

# Agenda 2063 and the Right to Water as a Human Right: An Assessment of the Legal Perspectives and Trajectory Toward Sustainable Water Access in Africa



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## ABSTRACT

This paper critically assesses the intersection of Agenda 2063 and the human right to water, exploring the legal frameworks and practical pathways to achieving sustainable water access across Africa. The purpose is to examine how the African Union’s Agenda 2063, which envisions inclusive development and human rights protection, aligns with the legal recognition and implementation of water as a fundamental right. Employing a doctrinal research methodology, the paper reviews relevant international, regional, and national legal instruments, alongside case studies from African countries, to evaluate existing challenges and opportunities in realizing the right to water. The findings reveal significant gaps in legal enforcement, institutional capacity, and socio-economic equity, which hinder the fulfillment of water rights despite broad legal recognition. The study discusses successful models of community-driven water management and technological innovations that have improved water access in countries like Uganda, Ghana, and South Africa. Recommendations include constitutionalising the right to water across African states, strengthening institutional frameworks, promoting regional cooperation, and enhancing community participation in water governance. Conclusively, aligning water governance with Agenda 2063’s objectives can transform water access from a theoretical right into a lived reality, contributing to sustainable development, health equity, and poverty reduction. This research contributes to scholarship by providing a legal and policy-oriented framework for integrating human rights into Africa’s development agenda, highlighting the right to water as essential to achieving the continent’s long-term aspirations.

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## INTRODUCTION

The Right to Water has become established as a crucial human right acknowledged by numerous international legal structures, notably highlighted in the 2010 Resolution of the United Nations General Assembly. This resolution clearly stated that access to safe drinking water and sanitation is a human right indispensable for the complete realization of life and the enjoyment of all other human rights.<sup>1</sup> This acknowledgement highlights the vital importance of water in maintaining health and sanitation, as well as

<sup>1</sup> Joyeeta Gupta, Rhodante Ahlers, and Lawal Ahmed, “The Human Right to Water: Moving towards Consensus in a Fragmented World,” *Review of European Community & International Environmental Law* 19, no. 3 (2010): 294–305.

its significance in fulfilling additional rights, including the rights to food, health care, and a suitable standard of living. Water accessibility is essential not just for survival but also for the enjoyment of various interconnected rights that contribute to the overall quality of life.<sup>2</sup> In Africa, the significance of the right to water is particularly pronounced due to widespread water scarcity and unequal access to resources. The continent encounters numerous obstacles, including insufficient infrastructure, contamination of water sources, and the impacts of climate change, all of which intensify the challenges related to accessing water supplies.<sup>3</sup>

Agenda 2063, which was endorsed by the African Union in 2015, acts as a guiding framework for the continent's advancement over the coming fifty years. Its objectives include fostering inclusive economic growth, ensuring sustainable development, and upholding human rights throughout Africa.<sup>4</sup> The agenda highlights the significance of managing water resources effectively and acknowledges that fair access to water is crucial for attaining overarching objectives related to social and economic advancement, environmental sustainability, and regional cooperation.<sup>5</sup> By integrating water rights into the framework of Agenda 2063, African countries can strive to guarantee that every individual has access to adequate and safe water. This initiative would contribute significantly to improving overall health and fostering development across the continent.

This paper examines the legal aspects related to the right to water within the framework of Agenda 2063 and analyses the pathway toward achieving sustainable access to water throughout Africa. It addresses several important questions, including how the legal acknowledgement of the right to water corresponds with the objectives outlined in Agenda 2063, what legal structures and hindrances exist in the enforcement of the right to water among African countries, and in what ways can incorporating the right to water into national policies can support the realization of Agenda 2063's goals.

Drawing from a variety of academic sources and case studies, this article aims to provide a thorough understanding of the relationship between the right to water and sustainable development in the African context. It emphasizes the vital importance of robust governance, active community involvement, and investment in water infrastructure as essential elements for the realization of water as a fundamental human right in Africa. The paper also evaluates the existing conditions of water access and the legal frameworks that govern them.

## **The Right to Water: Legal Foundations**

### **International Legal Framework**

The Right to Water has been acknowledged as a fundamental human right within several international legal mechanisms that provide a strong structure for its safeguarding and enforcement. At the heart of this framework is the International Covenant on Economic, Social, and Cultural Rights (ICESCR), established in 1966, which outlines the right to an adequate standard of living. This encompasses access to sufficient food, clothing, and shelter, as well as the ongoing enhancement of living conditions. The Committee on Economic, Social, and Cultural Rights has defined this covenant to include the right to water, highlighting the obligation of states to guarantee that every person has access to adequate, safe, and affordable water.<sup>6</sup>

Alongside the ICESCR, the United Nations General Assembly has been instrumental in reinforcing the right to water through several resolutions. In a significant development in 2010, the Assembly acknowledged access to safe drinking water and sanitation as crucial for the complete enjoyment of life and all human rights. This groundbreaking resolution highlights the obligation of states to ensure that every individual has access to safe, adequate, and reasonably priced water, thereby

<sup>2</sup> Isaac Azikiwe Agholor, "The Revitalisation of Water Resources for Sustainable Agricultural Development in South Africa: A Review," *Journal of Agricultural Science* 5, no. 5 (2013): 76.

<sup>3</sup> Arit Udoh et al., "Microbial Contamination of Packaged Drinking Water in Nigeria," *Tropical Medicine & International Health* 26, no. 11 (2021): 1378–1400.

<sup>4</sup> Paidamwoyo Mhangara et al., "Towards the Development of Agenda 2063 Geo-Portal to Support Sustainable Development in Africa," *ISPRS International Journal of Geo-Information* 8, no. 9 (2019): 399.

<sup>5</sup> Agaptus Nwozor, Onjefu Okidu, and Solomon Adedire, "Agenda 2063 and the Feasibility of Sustainable Development in Africa: Any Silver Bullet?," *Journal of Black Studies* 52, no. 7 (2021): 688–715.

<sup>6</sup> Mhangara et al., "Towards the Development of Agenda 2063 Geo-Portal to Support Sustainable Development in Africa." 399.

emphasizing that water constitutes a fundamental human right.<sup>7</sup> In addition, the Human Rights Council has created mandates aimed at elucidating the extent and specifics of human rights responsibilities concerning access to safe drinking water and sanitation. These mandates have resulted in the designation of independent experts who provide guidance on how to effectively implement these rights in both national and international spheres.<sup>8</sup>

The Sustainable Development Goals (SDGs), established in 2015 within the framework of the 2030 Agenda for Sustainable Development, strengthen the commitment to the right to water. Specifically, Goal 6 focuses on ensuring access to and sustainable management of water and sanitation for everyone, emphasizing the responsibility of governments to provide universal access to safe and reasonably priced drinking water and sanitation facilities.<sup>9</sup> This objective resonates profoundly with the principles underlying the right to water, highlighting the importance of sustainable approaches in the management of water resources.

Furthermore, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) emphasizes the significance of women's access to water and sanitation, acknowledging that insufficient access can worsen gender disparities. The Committee responsible for the elimination of discrimination against women has advocated for initiatives that ensure women enjoy equal access to water resources, thereby connecting gender rights with the right to water.<sup>10</sup> This intersectionality underscores the need for inclusive policies that address the specific challenges faced by marginalised groups.

Regional instruments also contribute to the recognition of the right to water. The African Charter on Human and Peoples' Rights (ACHPR) emphasises the right to a satisfactory environment conducive to health and well-being, which implicitly includes access to water.<sup>11</sup> This charter and other regional treaties establish a legal framework that obligates African states to respect, protect, and fulfil the right to water as part of their human rights commitments.

Additionally, international water law significantly influences the right to water. Numerous treaties and agreements, including the United Nations Convention on the Law of Non-Navigational Uses of International Watercourses, lay down principles for the fair and reasonable use of shared water resources. These legal frameworks are crucial in tackling transboundary water challenges and ensuring the protection of the right to water across international boundaries.<sup>12</sup> They provide a basis for cooperation among states sharing water resources and promoting sustainable management practices.

The international legal framework related to the right to water is intricate and extensive, comprising an array of treaties, resolutions, and regional agreements. These legal bases delineate specific responsibilities for governments to guarantee access to adequate and safe water for all people, thereby affirming the right to water as a fundamental human right. The interaction among these instruments underscores the necessity of a unified approach to water governance that emphasizes human rights and sustainability in tackling the worldwide water crisis.

## Regional Legal Framework

The African Charter on Human and Peoples' Rights (ACHPR) stands as a fundamental element in safeguarding human rights across Africa. It explicitly acknowledges the right to a healthy and satisfactory environment, which inherently encompasses access to water as a critical component for health and wellbeing.<sup>13</sup> Article 16 of the African Charter on Human and Peoples' Rights (ACHPR) asserts that every person is entitled to achieve the highest possible standard of physical and mental health, which is closely

<sup>7</sup> Vasilka Sancin and Miha Juhart, "The Right to Safe Drinking Water in International Law and in Slovenia's Legal Framework and Implementation," *J. Agric. Env't L.* 18 (2023): 106.

<sup>8</sup> Sancin and Juhart, "The Right to Safe Drinking Water in International Law and in Slovenia's Legal Framework and Implementation." 106-124.

<sup>9</sup> Obed Ogega and Cherif Matta, "Towards Minimizing Research Inequities in Africa: Lessons from the ARISE Programme," 2023.

<sup>10</sup> Mhangara et al., "Towards the Development of Agenda 2063 Geo-Portal to Support Sustainable Development in Africa." 399.

<sup>11</sup> "African Charter on Human and Peoples' Rights (Banjul Charter)," *Adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 Rev. 5, 21 I.L.M.* 58 (1982).

<sup>12</sup> Christina Leb, "The Right to Water in a Transboundary Context: Emergence of Seminal Trends," in *Legal Mechanisms for Water Resources in the Third Millennium* (Routledge, 2018), 116–29.

<sup>13</sup> Michelle Barnard, "Constitutionalising a Human Right to Water in the Southern African Development Community," *Utrecht Law Review* 16, no. 2 (2020).

linked to the availability of clean water.<sup>14</sup> This Charter, along with various regional treaties, creates a legal framework that requires African nations to uphold, safeguard, and fulfil the right to water as an integral component of their human rights obligations.

Alongside the ACHPR, several protocols and policies created by the African Union (AU) further strengthen the right to water. One notable example is the Protocol on the Rights of Women in Africa, which highlights the necessity of ensuring sufficient sanitation and access to clean water as fundamental aspects of women's rights.<sup>15</sup> The African Union's Agenda 2063 is in harmony with these commitments by advocating for sustainable development and fair access to resources, such as water, which are essential for fulfilling the continent's socio-economic objectives.<sup>16</sup> The African Union's Agenda 2063 acknowledges the essential role of water in promoting health, ensuring food security, and fostering economic growth, thereby positioning it within a wider framework of human rights and sustainable development.<sup>17</sup>

Additionally, the Southern African Development Community (SADC) has progressed in acknowledging the right to water through its regional policies. While there is not yet a legally binding human rights document that explicitly articulates the right to water within the SADC framework, various member countries, such as South Africa, Zimbabwe, and the Democratic Republic of Congo, have constitutional clauses that affirm this right.<sup>18</sup> The SADC Water Policy also emphasises the importance of equitable and sustainable water resource management, which is crucial for addressing the challenges of water scarcity and ensuring that all citizens have access to safe drinking water.<sup>19</sup>

Despite the existence of these frameworks, obstacles persist in the effective realization of the right to water throughout the continent. Challenges, including insufficient infrastructure, governance shortcomings, and socio-economic inequalities, impede the achievement of this fundamental right.<sup>20</sup> For instance, in many rural areas, access to clean water remains a significant challenge, with communities often relying on government interventions or non-governmental organisations for support.<sup>21</sup> Moreover, the privatization of water services has sparked worries regarding the accessibility and affordability of water for disadvantaged communities, underscoring the importance of adopting a human rights-oriented approach to water governance.<sup>22</sup>

## Agenda 2063: Vision and Goals Related to Water Overview of Agenda 2063

Agenda 2063 is a strategic initiative formulated by the African Union (AU) to steer the socio-economic advancement of the continent over the coming fifty years. Initiated in 2015, this framework addresses the various challenges confronting African countries and embodies a shared vision for an Africa that is prosperous, united, and peaceful. The agenda is grounded in the AU's vision of "*The Africa We Want*," which highlights the importance of inclusive growth, sustainable development, and the fulfilment of human rights, including access to water as a fundamental right.<sup>23</sup>

<sup>14</sup> Frans Viljoen, *International Human Rights Law in Africa* (Oxford University Press, 2012).227.

<sup>15</sup> Larissa Heüer, "70 Years After: Reflections on the Significance of the Universal Declaration of Human Rights for Women's Rights in Africa," *Cross-Cultural Human Rights Review* 1, no. 1–3 (2019).105.

<sup>16</sup> Mahlatse Kganyago and Paidamwoyo Mhangara, "The Role of African Emerging Space Agencies in Earth Observation Capacity Building for Facilitating the Implementation and Monitoring of the African Development Agenda: The Case of African Earth Observation Program," *ISPRS International Journal of Geo-Information* 8, no. 7 (2019): 292.

<sup>17</sup> Kganyago and Mhangara, "The Role of African Emerging Space Agencies in Earth Observation Capacity Building for Facilitating the Implementation and Monitoring of the African Development Agenda: The Case of African Earth Observation Program."292.

<sup>18</sup> Barnard, "Constitutionalising a Human Right to Water in the Southern African Development Community." 60-74.

<sup>19</sup> Barnard, "Constitutionalising a Human Right to Water in the Southern African Development Community."

<sup>20</sup> Joseph Kihika Kamara et al., "Understanding the Challenges of Improving Sanitation and Hygiene Outcomes in a Community Based Intervention: A Cross-Sectional Study in Rural Tanzania," *International Journal of Environmental Research and Public Health* 14, no. 6 (2017): 602.

<sup>21</sup> Olayinka Adeniyi and Amos Adeniyi, "Women's Access to Water for Sustainable Development in Nigeria: Drawing Lessons from South Africa's Water-Renewable Techniques," *Journal for Juridical Science* 45, no. 1 (June 11, 2020), 93-119  
<https://doi.org/10.18820/24150517/JJS45.i1.5>.

<sup>22</sup> Riswandha Imawan, "The Right to Water: A Comparative Study of Law in Indonesia and South Africa," *Jambe Law Journal* 6, no. 2 (2023): 103–24.

<sup>23</sup> Nwozor, Okidu, and Adedire, "Agenda 2063 and the Feasibility of Sustainable Development in Africa: Any Silver Bullet?"

The objectives of Agenda 2063 are conveyed through a set of goals focused on eliminating poverty, advancing gender equality, improving food security, and ensuring the sustainable management of natural resources. These interrelated goals demonstrate the African Union's dedication to creating a setting in which every African can prosper. The agenda acknowledges the vital role of water as an essential resource in fulfilling these aims, especially in the areas of health, agriculture, and economic growth. Access to safe and clean water is crucial for enhancing the quality of life for all individuals and plays a key role in reaching wider developmental goals.<sup>24</sup>

### **Integration of Water Rights**

Water rights are clearly embedded within the context of Agenda 2063, reflecting the African Union's acknowledgement of water as an essential human right. The agenda specifies goals related to access to water and sustainability, underscoring the necessity of providing universal access to safe and affordable drinking water and sanitation for all individuals in Africa. This commitment is in harmony with the United Nations Sustainable Development Goals (SDGs), notably Goal 6, which focuses on ensuring the availability and sustainable management of water and sanitation for everyone.<sup>25</sup>

Agenda 2063 also emphasises the importance of integrated water resource management, advocating for policies that promote equitable access to water resources while ensuring their sustainable use. The agenda calls for the establishment of frameworks that facilitate cooperation among African nations in managing shared water resources, recognising that many countries rely on transboundary rivers and lakes. This collaborative approach is essential for addressing water scarcity and ensuring that all countries benefit equitably from shared water resources.<sup>26</sup>

Additionally, the agenda underscores the importance of involving communities in water governance. By enabling local populations to take charge of their water resources, Agenda 2063 aims to promote a sense of ownership and responsibility in water management. This inclusive approach is essential for making sure that water governance aligns with the needs and priorities of residents, resulting in outcomes that are both sustainable and equitable.<sup>27</sup> Despite the lofty objectives set forth in Agenda 2063, various challenges persist in turning these goals into tangible outcomes. Factors such as insufficient infrastructure, governance shortcomings, and socio-economic inequalities continue to obstruct water access for numerous individuals across Africa. Moreover, the effects of climate change present considerable risks to both the availability and quality of water, further intensifying pre-existing disparities and vulnerabilities.

It can be argued that Agenda 2063 serves as an extensive framework for recognizing the right to water as a fundamental human right within the framework of sustainable development in Africa. By incorporating water rights into its objectives and aspirations, the agenda highlights the essential role of access to clean water in promoting health, economic growth, and social justice. To effectively carry out the goals of Agenda 2063, it will be necessary for governments, civil society, and international allies to collaborate closely to address the obstacles that hinder progress and to guarantee that every African can exercise their right to water.

### **Challenges to Achieving the Right to Water in Africa**

The right to clean and safe water is a basic human right; however, realizing this right in Africa encounters a variety of obstacles. These obstacles can be generally classified into legal and institutional challenges, alongside socio-economic factors that intensify disparities in access to water. Recognizing these barriers is essential for formulating effective solutions aimed at ensuring sustainable access to water for all individuals across the African continent.

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<sup>24</sup> Vedaste Ndizera and Hannah Muzee, "A Critical Review of Agenda 2063: Business as Usual?," *African Journal of Political Science and International Relations* 12, no. 8 (2018): 142–54.

<sup>25</sup> Ndizera and Muzee, "A Critical Review of Agenda 2063: Business as Usual?"

<sup>26</sup> Ekeminiabasi Eyita-Okon, "Urbanization and Human Security in Post-Colonial Africa," *Frontiers in Sustainable Cities* 4 (2022): 917764.

<sup>27</sup> Eyita-Okon, "Urbanization and Human Security in Post-Colonial Africa."

## Legal and Institutional Barriers

The legal and institutional frameworks that regulate water access in Africa tend to be disjointed and inadequately enforced. Although numerous African nations contain constitutional provisions and legislation that acknowledge the right to water, the enforcement of these laws is often hindered by ineffective governance and limited political commitment. For example, the lack of integrated water management policies can result in the unmonitored use of water resources and their misallocation, disproportionately impacting marginalized communities.<sup>28</sup>

Furthermore, the ability of institutions to manage water resources effectively is frequently inadequate. Numerous countries face challenges such as poor infrastructure, insufficient financial support, and a lack of technical skills, which impede the establishment and upkeep of water supply systems. Research by Pullan and colleagues indicates that nations with geographical disparities in water access often suffer from a lack of proper resource allocation and ineffective execution of initiatives.<sup>29</sup> This issue is exacerbated by a lack of collaboration among the different government agencies tasked with water management, resulting in duplicated responsibilities and inefficiencies.

The implementation of current laws presents another major hurdle. In many instances where legal frameworks are in place, the mechanisms for enforcement are either inadequate or entirely absent, resulting in ongoing violations of the right to water with no repercussions. For instance, unlawful water extraction and pollution stemming from industrial activities often remain unaddressed, worsening water scarcity and degrading the quality of available water supplies. The absence of accountability for these water-related infringements erodes public confidence in governance systems and continues to sustain cycles of inequality.

## Socio-economic Challenges

Socio-economic variables significantly influence water access in Africa. Elevated poverty rates and social inequalities greatly affect individuals' and communities' capacities to obtain safe drinking water. Research indicates that there are considerable geographic disparities in access to improved water sources and sanitation facilities throughout sub-Saharan Africa, with distinctions between urban and rural areas often concealing more profound socio-economic inequalities. Rural populations encounter substantial obstacles in securing clean water because of deficient infrastructure and restricted financial means.<sup>30</sup>

Urbanization brings with it a mix of benefits and difficulties regarding water access. Although urban regions typically offer improved water infrastructure, the swift increase in population often exceeds the expansion of essential services. Many individuals residing in informal settlements within these urban areas often experience a lack of dependable water sources and sanitation facilities.<sup>31</sup> This exclusion from formal water systems exacerbates inequalities and poses significant health risks.

Climate change further complicates the landscape of water access in Africa. Increasingly erratic weather patterns, prolonged droughts, and flooding events threaten the availability and quality of water resources. Yahaya and Scholz emphasise that climate change impacts are particularly pronounced in vulnerable regions, where communities already struggle with limited access to clean water.<sup>32</sup> The interplay between climate change and socioeconomic factors creates a vicious cycle, where those most affected by water scarcity are often the least equipped to adapt to changing conditions.

The obstacles faced in securing the right to water in Africa are complex and involve various legal, institutional, and socio-economic factors. Effectively addressing these issues necessitates a holistic strategy that fortifies legal structures, improves institutional capabilities, and emphasizes fair access to water resources. By overcoming these challenges, African countries can progress toward ensuring the

<sup>28</sup> Frederick Ato Armah et al., "Access to Improved Water and Sanitation in Sub-Saharan Africa in a Quarter Century," *Heliyon* 4, no. 11 (2018).

<sup>29</sup> Rachel L Pullan et al., "Geographical Inequalities in Use of Improved Drinking Water Supply and Sanitation across Sub-Saharan Africa: Mapping and Spatial Analysis of Cross-Sectional Survey Data," *PLoS Medicine* 11, no. 4 (2014): e1001626.

<sup>30</sup> Armah et al., "Access to Improved Water and Sanitation in Sub-Saharan Africa in a Quarter Century."

<sup>31</sup> Aniruddha Deshpande et al., "Mapping Geographical Inequalities in Access to Drinking Water and Sanitation Facilities in Low-Income and Middle-Income Countries, 2000–17," *The Lancet Global Health* 8, no. 9 (2020): e1162–85.

<sup>32</sup> Yahaya Sani and Miklas Scholz, "Water-Energy-Food Accessibility and Tracking Progress towards Achieving Sustainable Development Goals in the Savannah Region of Katsina State, Nigeria," *Water* 13, no. 24 (2021): 3595.

right to water for all individuals, which would also support larger objectives related to sustainable development and social equity.

### **Case Studies: Models of Success**

Access to clean and safe drinking water is recognized as a basic human right, and numerous African nations have adopted successful water management strategies that can inspire others. These examples demonstrate the effectiveness of community-driven water management initiatives and technological advancements that have enhanced water accessibility throughout the continent.

### **Community-based Water Management**

Community-driven water management has emerged as an effective approach in several African nations, enabling local populations to manage their water resources. A prominent case is Uganda, where the government has encouraged the use of community-operated handpumps to improve access to safe drinking water in rural regions.<sup>33</sup> The continued effectiveness of these handpumps largely depends on the active participation of the community in their maintenance and management. In Uganda, local water committees are formed to manage the operation and maintenance of these handpumps, promoting a sense of ownership among residents. This collaborative approach has resulted in higher functionality rates of water sources, with numerous communities observing enhanced access to clean water and a decrease in waterborne illnesses.

In Ghana, the sachet water industry has also demonstrated a community-driven approach to water access. Despite challenges related to plastic waste and quality control, sachet water has become a popular alternative for urban populations lacking reliable access to piped water.<sup>34</sup> The affordability and convenience of sachet water have made it a viable option for many households, particularly in urban areas like Accra. Local entrepreneurs have capitalised on this demand, creating jobs and stimulating economic activity while providing essential water services to underserved communities.

Another successful model can be found in South Africa, where the National Water Act of 1998 emphasises community participation in water resources.<sup>35</sup> This legislation mandates the involvement of previously marginalised groups in decision-making processes related to water allocation and management. By ensuring that local communities have a voice in water governance, South Africa has made strides toward equitable access to water resources, although challenges remain in fully realising these goals.

### **Technological Innovations**

Technological innovations have also played a critical role in improving water access across Africa. Rainwater harvesting systems have gained popularity in countries like Kenya, where water scarcity is a pressing issue. These systems collect and store rainwater for domestic use, reducing reliance on traditional water sources that may be contaminated or unreliable. A study by Mhangara and others highlights the effectiveness of rainwater harvesting in rural communities, where it has significantly improved access to clean water, particularly during dry seasons.<sup>36</sup>

In addition to rainwater harvesting, solar-powered water pumping systems have emerged as a sustainable solution for enhancing water access in remote areas. For instance, in Zambia, solar-powered pumps have been installed in rural communities to provide reliable access to clean water without requiring extensive electrical infrastructure.<sup>37</sup> These systems reduce operational costs and minimise the environmental impact associated with fossil fuel-based water pumping.

Furthermore, smart handpumps are gaining traction in several African countries, including Ghana and Kenya. These innovative systems are equipped with sensors that monitor water levels and usage, providing

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<sup>33</sup> Rasyikah Md Khalid, Saad Abbas Kadhim, and Wan Siti Adibah Wan Dahalan, "Revisiting the Human Right to Water in Contemporary International Law," *UUM Journal of Legal Studies* 11, no. 1 (2020): 37–49.

<sup>34</sup> Sancin and Juhart, "The Right to Safe Drinking Water in International Law and in Slovenia's Legal Framework and Implementation."

<sup>35</sup> Riikka P Rajala, Tapio S Katko, and Gunta Springe, "Students' Perceived Priorities on Water as a Human Right, Natural Resource, and Multiple Goods," *Sustainability* 11, no. 22 (2019): 6354.

<sup>36</sup> Mhangara et al., "Towards the Development of Agenda 2063 Geo-Portal to Support Sustainable Development in Africa." 399.

<sup>37</sup> Ademola Oluborode Jegede and Pumzile Shikwambane, "Water 'Apartheid' and the Significance of Human Rights Principles of Affirmative Action in South Africa," *Water* 13, no. 8 (2021): 1104.

real-time data to local water management committees.<sup>38</sup> By leveraging technology, communities can better manage their water resources, ensuring sustainability and reducing over-extraction risk.

In conclusion, the case studies from Uganda, Ghana, South Africa, and Zambia illustrate the potential for community-based water management and technological innovations to enhance water access in Africa. These models enhance the capacity of local communities and play a crucial role in affirming the right to water as a fundamental human right. Other countries in Africa can implement similar approaches to tackle their specific water-related issues and strive to meet the objectives set forth in Agenda 2063 by drawing inspiration from these effective initiatives.

## **RECOMMENDATIONS**

Realizing the right to water in Africa, as articulated in Agenda 2063, necessitates a comprehensive strategy that tackles the legal, institutional, and socio-economic barriers hindering access to this essential resource. The policy suggestions below are designed to bolster legal structures, improve collaboration among stakeholders, and foster regional partnerships to guarantee sustainable access to water for all Africans.

### **a. Strengthening Legal Frameworks**

A crucial initial step in safeguarding the right to water is to harmonize national legislation with international norms. Numerous African nations have made progress in acknowledging the right to water within their constitutions and legal systems; however, the practical application of these laws frequently lacks effectiveness. It is essential for governments to develop thorough water management policies that align with international human rights principles, including those set forth by the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the resolutions from the United Nations General Assembly concerning the right to water.

To support this alignment, governments need to conduct a detailed assessment of current water laws and policies to pinpoint any gaps or inconsistencies. This evaluation should include consultations with civil society organizations, legal professionals, and impacted communities to ensure that the laws are not only thorough but also address the needs and rights of all relevant stakeholders. Furthermore, it is crucial to strengthen the capabilities of regulatory agencies tasked with enforcing water laws and regulations. This can be achieved by allocating sufficient resources and providing necessary training to ensure the effectiveness of enforcement mechanisms and the timely resolution of water rights violations.

### **b. Stakeholder Engagement**

Efficient water governance necessitates the proactive participation of communities and civil society in the decision-making process. Approaches to improve stakeholder involvement should aim to cultivate participatory governance models that enable local communities to take an active role in managing their water resources. Community-based water management initiatives can facilitate this involvement and have demonstrated positive outcomes in enhancing access to water and increasing accountability. Moreover, governments should allocate resources to public awareness initiatives that inform communities of their rights regarding water access and the significance of sustainable water management practices. By increasing awareness, communities will be better positioned to advocate for their rights and hold governing bodies accountable for the provision of services. Additionally, creating dialogue platforms among government entities, civil society organizations, and local communities can promote the exchange of knowledge and best practices, ultimately contributing to more effective water governance.

### **c. Promoting Regional Cooperation**

Given that many water resources in Africa cross national boundaries, fostering regional cooperation is essential for effective water management. Strategies that promote collaboration must be developed to tackle common water issues such as scarcity and pollution that often extend beyond individual countries. The African Union, along with regional organizations like the Southern African Development Community (SADC), should play a role in creating agreements that ensure the fair and sustainable utilization of shared water resources.

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<sup>38</sup> Barnard, "Constitutionalising a Human Right to Water in the Southern African Development Community."

Moreover, encouraging partnerships among nations can improve data sharing and collaborative monitoring of water resources, leading to more effective management of cross-border water systems. By collaborating, countries can formulate integrated water resource management strategies that consider the needs and rights of all stakeholders, thus ensuring equitable and sustainable access to water.

## CONCLUSION

This article has underscored the vital connection between Agenda 2063 and the recognition of the right to water as a fundamental human right. The agenda outlines a vision for sustainable development that emphasizes fair access to water resources, acknowledging the critical role that water plays in health, economic growth, and social equity. Nonetheless, considerable obstacles persist in achieving this vision, including legal and institutional challenges, socio-economic disparities, and the effects of climate change. Emphasizing the right to water is crucial for advancing sustainable development in Africa. By bolstering legal frameworks, increasing stakeholder involvement, and fostering regional collaboration, African countries can strive towards ensuring that all citizens have access to safe and adequate water. This dedication is in harmony with the objectives of Agenda 2063 and contributes to broader human rights and sustainable development goals, ultimately encouraging a healthier, more equitable, and prosperous continent.

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