

Content and scope of the human right to water. The water crisis in Mexico

Contenido y alcance del derecho humano al agua. La crisis hídrica en México

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The research has a dogmatic approach, however it makes contributions to the science of law regarding the water crisis, the rights involved and the existing problems in this regard. The aspects to understand to apply to the generation of universal knowledge?. Scales and content of the human right to water, essential in the global crisis we are experiencing, are established, as well as an analysis of what is causing the problem. The main conclusions of the research. The humanright to water focuses on the possibility of accessing this vital liquid so that it is accessible, available, in sufficient quantity for human subsistence and personal hygiene requirements and the home where one resides. It is now unquestionable that it is an independent human right despite its close connection with other rights such as health, food, housing and the right to a healthy environment.

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Abstract

The water crisis in Mexico is worsening day by day and the solutions seem distant in the face of the government's constant efforts to alleviate the effects of its shortage on the population, particularly in the most pressing needs of the vital liquid in its domestic use, its accessibility , insufficiency, lack of infrastructure and poor quality; as well as the causes that give rise to the emergency situation such as climate change, waste and contamination of aquifers. In the face of this problem, the full exercise of the human right to water seems unattainable. The present work examines the content and scope of the right, considering its scarce legislative regulation and what are the impacts that the aforementioned crisis causes in its exercise. This is a dogmatic investigation, which is based on the hypothesis of the current impossibility of guaranteeing the human right to water in Mexico. Its objective focuses on highlighting the problems that afflict the law that is the subject of the study in the face of the problems that the water situation in Mexico reveals. The methods used in the research are historical, legal epistemology, comparative and legal hermeneutics. The main techniques are the review of literature, legislation and jurisprudence that allow us to verify the hypothesis.

Content and scope of the human right to water. The water crisis in Mexico		
Goals	Methodology	Contribution
General: Examine the human right to water and its impact on the water crisis	Literature review	Establishes the characteristics of the human right to water and determines its safeguarding and exercise
General: Analyze the content of the human right to water Establish the possible limitations to the right	Literature review	Establishes what is the protected content of the human right to water Determines whether the right can be limited in its exercise by the state and the scope of its obligation in its protection.
Examine existing legislation	Information analysis	Determines the ineffectiveness of existing legislation to safeguard the right
Review applicable jurisprudence	Information analysis	Establishes the precariousness of existing jurisprudence

Water crisis, Human rights, Mexico

Resumen

La crisis hídrica en México se agrava día a día y las soluciones parecen lejanas de cara a los constantes esfuerzos del gobierno para paliar los efectos de su escasez en la población, particularmente en las necesidades más apremiantes del vital líquido en su uso doméstico, su accesibilidad, insuficiencia falta de infraestructura y mala calidad; así como las causas que originan la situación de emergencia tales como el cambio climático, el desperdicio y la contaminación de los mantos acuíferos. De cara a esta problemática el pleno ejercicio del derecho humano al agua parece inalcanzable. El presente trabajo examina el contenido y alcances del derecho en comento su escasa regulación legislativa y cuáles son los impactos que en el ejercicio del mismo causa la mencionada crisis. Se trata de una investigación de carácter dogmático, que parte de la hipótesis de la imposibilidad actual de garantizar el derecho humano al agua en México. Su objetivo se centra en evidenciar los problemas que aquejan al derecho materia del estudio ante los problemas que la situación hídrica de México patentiza. Los métodos empleados en la investigación son el histórico, epistemología jurídica, comparativo y la hermenéutica jurídica. Las principales técnicas son la revisión de literatura, legislación y jurisprudencia que nos permiten comprobar la hipótesis.

Crisis hídrica, Derechos humanos, México

Contenido y alcances del derecho humano al agua. La crisis hídrica en México		
Objetivos	Metodología	Contribución
General: Examinar el derecho humano al agua y su afectación por la crisis hídrica	Método analítico aplicado con la técnica de revisión de lietratura	Establece las características del derecho humano al agua y determinar su salvaguarda y ejercicio
Generales: Analizar el contenido del derecho humano al agua Establecer las posibles acotaciones al derecho	Método analítico aplicado con la técnica de revisión de lietratura	Establece cuál es el contenido protegido del derecho humano al agua Determina si el derecho puede ser limitado en su ejercicio por el estado y los alcances de la obligación de éste en su tutela
Examinar la legislación existente	Hermenéutica jurídica aplicada con la técnica de análisis de leyes	Determina la ineficacia de la legislación existente para salvaguardar el derecho
Revisar la jurisprudencia aplicable	Epistemología jurídica	Establece la precariedad de la jurisprudencia existete

Introduction



Given the unstoppable climate change that affects the entire world, there are multiple problems that arise from them and that affect the exercise of some essential rights for human survival. This work and research focuses on one of those rights that undeniably correspond. To those without which human beings cannot exist, we speak of the so-called human right to water, whose scope and responsibility for protection will be examined with the aim of establishing with crystal clarity what the former right protects and who is responsible. and to what degree, of its safeguarding.

In principle we must establish that the right in question has not been expressly enshrined in international instruments, however international regulations establish guidelines for states to guarantee access to drinking water for their nationals within the guidelines of international instruments. in which accessory mention is made of the right, for example the International Convention on the Rights of Persons with Disabilities or the Universal Declaration of the Rights of the Child, which in their articles make reference to this right in a random manner when referring to their right to health (UN, s/f) The UN recognizes it as an independent right as of 2014 and the Manual was prepared in that same year, *Realization of Human Rights to Water and Sanitation*, by the first Special Rapporteur on the Human Rights to Water and Sanitation, Catarina de Albuquerque. (UN, 2014)

Likewise, it is necessary to emphasize that On July 28, 2010, through Resolution 64/292, the United Nations General Assembly expressly recognized the human right to water and sanitation, establishing the need for clean and potable water. , as well as sanitation for the realization of all human rights (UN, 2010)

As we will examine in subsequent paragraphs, the right is made up of a series of conditions that, rather than defining it, establish its content and limits, the latter not necessarily limited by the law, since there are extralegal factors that prevent access to water in many communities.

It is also debated whether it is an individual, social or development right, given the diverse conditions that affect its exercise, such as absence of rainfall, difficult access, insufficient budget, among others that will clearly affect the feasibility of the project. exercise of law.

Turning to the doctrine we find concepts that define it as “the most notable innovation in water management in modern history, to the extent that it seeks to return the individual to the center of the administration of the resource” (Mc Graw, 2011) that in our opinion Judgment does not even give us a glimpse of what the law is or contains; Salmón (2012:246) tells us that considering it as a human right constitutes “the legal reaction to ensure that every human being has access to quality water and in sufficient quantities.” It is complex to find a true definition of the right as such, but we could say that it is a human right inherent to human subsistence that safeguards the right of people to access the vital liquid called water for their personal and domestic consumption in a healthy, equitable and egalitarian way. Among the essential characteristics of access to water, Acosta and Martínez (2010:19) distinguish four, namely, that it is a human right, it is a national asset that is considered strategic and for public use, it is the heritage of society and finally, but of vital importance, water is a fundamental component of nature itself that has its own rights to exist and maintain its life cycles.

I. Legislative and jurisprudential framework of the human right to water



The legislative framework of law, regardless of what has already been mentioned regarding international instruments in the previous section, is part of its constitutional consecration since it expresses that our fundamental charter in its numeral 4, sixth paragraph, which to the letter determines, Article 4.- [...] Every person has the right to access, disposal and sanitation of water for personal and domestic consumption in a sufficient, healthy, acceptable and affordable manner. The State will guarantee this right and the law will define the bases, supports and modalities for the equitable and sustainable access and use of water resources, establishing the participation of the Federation, the federal entities and the municipalities, as well as the participation of citizens to the achievement of said purposes. (Congress of the Union, 1917)

The content of article 27 of the Constitution, which confers on the nation the original ownership of national waters and allows its concession by it to individuals, is also essential; Article 27. [...]

The waters of the territorial seas are property of the Nation to the extent and terms established by International Law; inland marine waters; those of the lagoons and estuaries that communicate permanently or intermittently with the sea; those of naturally formed inland lakes that are directly linked to constant currents; those of the rivers and their direct or indirect tributaries, from the point of the channel where the first permanent, intermittent or torrential waters begin, until their mouth into the sea, lakes, lagoons or estuaries of national property; those of constant or intermittent currents and their direct or indirect tributaries, when the channel of those, in all their extension or in part of them, serves as a limit to the national territory or to two federative entities, or when it passes from one federative entity to another or cross the dividing line of the Republic; that of lakes, lagoons or estuaries whose basins, areas or banks are crossed by dividing lines of two or more entities or between the Republic and a neighboring country, or when the limit of the banks serves as a boundary between two federative entities or the Republic with a neighboring country; those from springs that arise on beaches, maritime areas, channels, basins or shores of lakes, lagoons or estuaries of national property, and those extracted from mines; and the channels, beds or banks of the lakes and inland streams to the extent established by law. The subsoil waters can be freely illuminated by artificial works and appropriated by the owner of the land, but when the public interest requires it or other uses are affected [...] ([Congress of the Union, 1917](#))

Article 115 of the Constitution establishes that municipalities must provide public services of drinking water, drainage, sewage, treatment and disposal of their wastewater. ([Congress of the Union, 1917](#)) The construction of the law under study in Mexico starts from this constitutional framework, emanating from it the ordinary laws that regulate and limit it, highlighting in this regard the National Water Law, the Federal Law of Rights and its respective regulations; the General Law of ecological balance and environmental protection,

The jurisprudence in this regard is quite precarious, since the majority of existing theses and jurisprudence resolve on issues related to the Law of Rights regarding national waters and we rarely find that with respect to the law in question it has been said that,

The human right to water recognized in article 4, paragraph six, of the Constitution is based on the recognition that access to healthy, safe, sufficient and affordable water for personal and domestic uses is an essential requirement for the realization of other human rights. . In any circumstance, the requirements of availability, quality and accessibility (physical, economic, non-discrimination and access to information) outlined in General Comment No. 15 of the ESCR Committee must be observed, as well as the obligations of respect, protection and State compliance. State authorities have the obligation to maintain a supply of water necessary for people to satisfy their personal and domestic uses. ([SCJN, 2016](#)) As noted, the court focuses on characteristics and content but does not establish a concept where we can find the legal nature of the right,

To the above we can add a couple of criteria that refer to human rights in relation to other rights, thus we find the jurisprudence that under the heading ECOLOGICAL BALANCE AND ENVIRONMENTAL PROTECTION. DISTRIBUTION OF POWERS THAT MUST BE ATTENDED FOR THE CONTROL OF WATER POLLUTION, which essentially establishes that,

In accordance with article 5, section XI, of the General Law of Ecological Balance and Environmental Protection, the powers of the Federation are, among others, the protection and preservation of national waters; For its part, article 4. of the National Water Law specifies that the authority and administration in matters of national waters and their inherent public goods corresponds to the Federal Executive, who will exercise it directly or through the National Water Commission; while, in accordance with articles 7o., 8o. and 9th. of the first-mentioned law, it corresponds to the States and Mexico City, among other powers: (I) the preservation and, where appropriate, the restoration of water; (II) the control of pollution of waters under state jurisdiction, as well as the national waters assigned to them; and (III) the application of legal provisions regarding the prevention and control of pollution of water discharged into the drainage and sewage systems of population centers, as well as the national waters assigned to them.

According to the above, it can be concluded that in the matter related to the prevention, preservation, protection and sanitation of water, the powers of the authorities are designed in accordance with a "territorial" scope, in which the federal public administration must ensure the ecological balance and the protection of natural resources of federal jurisdiction, that is, of the "national waters" referred to in the fifth paragraph of article 27 of the Political Constitution of the United Mexican States, while it will correspond to the States and Mexico City, the prevention and control of pollution of waters under state jurisdiction, that is, specifically, local authorities are responsible for controlling wastewater discharges into drainage and sewage systems; the surveillance of the corresponding official Mexican standards regarding the waters that are within its jurisdiction, as well as requiring those who generate discharges to said systems and do not comply with them, to install treatment systems.

Likewise the one under the heading RESPONSIBLE AUTHORITY FOR PURPOSES OF THE AMPARO TRIAL. THE MUNICIPAL WATER AND SANITATION SYSTEM OF SAN PEDRO DE LAS COLONIAS, COAHUILA DE ZARAGOZA HAS THIS CHARACTER, WHEN THE LACK OF DRINKING WATER SUPPLY IS COMPLAINED, which determines the quality of the responsible authority, which in the relevant case alleges,

Facts: A District Judge dismissed the indirect protection trial filed by the plaintiffs against the lack of supply of drinking water in conditions of quantity, quality and frequency, considering that the cause of inadmissibility provided for in article 61, section XXIII, was updated. in relation to the various 1st, section I and 5th, section II, of the Amparo Law, under the argument that the Municipal Water and Sanitation System of San Pedro de las Colonias, Coahuila de Zaragoza, does not have the character of responsible authority.

Legal criterion: This Collegiate Circuit Court determines that the Municipal Water and Sanitation System of San Pedro de las Colonias, Coahuila de Zaragoza, has the character of responsible authority for the purposes of the amparo trial when the lack of supply of drinking water is claimed, in conditions of quantity, quality and frequency.

Justification: The above, because article 4, sixth paragraph, of the Political Constitution of the United Mexican States ([added by decree published in the Official Gazette of the Federation on February 8, 2012](#)), provides as a fundamental right of individuals, that The State must guarantee the right to access, disposal and sanitation of water for personal and domestic consumption in a sufficient, healthy, acceptable and affordable manner, and that the law will establish the bases, supports and modalities for access and use of that resource. natural.

However, in the aforementioned State, the acts carried out in connection with the provision of water service for personal and domestic consumption, related to the collection and suspension of supply, are governed by articles 1, first paragraph, 2, 4, 11, 13, 21, sections II, XIII and XVIII and 86 of the Water Law for the Municipalities of the State of Coahuila de Zaragoza, which regulate the activity and set the limits of the systems municipal water and sanitation, so it is clear that said acts are vested with public power and, therefore, are considered issued on a level of supra to subordination, since they depend on what is established in this regard by the General Constitution and the own law of the matter and not what could be indicated in the adhesion contract as if it were an act of commerce, since the human right of access to water that was established in the Magna Carta is guaranteed for all people by providing of the public drinking water service, so it does not have its origin in the contractual will.

Without the jurisprudence thesis P./J. 92/2001, of the Plenary of the Supreme Court of Justice of the Nation, published in the Judicial Weekly of the Federation and its Gazette, Ninth Period, Volume XIV, July 2001, page 693, with digital registration number: 189353, of item: "DRINKING WATER. WHEN THE STATE PROVIDES THE SERVICE THROUGH ADMINISTRATIVE ADHESION CONTRACTS, THE RELATIONSHIP LEGAL BETWEEN THE PARTIES DOES NOT CORRESPOND TO THE SUPRA SUBORDINATION THAT EXISTS BETWEEN AN AUTHORITY AND A GOVERNED, BUT TO A RELATIONSHIP OF VOLUNTARY COORDINATION BETWEEN THE SERVICE PROVIDER AND THE INDIVIDUAL.", since this arose before the aforementioned constitutional addition. and taking as a basis that the water supply only depended on the agreement of wills expressed in the administrative adhesion contract, without considering that the provision of this service obeys a human right that the State must guarantee to individuals.

It is evident in light of the content of the inserted theses that regarding the exercise of law and its safeguarding, the court's pronouncements are very few and that is why not much has been paid to its consolidation through jurisprudence, although it has allowed us to clarify some procedural aspects such as legitimation, which will be analyzed in the subsequent section.

II. The exercise and safeguard of the right and its legitimation



Holder of the human right to water

If we look at the content that the right is given through UN Recommendation No. 15 as that which every person has. Observation No. 15 also defines the right to water as “the right of each person to have sufficient, healthy, acceptable, physically accessible and affordable for personal and domestic use” (UN, 2002) we would have to conclude that it is an individual right, however there are doctrinal discussions about this connotation of the right, since it is alleged which is an essential part of the right to a healthy environment and that gives it the characteristic of a social right.

We consider that the right allows individual exercise, but also has aspects of a social nature that allow collective actions in its defense.

The legitimate interest and procedural legitimacy for the exercise and safeguard of the human right to water has certain particularities that, as we stated in the preceding paragraph, generate the possibility of an individual exercise of the right, which does not generate any controversy, but can also be protected by the collective actions provided for in the Mexican federal constitution, the exercise of which is controversial and it is difficult for groups of citizens to prove their legitimate interest in said exercise, a dilemma recognized by the SCJN by establishing that,

Collective actions provided for by Article 17 of the Constitution and regulated in the Federal Code of Civil Procedures can be brought in matters of environmental protection. The right to a healthy environment is essential to live with dignity and, furthermore, is a precondition for achieving the enjoyment of other fundamental rights, such as the right to water, also protected by article 4. constitutional. In this context, it is amply justified to adopt the laxest possible view to appreciate the cause of asking for collective action linked to the rights to a healthy environment and water. (Rabasa Salinas and Medina Amaya, 2021:71)



A) Authorities responsible for safeguarding the right

In principle and in accordance with the aforementioned constitutional regulation, the federal government is responsible for everything that pertains to administration, control, protection of rights and everything that pertains to water in the country, with the exceptions that the law itself establishes, there being a body which par excellence manages everything related to water in Mexico and is the National Water Commission (CONAGUA) which in the terms of the National Water Law, in its third article section XII is, Deconcentrated Administrative Body of the Secretariat of Environment and Natural Resources, with Public Law functions in matters of management of national waters and their inherent public goods, with technical, executive, administrative, budgetary and management autonomy, to achieve its object, the performance of its functions and the issuance of the acts of authority that, in accordance with this Law, correspond to both it and the authority bodies to which it refers;

Regarding the responsibilities of the state as such, the Committee on Economic, Social and Cultural Rights establishes basic obligations in relation to the right to water, of a non-derogable nature,

- a) Guarantee access to the minimum essential quantity of water, which is sufficient and suitable for personal and domestic use and to prevent diseases;
- b) Ensure the right of access to water and water facilities and services on a non-discriminatory basis, especially with regard to vulnerable or marginalized groups;

- c) Guarantee physical access to water facilities or services that provide a sufficient and regular supply of safe water; that they have a sufficient number of water outlets to avoid prohibitive waiting times; and that they are a reasonable distance from the home;
- d) Ensure that personal safety is not threatened when people have to go to obtain water;
- e) Ensure an equitable distribution of all available water facilities and services;
- f) Adopt and implement a national water strategy and action plan for the entire population; The strategy and action plan must be developed and periodically reviewed based on a participatory and transparent process;
- g) Monitor the degree of realization, or non-realization of the right to water (Bautista Justo, s/f:3-4)

What is related to judicial protection is exercised in actions of an administrative nature and protection, with administrative actions being regulated by the Federal Law of the contentious administrative procedure, although it is true that the law in Mexico is just being developed and there is little construction of the It exists despite the enormous problems that afflict the country regarding it.

Consequently, the exercise of the right corresponds to the person, who can exercise it individually or collectively, but it's safeguarding is the responsibility of the state in all its areas, in such a way that to do so it must refrain from directly or indirectly hindering its enjoyment; prevent interference from third parties and, finally, ensure that the legislation, administrative mechanisms and budgetary items are suitable to make the right fully effective, in summary it is about “respecting, protecting and making effective the human right to water, that is, on the one hand, that no one can be deprived of access to water and, on the other, proactive actions by the State are required and necessary to ensure that people gain access to it when they do not have it.” (Milán Rodríguez, 2021:774)

III. Its correlation with other human rights

Most rights present interrelationships among themselves, therefore, it is not surprising that the human right to water presents them. In this section we will examine the rights with which it has a close relationship, to the extent that it has been considered as part of some of them.

A) Right to health



There is undoubtedly a close relationship between the right under study and the right to health, since in principle human survival depends on water, avoiding diseases that reach such levels of severity that they can cause death depends on the quality of the water, as well The World Health Organization (WHO) has highlighted this by establishing that

Contaminated water and poor sanitation contribute to the transmission of diseases such as cholera, other diarrheal diseases, dysentery, hepatitis A, typhoid fever and polio. If there are no water and sanitation services, or if they are insufficient or inappropriately managed, the population is exposed to health risks that, in reality, can be prevented. This prevention could be achieved especially in health facilities without water, sanitation and hygiene services, where both patients and professionals are at greater risk of contracting infections and diseases. (OMS, 2022)

Consequently, the close relationship between both rights is incontestable and the health of contemporary states definitely depends on the realization of the human right to drinking water.

B) Right to a healthy environment



The interaction between this human right and that of water is unquestionable, to the extent that the second has been considered a necessary presupposition to achieve the first, thus Nava Escudero (2021:694) tells us in this regard that

Specifying or limiting the content of what the well-being or quality of, as well as what the natural and built environments encompass, is the task of those who influence the development of the respective regulations. In this work, it must be taken into account that there are legal rights related (although independent) to the environment, which means that the right to the environment is linked to other rights (constitutionally recognized or not), such as the right to health, the right to sustainable development, the right to water, the right to the atmosphere, the right to cultural heritage, etc.

And later the author adds in a quote that “from the legal point of view, the right to the environment is simultaneously an individual and collective right, which generates duties of action and abstention of the State. It is a right that complements, but that at the same time is complemented by other rights.”(Nava Zamora, 2021:696). Consequently, we cannot speak of a healthy environment when citizens cannot access drinking water and rely on contaminated water to meet their personal, hygiene and domestic needs.

C) **Right to food**

With an express constitutional consecration, this right is contained in the fourth article of the fundamental charter, together with the right to water, health and housing, so it seems that the constitutional legislature considers them so closely interconnected that he regulates them in the same constitutional precept, this following the reform of said article in 2011 and 2012.

The UN Committee on Socio-Economic, Social and Cultural Rights tells us that “The right to adequate food is realized when every man, woman and child, whether alone or in common with others, has physical and economic access, at all times, to adequate food or means to obtain it.”(UN, 2002:3); It also makes the pertinent clarifications so as not to confuse the right with a right to be fed, on the contrary the right to food is translated as “the right to feed oneself in conditions of dignity. People are expected to meet their own needs with their own efforts and using their own resources. A person must live in conditions that allow him or her to either produce food or buy it” (UN, 2002:5)

Like the right to water, it demands accessibility, sufficiency, availability and absence of contamination, although in the latter case the forms of contamination may coincide as in the case of pesticides or differ as in the case of feeding hormones to consumer meat products.

D) **Right to housing**

In this right, its relationship with that of water is based on the content of the latter in the sense of being able to access the water necessary for domestic consumption, therefore to be able to realize it, we first require a home, this correlation. Although it may seem idle, it is not in light of the conditions of poverty in which millions of people live, which prevents them from having decent housing.

In this regard, the Committee on Socioeconomic, Social and Cultural Rights, in recommendation No. 4 (1991) has said that “[t]he right to adequate housing is considered as the right of all people to live in security, peace and dignity somewhere”, and adds that housing ownership can take various forms such as “rental, cooperative and property, among others. However, all people must enjoy a certain degree of security of this tenure that guarantees legal protection against eviction, harassment or other threats. (UN, 1991)

According to UN data (2010: 1), The number of people who do not have adequate housing easily exceeds 1 billion. Millions of people around the world live in conditions that are dangerous to life or health, crowded in slums and makeshift settlements, or in other conditions that do not respect their human rights and dignity. It would seem unnecessary to clarify that by not having decent housing the difficulty in accessing the human right to water becomes evident and perhaps we can say that both rights are so closely linked that one cannot be accessed without the other.

E) **Right to self-determination of peoples**

Finally, it is related to the right to self-determination of peoples because, as stated by Valdés de Hoyos and Uribe Arzate (2016:6), indigenous peoples and communities were able to use their natural resources in this way, in particular which concerns their aquifers and other forms of obtaining water essential for their subsistence, as determined by the International Covenant on Civil and Political Rights in article six, first paragraph.

There are many conflicts that arise in this sense in relation to the use of waters that are part of the heritage of these communities, and it is in this matter where we find greater construction of the right by the SCJN.

IV. Water crisis in Mexico



In this context that we have been weaving regarding the human right to water, we can now examine the situation currently experienced in Mexico, which, like most countries in the world, faces an unprecedented water crisis. In a universe of 164 countries, Mexico is at number 24 among those with the greatest water stress (Tinoco Morales, 2024), an unfavorable place in a country with a population of 126,705,138 people who demand sufficient, healthy and accessible water. , in addition to the requirements of the vital liquid for aspects such as agriculture, industry, commerce, recreation, in a country of great extension (1,964,375 km²) with needs that cannot be met with the available water resources.

The problems that led to the present crisis are very different in nature. In principle, it is evident that climate change is modifying the planet's rainfall conditions and generating unprecedented heat waves. In this sense, Zavala Hidalgo and Romero Centeno (2024:4- 5) they emphasize that

Differential warming of the planet causes transformations in the dominant patterns of winds and ocean currents, as well as in the spatial and temporal distribution of precipitation. This motivates changes in the climate of different regions and is reflected in the modification of regional temperature: its variability increases extreme phenomena such as heat waves and droughts. Likewise, it alters meteorological phenomena such as the jet stream or tropical cyclones; For example, research indicates that, on average, tropical cyclones will have stronger winds and the precipitation associated with them will increase in intensity.

It is incontestable then the impact that climate change is generating and, derived from it, the worsening of the heat has generated additional problems in Mexico that are further aggravating the water problem that it currently suffers from. The absence of rainfall in most states is evidently one of the factors that most pressingly affects water scarcity, in the month of March 2024 alone the North American Drought Monitor among the points that we consider to have the greatest impact established that, [...] 16 of the country's 32 states ranked March 2024 among their 5 warmest Marches. The national average temperature in March 2024 was 20.7 °C, 0.6 °C above the normal for the month of March, and was ranked as the sixth warmest March since 1953. The combination of a warm and dry month favored the increase of areas with drought, mainly in Chihuahua, Sinaloa, Durango, Tamaulipas and the center of the country.

As of March 31, 2024, extreme to exceptional drought (D3 to D4) covers 26.03% of the national territory, with the main drought sources in the northwest and center of the country; 31.47% remain in moderate to severe drought (D1 to D2) and only 25.57% of the country is drought-free. As of April 1, 2024, storage in the country's 210 main dams stands at 45%, according to reports from the National Water Commission. This figure represents a decrease of 16.83% compared to the same date in 2023. Of the 210 dams, 122 have storage of less than 50% of their capacity, therefore, in most regions of Mexico the average storage is below average.[...] For April 2024, the CONAGUA Drought Monitor (2024) determined that 64.6% of the national territory had some degree of drought, within which, 11% reported unprecedented droughts. From these worrying data it is clear that the problem is increasing and it seems that there is no turning back as far as the water scarcity derived from the meager rainfall, which once allowed the resource to be replenished and for it to be considered *to infinity*, unfortunately that has changed and modern states consider it as a finite resource given the prevailing climatic conditions.

Thirdly, we must analyze water waste as an essential factor of the crisis, starting from what the state itself causes due to its neglect in the maintenance of the networks, since “[a]round the **40% of drinking water in Mexico is lost due to leaks**¹ in the distribution network and in 2023 alone, almost 27 thousand reports of ruptures in pipes were reported in Mexico City due to wear and compliance with their useful life” (Tinoco Morales, 2024, s/p) It is evident that said waste is in no way scarce and that it affects the distribution of drinking water and its effective performance.

¹ Bold in the original

Waste in agriculture is the one that has the greatest impact on the distribution of water in Mexico since this sector currently uses 67.8% of the country's water (Lara and Li Ng, 2024: s/p), however, in accordance with data from the various state agencies such as CONAGUA; INEGI, among the most notable, waste in agriculture is very high, there is even talk that in 2024 agricultural consumption will be 77% of the country's total water resources and this enormous percentage 65% is lost due to leaks in agricultural irrigation, the use of inadequate irrigation systems and lack of modernization in the field. (S/A, 2024)

The industry also has high rates of waste, despite the fact that despite the problem, the installation of industrial lines, generally of foreign capital, that demand large volumes of water, continues to be authorized. This is what Lemus (2019:55) tells us that of 61,693 companies of these types, censused by the Mexican federal government in 2019, 84% require a very high use of water resources that did not allow them to settle in their countries of origin.

Then to all of the above we have to add the corruption that allows regulations to be violated and continue affecting Mexico's precious water resources despite the existence of this never-before-seen crisis.

Regarding domestic use, it is evident that we cannot yet speak of total coverage to guarantee the human right to water, however it is recognized that the percentages have been increasing, but inequalities persist, which are sadly an important part. of the problem in the exercise of the right, since in households with the highest poverty rate the coverage reaches from 81.9% to 88.9% while in those with the highest income the coverage rate reaches from 97.6% to a 98.6%; It is also worth clarifying that in the majority of the national territory the supply is rationed and is provided with increasingly restricted schedules. (Villarreal Páez *et al* , 2024:4)

According to Guillén (2024:s/p), 47.7% of homes in Mexico do not have a constant supply of water, but there are differences between federal entities, while in states such as Colima where the supply is constant in 78% of the houses or Baja California, with 75%, we find other states such as Guerrero where it is 25% or Oaxaca 30%. Added to the above is the fact that only 20.9% of households receive water that can be drunk without consequences for health.

From what has been analyzed we can infer that the problem is multifaceted and requires various measures from the state based on more efficient public policies on the matter in each sector according to the water it receives and the efficiency with which it is used.

Concluding reflections



The human right to water focuses on the possibility of accessing this vital liquid so that it is accessible, available, in sufficient quantity for human subsistence and personal hygiene requirements and the home where one resides.

It is now unquestionable that it is an independent human right despite its close connection with other rights such as health, food, housing and the right to a healthy environment.

The state in the case of Mexico, according to the constitutional order, is responsible for safeguarding the past right, however currently it is not only about will or legal regulation, it is also necessary to take advantage of the country's water resources in an efficient and effective manner to be able to avoid a national catastrophe.

Agriculture and industry must modify their practices and modernize their infrastructure to achieve a greater degree of use of water and stop wasting so many resources that the country needs in other areas, particularly now that domestic use is sought to be privileged.

At the same time, citizens must be more responsible in their homes, avoid wasting the vital liquid and make its domestic use more efficient, also taking care of proper use of it in personal hygiene, for this it is necessary to educate citizens from childhood to Make them aware of the seriousness of the problem and the simple practices with which each person can save thousands of liters with responsible use of water.

The current situation is unsustainable and the problems tend to worsen with the poverty and inequality in which millions of Mexicans still live. Water pollution and access difficulties are already generating social conflicts that will tend to worsen as long as solutions are not developed. Suitable for the problem that, although it is one of scarcity, is to a greater extent one of inadequate distribution of existing resources.

Declarations

Conflict of interest

The author declares that she has no conflict of interest. He has no financial interests or personal relationships that could have influenced this book.

Authors' contribution

Cobos-Campos, Amalia Patricia: The author carried out the work in its entirety

Availability of data and materials

Printed and electronic literature was available, as well as the consultation pages of the SCJN and other public order bodies.

The materials used were computer equipment, internet, personal and institutional libraries. The data collected is accessible and available for consultation by the general public, the texts from the personal library are accessible to the author. The investigation found no obstacles in accessing the required information.

Abbreviations and acronyms

CONAGUA(Comisión Nacional del Agua
S/A (Sin autor)
OMS (Organización Mundial de la Salud)
SCJN (Suprema Corte de Justicia de la Nación)
UN (United Nations)

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