

BLUE GOLD: THE CONFLICT OF MARKETS AND BUSINESS EFFICIENCY WITH RIGHTS

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ABSTRACT

In response, analysis of International conventions, global & Indian jurisprudence, empirical and theoretical evidence on the fickleness of economic valuation and the myth of the tragedy of the commons, all leads us to a rights based water resource framework. This answer necessitates a shift of focus from the resource to its use. Water when used for drinking and sanitation is a Right, through water used in industry may not. Most International Conventions and Human Right covenants reflect this principle. Prof. Salzman raised and eventually answered a fundamental question, in the context of water wars in Bolivia, “who should have access to drinking water and why”?¹ Technology, regulation and economics may change but environment-resource management should be anchored in the permanent principle of ‘who & why’. Thus even as inputs change, entitlements and access of the human right to water, especially for the vulnerable, remains non-negotiable.

Keywords: Drinking Water, jurisprudence, fickleness, drinking water, entitlements.

¹ James Salzman. (2006) Thirst: A Short History of Water, 18 (6), Yale Jnl. of Law & Hum. 94.