we ensure truly universal and lasting water security.

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ⁱⁱⁱOHCHR Special Rapporteur on Cultural Rights' report "Thematic report on a cultural rights approach to heritage" (2020)

^{iv}OHCHR summary of Special Rapporteur's 2022 report

^vUNESCO Intangible Heritage site, <https://ich.unesco.org/en/>

^{vi}UNESCO. (2003). Convention for the Safeguarding of the Intangible Cultural Heritage. <https://ich.unesco.org/en/convention>

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^{xiv}UNESCO, World Heritage Centre, <https://whc.unesco.org/en/climatechange>

^{xv}ICOMOS (2001) Dams and Cultural Heritage. <https://www.icomos.org/public/risk/2001/dams2001.htm>

^{xvi}Pedro Arrojo Agudo, Special Rapporteur on water and sanitation, UN Third Committee debate (A/76/159)

^{xvii}https://en.wikipedia.org/wiki/Ok_Tedi_environmental_disaster