

*“Deeply concerned that approximately 884 million people lack access to safe drinking water and that more than 2.6 billion do not have access to basic sanitation, and alarmed that approximately 1.5 million children under 5 years of age die and 443 million school days are lost each year as a result of water- and sanitation-related diseases (...)”*

*“Reaffirming the responsibility of States for the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis (...)”*

*“1. Recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights (...)”*

*(Resolution 64/292. The human right to water and sanitation adopted by the UN General Assembly on July 28, 2010)*



## The Human Right to Water and Sanitation at the UN: Victory and Challenges for the peoples of the world

*Co-author and compiler:* Elizabeth Peredo

Mauze Barlow, Anil Naidoo, Danielle Mtierrand, Wenonah Hauter,  
Adriana Marquisio, Martin Khor, Vandana Shiva, Suzanne Golis



**The Human right to water  
and sanitation at the UN:  
Victory and Challenges for  
the peoples of the world**

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Painter and muralist born in Uyuni, Potosí. Great National Prize of Arts in Bolivia (1967). Doctor "Honoris Causa" UMSA (1998). Solón was known for his paintings, textiles and murals. "El Cristo de la Higuera" (1995) (Christ of the common fig) is one of his famous murals, as well as his "Quixotes" draws and engravings, considered symbols of the dictatorships resistance in Bolivia.

*The contents of this publication can be reproduced mentioning the source properly*

# Content

Acknowledgements .....	5
Presentation .....	9
<b>The Human Right to Water and Sanitation at the UN: A Challenging Victory for the Peoples of the World</b> <i>Elizabeth Peredo</i> .....	11
<b>Water Justice: The Fight for the Recognition and Realization of the Human Right to Water</b> <i>Anil Naidoo</i> .....	21
<b>Right to Water</b> <i>Maude Barlow</i> .....	29
<b>The Status of Water</b> <i>Danielle Mitterrand</i> .....	39
<b>Cash-Strapped U.S. Communities Get Soaked by Corporate Water Grabs</b> <i>Wenonah Hauter</i> .....	49

The Human Right to Water in Uruguay <i>Adriana Marquisio</i> .....	57
The Global Water Crisis Should be a Top Priority Issue <i>Martin Khor</i> .....	71
Creating Water Democracy and Stopping Water Privatisation <i>Vandana Shiva</i> .....	79
A Journey Toward Understanding That Water Has Rights <i>Suzanne Golas</i> .....	87
The Process of the Human Right to Water and Sanitation Resolution at the UN.....	95
Plurinational State of Bolivia speech Amb. Pablo Solón Romero .....	99
Resolution No. 64/292 The human right to water and sanitation .....	104
Votes.....	107
Annexes.....	109

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This book owes a debt, in first place to the many activists, social organizations and peoples who day to day demonstrate their belief that it is possible to transform this world and who have recovered the solidarity and social meaning behind water.

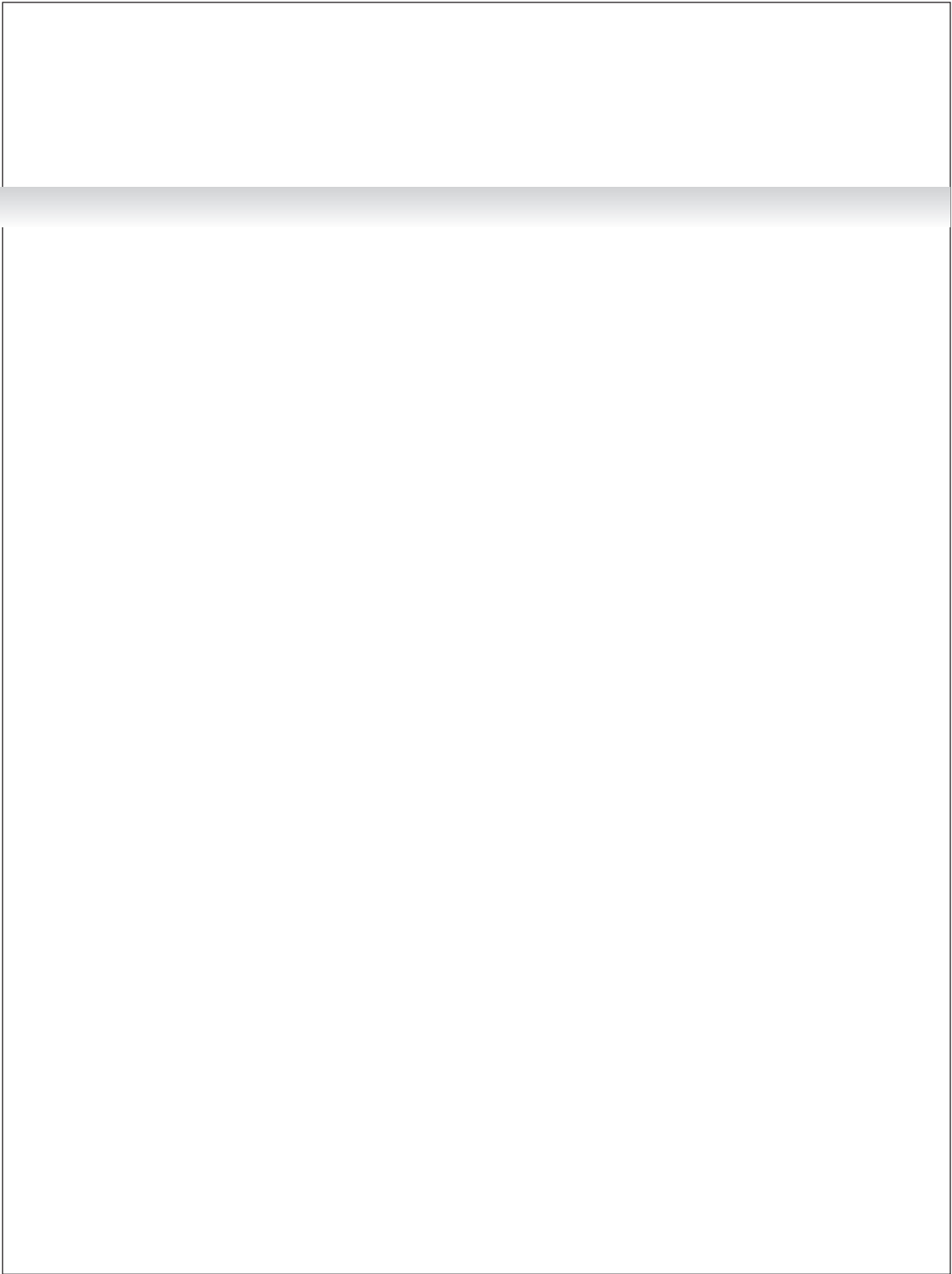
Equally, we owe a profound acknowledgement for the role of the Plurinational State of Bolivia and the struggle of the Bolivian people for pushing this historic resolution within the United Nations. We recognize their great contributions in adding one grain of sand to the global struggle to humanize the planet, which must include full respect for human rights, and the defense of water and sanitation as fundamental rights for life.

A warm thank to our authors for all their contributions in this book: Maude Barlow, Wenonah Hauter, Anil Naidoo, Danielle Miterrand, Martin Khor, Adriana Marquisio, Vandana Shiva and Suzanne Golas. They have shown their willingness and enthusiasm to enrich a welcome victory with their critiques, conscience and determination to continue the daily struggle to put these principles, now embraced at international level, into practice.

An special gratitude to *Christian Aid*, *Oxfam* and *Broderlijk Delen* for their constant support to our work and for their support to the *Blue October* campaign in Bolivia. Thanks also to our friends Cecile Hirsch, Tony Phillips, Nick Buxton, Megan Morrissey and Emma Donlan for their helpful translation support to this edition. Also our thanks from the heart to the members of *Sisters of Earth* for their solidarity and contribution to our work during their Climate Change Conference in August 2010. Their generous donation also helped enormously in producing this publication.

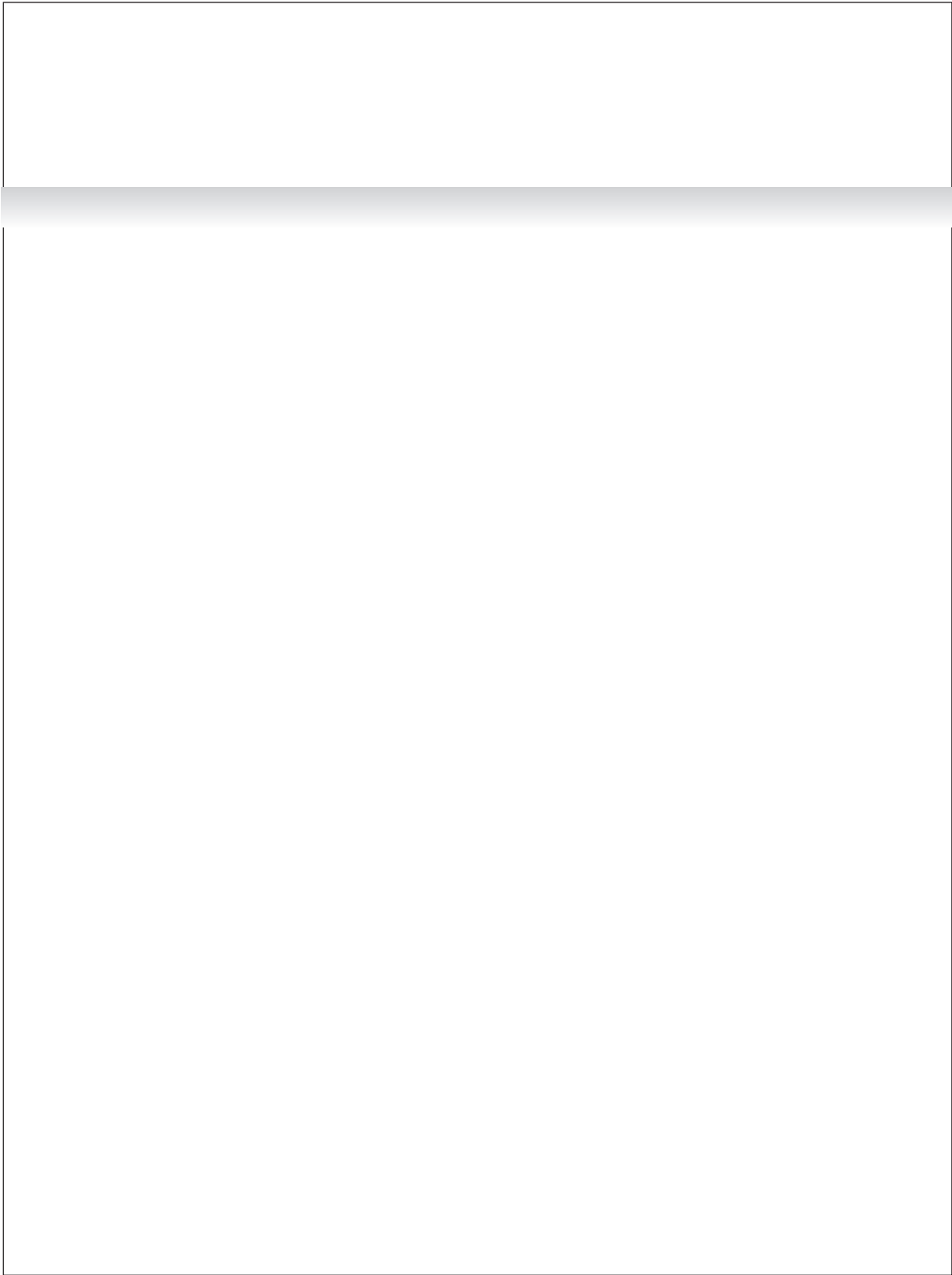
Finally, I want to highlight and thanks the editorial contributions of Alexandra Flores, Abdón Ticona and Marcelo Gamarra, my colleagues and members of the Solon Foundation, for their professional work and their commitment to these ideals.

Elizabeth Peredo Beltrán



This book is dedicated to **Victor Hugo Daza**, a young boy who lost his life in April 2000 during the Water War in Cochabamba.





# Presentation

July 28th 2010 became an emblematic date at the United Nations General Assembly because this is the day when the resolution n° 64/292 was approved, declaring Access to Water and Sanitation as a Human Right.

This is one of the most important victories for humanity in the struggle to defend access to water as vital for life and human dignity when finally, the multilateral system recognizes the value of water. The UN Resolution signaled the path for the world to move forward in the search of a social vision of water, where at its heart, humanity, equality and solidarity would be found.

A long drawn out process was accelerated by a great wave of hope coming up from the social movements and peoples of the world. Now the next step to implement this decree is for national and local governments, the water management authorities to take.

This book: "The Human Right to Water and Sanitation: Victory and Challenges for the peoples of the World" is compiled by Elizabeth Peredo (Solon Foundation, Bolivia). It is a review and an analysis of this great victory. It includes contributions from Maude Barlow (Council of Canadians), Anil Naidoo (Blue Planet Project Canadá) (both from the, Danielle Miterrand (France Libertés Foundation, France), Vandana Shiva (Philosopher, India), Wenonah Hauter (Food and Water Watch, USA), Adriana Marquisio (Uruguay's Public Water Workers Union and Red Vida, Uruguay), Martin Khor (South Center, Switzerland, Malaysia), Suzanne Golas (Waterspirit, USA).

Through their contributions, these writers, activists and defenders of the human right to water give a reflexive and critical analysis of this great victory in the multilateral system. They present issues that we have to take into account to assure the human right to water, within the context of global changes happening now and also the ethical dimensions of this big challenge.

The book contains documents related to the resolution process at the UN the 28th July 2010 session at the General Assembly; the Plurinational State of Bolivia speech, the resolution 64/292 itself, the votes and in the Annexes the debates that took part in that historical session.

This edition is edited both in English and Spanish. It seeks to record the victory and present the future challenges related to global access to water and sanitation for all the peoples of the world.



# The Human Rights to Water and Sanitation

A challenging victory for the  
peoples of the world

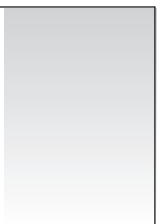
Elizabeth Peredo

Photo: Solon Foundation Archive

**Elizabeth Peredo Beltrán (Bolivia)**

Is a Social Psychologist, writer and activist on water, culture and against racism. Has researches and writings on gender, human rights, water and climate justice. In the 80s was the co-founder of the TAHIPAMU-Women's Participation on History Workshop which produced researches on women and history. Between 1998 to 2003 was the Coordinator of the National Committee for the Solidarity with Domestic Workers in Bolivia promoting equal human rights for indigeneous workers in cities. Is the author of some books, articles and video scripts.

Is member of the Board of Directors of Food and Water Watch, based in the US. Belongs the Women's Net for Transforming the Economy in Latin America (REMTE). Since 2006 promotes and coordinates the "Blue October" Campaign in Bolivia, a big social yearly mobilization for the right to Water as a non mercantile common good. Has joined the global activism for an International Tribunal on Climate Justice. Since 2006 is the Executive Director of the Solon Foundation based in La Paz, a recognized institution for its work on human rights, political action, arts and culture.



# The Human Rights to Water and Sanitation

## A challenging victory for the peoples of the world

July 28th 2010 marks an unprecedented victory for the defense of the human rights to water and sanitation. Numerous processes and currents of social movements have come together leading to the achievement of this enormous goal in the General Assembly of the United Nations.

Since the beginning of the multilateral system more than 60 years had to pass for this principle of life to finally be considered as a human right. In the course of the years, dozens to hundreds of events, conferences and resolutions of the UN system surrounded the issue timidly and in some related multilateral spaces they avoided systematically to even talk about water and sanitation as human rights. It is enough to remember the IV World Water Forum, organized in Mexico, March 2006, where Bolivia stood almost alone with the proposal of the resolution claiming these rights.

Resistance to the declaration of the human right to water has been constant in the World Water Forum as well as in the UN system; in the

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\* Translated from Spanish by Cecile Hirsch and Tony Phillips

latter it received barely a comment. In the Committee of Economic, Social and Cultural Rights – the famous General Comment No. 15 establishes that water is a prerequisite for the realization of fundamental human rights – something that has been used frequently by activists – but that did not state precisely that water is a human right.

The UN Resolution from the 28<sup>th</sup> of July is the result of multiple alliances and hopes stitched together from the bottom up, from social networks, from the activists and intellectuals that have been struggling for this principle for decades. And fundamentally from the anti-neoliberal struggles that were seeking to take back water, food and life from the hands of corporate control.

### The process viewed from Bolivia and South America

It was during our struggle against neo liberalism that we opened our eyes to one of the most evident truths: that Water is the essence of life. At that time we believed that our actions did not go beyond our national borders, all we wanted was to resist the impacts of neoliberalism and its structural adjustment programs. During over more than a decade, Bolivia had dutifully applied the economic plans of the Washington Consensus and privatized almost everything: transportation, energy and roads. But when they privatized water mandated by the World Bank, trading it for part of the country's external debt, it was the indigenous, women, popular suburbs citizens who said NO, and reminded us of these values and kicked one of the biggest transnationals of the world out of the country. This struggle gave the country back its dignity and rebellion, reconnecting with simplest and deepest common sense of the words: *water is life, not a commodity, water is a human right.*

It was a small victory, but from the perspective of the global struggle for water, it became one of the most inspiring experiences for the global movement in defense of water. This experience connected us to the global activism against commodification of water and the expansion of

global capital. We never imagined that we were getting into such a scenario, opening up possibilities for mutual enrichment between social movements and water activists all over the world.

Cochabamba inspired other struggles and processes in the region. In a short time, in the year 2004, the Uruguayan people took part in a historical referendum promoted by the Comisión del Agua y la Vida (Commission for Water and Life), that permitted them to include the principle of water as a human right in their constitution as well as establishing a mechanism to avoid that water concessions could lead to legal demands from transnational companies. A series of articles were included in the constitution to avoid that public services were to be given up under pressures for privatization and corporate profits in the framework of the neoliberal framework promoted by the Washington Consensus.

These great victories motivated the formation, just a few months later, of a regional campaign called the *Blue October Campaign* that since then has been organized in several countries of America in memory of that particular conquest, to reinforce the consciousness to defend water against big transnationals and continue to promote the defense of water as an essential value for life.

Water activists around the world got connected and we began to create proactive synergies, and formulated convergent principles from the grassroots, thinkers and activists defending water. We inspired each other mutually, and a couple of years later after the triumph of the Uruguayan people, we managed to include these principles in the Bolivian and later the Ecuadorian constitutional processes and finally in their new constitutions, reclaiming the value and the social vision of water as a common good, a right for life and the basis for the enjoyment of human rights.

We were constructing a narrative. The demands were converted into substantive contributions to the principles that are now part of the New



Constitution of the Plurinational State of Bolivia that among others things establishes that: “Water constitutes a fundamental right for life within the framework of the sovereignty of the people. The state will promote the use of and access to water based on principles of solidarity, complementarity, reciprocity, equity, diversity and sustainability” (Art. 373). “Access to water and sanitation constitutes human rights, that are not objects for concession nor privatization and that are subject to the regime of licenses and registers, in accordance with the law” (Art. 20).

The constitutional processes of Uruguay (2004), Bolivia and Ecuador (2007-2008) are highly relevant in the construction of this narrative and the social vision of water that has now been gathered in the United Nations Resolution, along with contributions from other regions and countries, and the processes of the World Water Forums and the WTO. Throughout these years the movements and the networks of activists have planted the vision of social management of water, water and sanitation as human rights, the resistance against transnational participation and control and public-private models in water management, the importance of local and indigenous knowledge, as well as democratic and participative control.

One of the principle engines of the Resolution has been the force of movements: in the case of South America these struggles strengthened a social vision of water that was placed on the global agenda in alliance with activists from all over the world.

In the year of 2010 the proposal for the resolution to declare water as a human right, instituted by Bolivia, was supported by 41 countries and later backed up by voting by 122, while 41 countries abstained from voting: those that presented most resistance were powerful developed states, with interests closely aligned with those of transnationals. No country wanted to be remembered in history as the one opposing explicitly to the proposal, although some argued that is was not adequate, statements that were written down in the register of the debates preceding the

resolution. The opposition to declare Water as a human right –even though it hasn't been said- was based on the necessity of keeping water as a commodity subject to market rules. A declaration like the one that has been achieved in the UN system –even though it is not binding- is contrary to the logic of commodification in the multilateral system and as such, it constitutes a very important instrument in the permanent battle to rescue water from the jaws of the market and commercial ambitions.

### The challenges of applying the Human right to Water and Sanitation

The UN Resolution took place in a context where the global water crisis was not only challenged by commodification, overexploitation of water resources and free trade, but also by global changes around the planet such as the climate crisis, food crisis and world population growth, among others. That is why it is fundamental to reframe this huge victory, rising as it did to the challenges of peoples, activists and organic thinkers around the world, those who believe that the inability to assure the universal right to water and sanitation implies losing this battle for life.

In this perspective, we have to be aware that water is still considered one of the biggest businesses for transnationals. The size of the world's water business is estimated to reach around US\$500,000 Millions with a high annual growth rate of 6%. Bottled water and desalination of seawater are the primary sectors in growth in water trade. It shows us that this element is dramatically affected by the global environmental crisis putting extreme pressures on the planet's natural resources; the application of the highly destructive business-as-usual model to such a vital resource raises questions as to human survival.

Huge inequity gaps between the Global North and the Global South are mirrored in water management and varying access to water. Food and Water Watch reported that in the last years public water systems have been reinforced in the north meanwhile in the developing countries

of South America bottled water consumption has increased substantially. It could be an indicator of the lack of strength of the public services of water and sanitation in developing countries to provide clean and safe water to the population and with the following difficulties in assuring this right for the citizens. The processes of strengthening public systems and the social control of them is fundamental to assure the human right to water and this is a priority for the developing countries that have suffered the weaknesses of their states and public systems due the neoliberal wave during the 80s and 90s.

We cannot fail to mention the importance of the free trade agreements in the liberalization of services and commodification of water. These treaties, in fact, are more binding than the United Nations resolution itself, toward the privatization of water resources and water and sanitation services.

In this sense, it is important to think about the meaning of water as a human right and a right for life, in contrast with other ways of understanding water. In many countries the legal frameworks for water management depend on its uses: for human consumption, agriculture, mining etc... Hence, in practice water does not have a unique and universal meaning linked exclusively to human rights and the right to life. Water can also be considered a commodity and the trade systems and global investments are living examples of that. When we faced the trial with Bechtel against Bolivia we learned that when water is defined as a commodity all regulations for a market commodity can be applied, there is no escape. In the WTO, water is defined as merchandise in trade terms: bottled water, glacial water, spring water, they all have their tariffs codes. This is why the anti-free trade movement and Bolivia launched a huge campaign to take water out of the WTO some years ago.

We also have to be alert to the impacts that the climate crisis already is provoking on access to water. Vulnerability has increased profoundly in the world due the global changes and in particular due to disasters of

climate origin and their relation to energy systems. This means that the natural cycle of water is being altered and there is an enormous pressure on the availability of water in the world, due to energetic deficits. Water is being used without responsibility building big dams, biofuel plantations that require a lot of water for their growth, or “gas fracking” which is a savage system of oil and gas extraction involving pumping contaminated water underground at high pressure through shale rock to release untapped reserves. Climate disasters, such as droughts and floods, are also dramatically affecting the infrastructure for water provision.

This situation has put in evidence one more problematic: the geopolitics of water. Water is now and will always be one of the most essential elements (“resources”) valued as necessary for survival and for the expectations for issues over the control over its sources planet-wide. North America and South America have the largest water sources, resources that are under the greed of big corporations and powerful states. The geopolitical control of natural resources is a consequence of the global crisis and is acquiring an institutionalism, as for example CIA that already has a climate change program within its structure with a focus basically on access to resources for survival. Palestine is another dramatic example of how control over territories, including violent methods and under the logics of occupation, daily is violating the human right to water. In Palestine, Amnesty International has registered the dramatic way in which this situation of occupation of territories ruins solidarity between people, occupation soldiers that are playing with and shooting holes in the water tanks of the Palestine people, simply to alleviate their boredom.

Global changes, climate crisis and the logic of occupation of territories are huge challenges telling us that the UN Resolution on Water and Sanitation as Human Rights achieved in the multilateral system must be given a real value and mobilized when it is time to treat these important issues. Water rights should be considered in a transversal way.

## A road to travel on global and local level

From now on there is a long way to go. We have made a small step as part of the ideal of building democratic water governance based on the concept of social management and water as a human right. Thousands of activists are part of this struggle and we know that we have to face the challenge to put the declaration into practice, in national and regional systems: the negotiations on Climate Change (UNFCCC), the process of the Sustainable Development summit, the process of the Biodiversity Convention, the World Water Forum, the WTO and many others, should be viewed from the perspective of assuring the human rights to water and sanitation as a fundamental base for the defense of life itself. At the local levels the challenge is for national states to implement these principles in their legal frameworks, in public policy and daily practice.

Water is the only element of the planet of which we form part and at the same time forms us. We all originate in a “big drop”, right? Humans are part of the water cycle and through water we can be connected to the very simple daily life as well as to the very complex problematic of the world’s water. Water is like a mirror through which we can see the texture of the planet that shelter us.

The focus suggested in this article, is one of permanent mobilization, depth and social control for real consequences and application of what we have achieved in our struggles. I am sure that the United Nations Declaration on the Human Rights to Water and Sanitation will contribute to the fight to reframe water as a common good, a human right and a right for life.



# Water Justice: The Fight for the Recognition and Realization of the Human Right to Water

Anil Naidoo

Foto: Solon Foundation Archive

**Anil Naidoo (Canada)**

Is the Coordinator of the Blue Planet Project. Anil was a key organizer in the Water is Life coalition during the Third World Water Forum in Kyoto, Japan and was a founding member of the Inter-American Network on the Defense and Right to Water (Red VIDA).

He was also a founding member of the Advocacy Coalition. He has held a research and communications position with the Canadian House of Commons, working for a Member of Parliament as a Legislative Officer. Anil has testified before Parliamentary Committees and has extensive media experience. Anil has a History degree with an after-degree concentration in Development Studies.



## Water Justice: The Fight for the Recognition and Realization of the Human Right to Water

At a moment when communities around the world are witnessing the negative consequences of climate change on their water, thus increasing the impacts on an already desperate situation, water activists around the world celebrated a very important victory at the United Nations. These struggles have been given new hope and a major lift forward by United Nations General Assembly resolution A/RES/64/292, 'The Human Right to Water and Sanitation'. This resolution is now, and forever, a clear statement adopted by the nations of the world in the highest parliament on the planet, explicitly supporting current and future water justice struggles by declaring water and sanitation to be human rights. Rights which are not elements or component of other rights, but which stand on their own and hold promise to give strength to the weak and protection to the vulnerable. The journey to this recognition and the vital subsequent realization of these rights has been neither easy nor inevitable. Opposition was fierce, relentless and remains ongoing despite this victory.

Unknown to many, the most fundamental human right of all, a right that is foundational and essential for life itself and for the full enjoyment of other rights, one so basic that violation can result in death within mere



days, the human right to water, was not yet fully-recognized until July 28, 2010. Despite the well-documented and ongoing tragedy associated with lack of water and sanitation, the United Nations General Assembly, in the six decades since adoption of the Universal Declaration of Human rights, had not redressed the original omission of explicit recognition of the human right to water and sanitation. For this, humanity had to wait until that morning in July, when, in a vote of 122 For to 0 Against (with 41 abstentions), resolution 64/292 was adopted in the General Assembly Hall of the United Nations Headquarters in New York City. Concurrently, and critically, the human right to water demanded recognition of the human right to sanitation, as one right is hollow without the other. Despite opposition; sanitation remained firmly in the resolution. With over half the beds in the world occupied by patients suffering water-borne disease, with said preventable illness killing more children than aids, small pox and malaria combined, with a child in Bangladesh suffering life-threatening diarrhea 5 times in their first year of life, the human right to sanitation needed affirmation.

Ten years before passage of the United Nations resolution on water and sanitation, the seeds of this resolution had been planted in Bolivia. In a struggle which continues to inspire and which has been termed the Water War, citizens of Cochabamba, of all classes and ethnicities, rose up as one against a water privatization demanded by the World Bank, implemented by an illegitimate government and delivered by Bechtel, a US transnational water company. For 4 months, from January to April 2000, the people of Cochabamba, peacefully, took control of the streets of their city and demanded an end to the water privatization and a lowering of the punishing corporate water tariffs which were crippling the population. Blood was shed by a military trying to impose what must be the ultimate capitalist fantasy; private companies handed monopoly control of the very means to give and take away life and license to wring profits from a captive populace, dependant as we all are on water. Carla

Esposito, who was on the streets of Cochabamba and is now Second Committee negotiator for the Bolivian mission at the UN said, ‘at that time we fought but did not even know that there was no recognized human right to water.

That realization and the brutal injustice represented by 17 year-old protestor Victor Hugo Daza being murdered by an army sniper for simply marching to defend the human right to water gave rise to a global water justice movement which still has Bolivians and Latin Americans in its vanguard. Bolivians demonstrated to the world the power of resistance as they toppled a government, elected the first modern indigenous President, Evo Morales, and took control of their water and natural resources as they challenged the centuries-old pillaging of their country by global corporations. The deep connection to living this struggle led to the global recognition of the human right to water and sanitation as Bolivian Ambassador to the United Nations, Pablo Solon recounts how he committed 10 years ago, during the water wars, to seek recognition of these rights should he ever be in the position to do so.

All of these actions and experience joined with the global action and experience of water warriors around the world and forced the strongest nations in the world to stand down in the face of the united will of those states whose people are suffering the most from not having access to clean drinking water and sanitation. The United States, United Kingdom, Canada, Australia and New Zealand led the opposition against recognition of the human right to water and sanitation. They tried tactic after tactic, bullying and threatening in an attempt to derail this historic resolution.

The spectacle of a group of wealthy, water-rich, countries, including most of the European Union, all of whose citizens enjoy near universal realization of the human right to water and sanitation, doing everything they could to deny these same rights to countries whose citizens are suffering and dying from this scourge, is intolerable. Worse still would

have been if they had been successful in derailing this resolution, it could very well have meant these rights would never have been recognized even as the situation for billions got desperately worse. If the attempt had been defeated, the chances of bringing back such a resolution would have been very remote as the tacit message would have been that the rights do not exist and what justification could there be for revisiting a failed resolution? Fortunately history did not take this turn. We have recognition that there is a human right to water and sanitation and that states must cooperate for the realization of these rights. Now there is the expectation that this resolution is a game-changer, signaling new attention, advocacy and demands for investment in these critical areas to address fulfillment of these rights and action against violations.

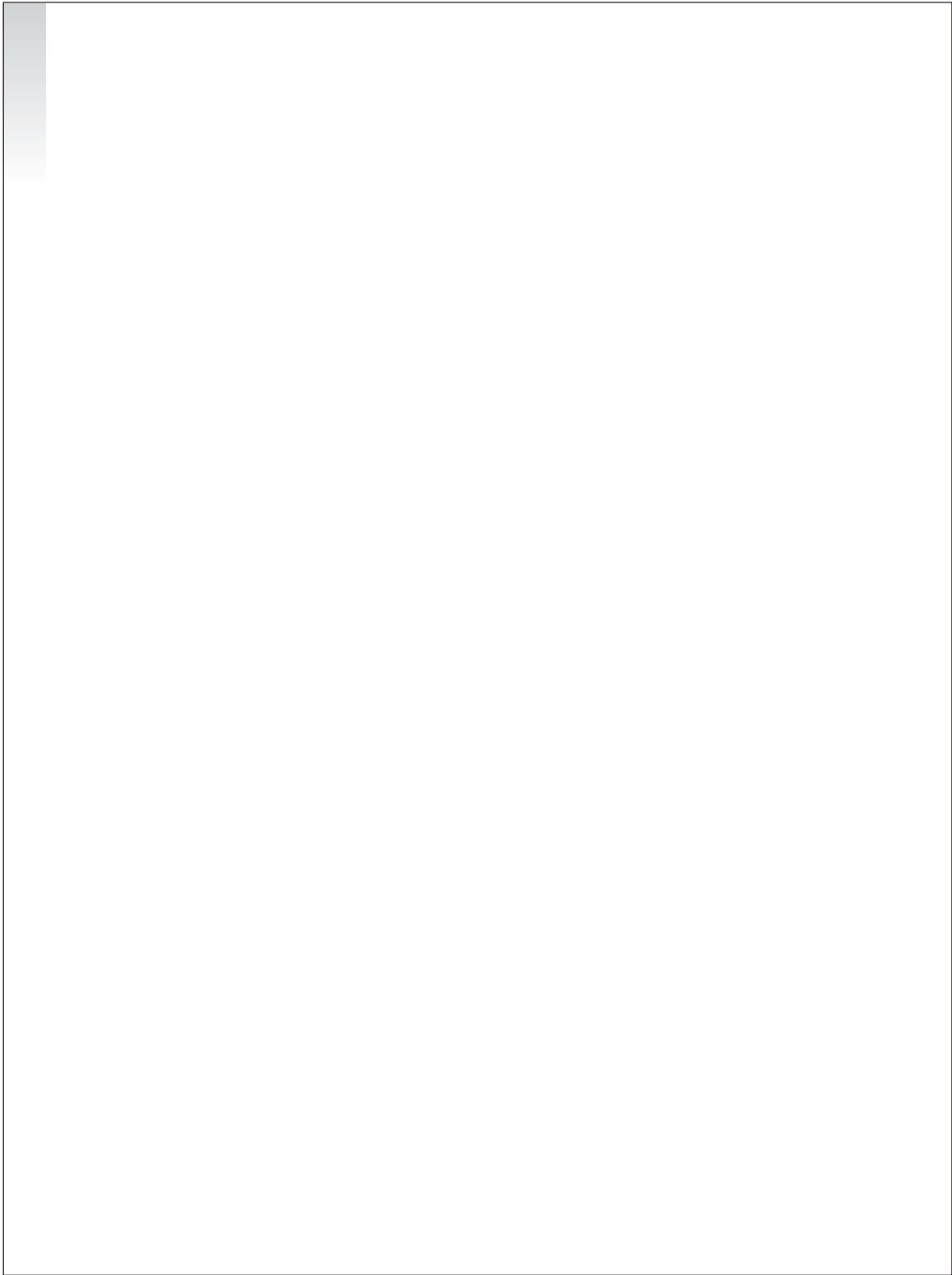
The significance and implications of this resolution are clearly profound but full impacts are still not known. Is this a turning point in history, a moment we will collectively look back upon and say that this was when we began the long trek back to some balance and equity in a planet which is severely out of balance and inequitable? We know and see the power of water to heal and calm, but is this the beginning of a much larger revolution in action? It could be, but that part of our common narrative is still to be written and a positive answer demands that we take strong steps forward in the coming months and years. Now is the moment when the attention must turn to national struggles and work in communities, where action must follow from words. This is critical and this work has already been happening and is ongoing as people reclaim their power.

It is also the moment to honour those water warriors who fell as they defended their families, communities and mother earth. It is a moment to remember Victor Hugo Daza in Bolivia, Kimy Pernia Domico in Colombia, Diodora Hernandez in Guatemala, Marcelo Rivera in El Salvador, Mariano Ablarca Roblero in Mexico, Ahmed Osman in South Africa and many, many more unheralded but remembered and mourned by those they loved. They are with us as we celebrate the victory of the

adoption of this resolution and they implore us to make sure that we continue to press now that we have momentum.

Over the next months, and perhaps years, there will be much debate about what the impact of the July 28<sup>th</sup> vote really means. Those who strongly fought against recognition have now turned to diminishing and framing the impact of the resolution. This began immediately after the positive vote for the resolution by countries such as Canada and the United States. Already we are seeing their arguments, and the arguments of the private sector that fear this resolution, turn up in various forums. These arguments are part of a decade-long strategic plan by corporate water proponents to attempt to frame the meaning of the human right to water and sanitation in the narrowest possible terms, therefore again denying the most vulnerable the tools to fulfill their right to water and sanitation and to live without the loss of dignity, suffering and death that comes from not having clean and safe drinking water and proper sanitation.

We must not allow this diminishment to prevail. This means that we must work at all levels to ensure that this recognition moves through different spaces and gains force through further citation at the UN level. The bigger issue, in many ways, is that there needs to be national law which affirms the human right to water and sanitation. These opportunities are already moving forward in some countries, such as Costa Rica which is drafting a human right to water and sanitation law, but there is so much more which needs to take place. This includes more funding and solidarity around water than currently exists as well as UN agencies and donor governments putting funding into water and sanitation. This is the kind of work which will positively impact people's lives. It is up to us what kind of water future we will live in.





# Right to water

Maude Barlow

Photo: Solon Foundation Archive

**Maude Barlow (Canada)**

Is the National Chairperson of the Council of Canadians, belongs the Blue Planet Project and chairs the board of Washington-based Food and Water Watch. She is also an executive member of the San Francisco-based International Forum on Globalization and a Councillor with the World Future Council, Hamburg-based (Alemania)

Maude is the recipient of ten honorary doctorates as well as many awards, including the 2005 Right Livelihood Award (known as the “Alternative Nobel”), the Citation of Lifetime Achievement at the 2008 Canadian Environment Award, and the 2009 Earth Day Canada Outstanding Environmental Achievement Award. In 2008/2009, she served as Senior Advisor on Water to the 63rd President of the United Nations General Assembly. She is also the best selling author or co-author of 16 books, including the international best seller.



## Right to water

*“Thousands have lived without love; not one without water.”*

*W. B. Auden, First Things First*

A fierce resistance to the inequitable distribution of water has grown in every corner of the globe, giving rise to a coordinated and, given the powers it is up against, surprisingly successful global water justice movement. “Water for all” is the rallying cry of local groups fighting for access to clean water and the life, health and dignity that it brings. Many of these groups have lived under years of abuse, poverty and hunger. Many have already been left without public education and health programs. But somehow, the assault on water has been the great standpoint for millions. Without water there is no life and for many communities around the world, the struggle over the right to water and to their own local water sources has become a politically galvanizing milestone.

A mighty contest has grown between those (usually powerful) forces and institutions that see water as a commodity, like running shoes or Coke, to be put on the open market and sold to the highest bidder, and those who see water as a public trust, a common heritage of people and nature, and a fundamental human right. The origins of this movement,



generally referred to as the global water justice movement, lie in the hundreds of communities around the world where local groups and communities are fighting to protect their local water supplies from pollution, destruction by dams, and theft, be it from other countries, their own governments, or private corporations such as bottled water companies and private transnational utilities providing water on a for-profit basis.

On July 28<sup>th</sup>, 2010, a decade of concerted effort by this disparate movement led directly to the United Nations General Assembly passing a resolution which dramatically changed the nature of the discourse on human rights. Under the leadership of Bolivian Ambassador to the United Nations, Pablo Solon, and Bolivian President Evo Morales, as the resolutions principle sponsor, the General Assembly passed resolution 64/292 in a vote of 122 in favour and 0 opposed with 41 abstentions. Around the world there has been a great deal of positive reaction to the news that there is finally a clear resolution, passed unopposed, which recognizes the human right to water and sanitation.

Despite the critical importance of water and sanitation to billions of people and all life on the planet, some powerful UN member states, including Canada, United States, Australia, New Zealand and the United Kingdom have been actively fighting against recognition of these rights. The politics of this resistance to human rights from these Developed Countries is interesting, but more critical to focus upon is the need to move forward on national legislation and international human rights legal instruments to solidify the impacts of this historic resolution.

### The Next Step: A United Nations Covenant On the Right To Water

Building upon the passage of resolution 64/292, the global water justice movement is demanding a change in international law to settle once and for the question of who controls water. It must be commonly

understood that water is not a commercial good, although of course it has an economic dimension, but rather, a human right and a public trust. What is needed now is binding law to codify that states have the obligation to deliver sufficient, safe, accessible and affordable to water to their citizens as a public service.

While “water for all, everywhere and always” may appear to be self-evident, the fact is that the powers moving in to take corporate control of water have resisted this notion fiercely. So have many governments, either because, in the case of rich governments, their corporations benefit from the commodification of water, or, in the case of poor governments, because they fear they would not be able to honour this commitment. Groups around the world are mobilizing in their communities and countries for constitutional recognition of the right to water within their borders and at the United Nations for a full treaty that recognizes the right to water internationally. (The terms covenant, treaty and convention are used interchangeably at the UN.)

While the recent right to water and sanitation resolution put forward by the Bolivian government is an important step in the right direction and a victory to be celebrated in the global movement to protect water for all, it is still only a beginning and requires action to turn the resolution into reality. The resolution, though not deemed binding on states, must now be reinforced by national law and backed by a legally binding UN covenant.

Rosmarie Bar of Switzerland’s Alliance Sud explains that behind the call for a binding convention or covenant are questions of principle that must be decided soon as the world’s water sources become more depleted and fought over. Is access to water a human right or just a need? Is water a common good like air or a commodity like Coca Cola? Who is being given the right or the power to turn the tap on or off – the people, governments, or the invisible hand of the market? Who sets the price

for a poor district in Manila or La Paz – the locally elected water board or the CEO of Suez? The global water crisis cries out for good governance and good governance needs binding, legal bases that rest on universally applicable human rights, says Bar. A United Nations covenant would set the framework of water as a social and cultural asset, not an economic commodity. As well, it would establish the indispensable legal groundwork for a just system of distribution. It would serve as a common, coherent body of rules for all nations and clarify that it is the role of the state to provide clean, affordable water to all of its citizens. Such a covenant would also safeguard already accepted human rights and environmental principles in other treaties and conventions.

Michigan lawyer Jim Olson, who has been deeply involved in the fight against Nestlé, says that the point must be “repeated and repeated” that privatization of water is simply incompatible with the nature of water as a commons and therefore, with fundamental human rights. “Water is always moving unless there is human intervention. Intervention is the right to use, not own and privatize to the exclusion of others who enjoy equal access to use water. It is important to distinguish between sovereign ownership and control of water, enjoyed by states or nations through which water flows or moves, and private ownership. Sovereign state ownership is not the same and has to do with control and use of water for the public welfare, health and safety, not for private profit.” If however, says Olson, the state sides with the World Bank and negotiates private rights to its water with corporations, that state has violated the rights of its citizens who would have redress under the principle of human rights if the covenant is well crafted.

A human rights convention or covenant imposes three obligations on states: the Obligation to Respect, whereby the state must refrain from any action or policy that that interferes with the enjoyment of the human right; the Obligation to Protect, whereby the state is obliged to prevent third parties from interfering with the enjoyment of the human right;

and the Obligation to Fulfil, whereby the state is required to adopt any additional measures directed toward the realization of that right. The Obligation to Protect would oblige governments to adopt measures restraining corporations from denying equal access to water (in itself an incentive for water companies to leave) as well as polluting water sources or unsustainably extracting water resources.

At a practical level, a right to water covenant would give citizens a tool to hold their governments accountable in their domestic courts and the “court” of public opinion, as well as seeking international redress. Says the World Conservation Union, “Human rights are formulated in terms of individuals, not in terms of rights and obligations of states vis-à-vis other states as international law provisions generally do. Thus by making water a human right, it could not be taken away from the people. Through a rights-based approach, victims of water pollution and people deprived of necessary water for meeting their basic needs are provided with access to remedies. In contrast to other systems of international law, the human rights system affords access to individuals and NGOs.”

The Union also states that a right to water covenant would make both state obligations and violation more visible to citizens. Within a year of ratification, states would be expected to put in place a plan of action, with targets, policies, indicators, and timeframes to achieve the realization of this right. As well, states would have to amend domestic law to comply with the new rights. In many cases, this will include constitutional amendments. Some form of monitoring of the new rights would also be established and the needs of marginalized groups such as women and indigenous peoples would be particularly addressed.

A covenant would also include specific principles to ensure civil society involvement to convert the UN convention into national law and nation action plans. This would give citizens an additional constitutional tool in their fight for water. As stated in a 2003 manifesto on the right

to water by Friends of the Earth Paraguay, “An inseparable part of the right is control and sovereignty of local communities over their natural heritage and therefore over the management of their sources of water and over the use of the territories producing this water, the watersheds and aquifer recharge areas.” A right to water covenant would also set principles and priorities for water use in a world destroying its water heritage. The covenant we envisage would include language to protect water rights for the earth and other species and would address the urgent need for reclamation of polluted waters and an end to practices destructive of the world’s water sources. As Friends of the Earth Paraguay put it, “The very mention of this supposed conflict, water for human use versus water for nature, reflects a lack of consciousness of the essential fact that the very existence of water depends on the sustainable management and conservation of ecosystems.”

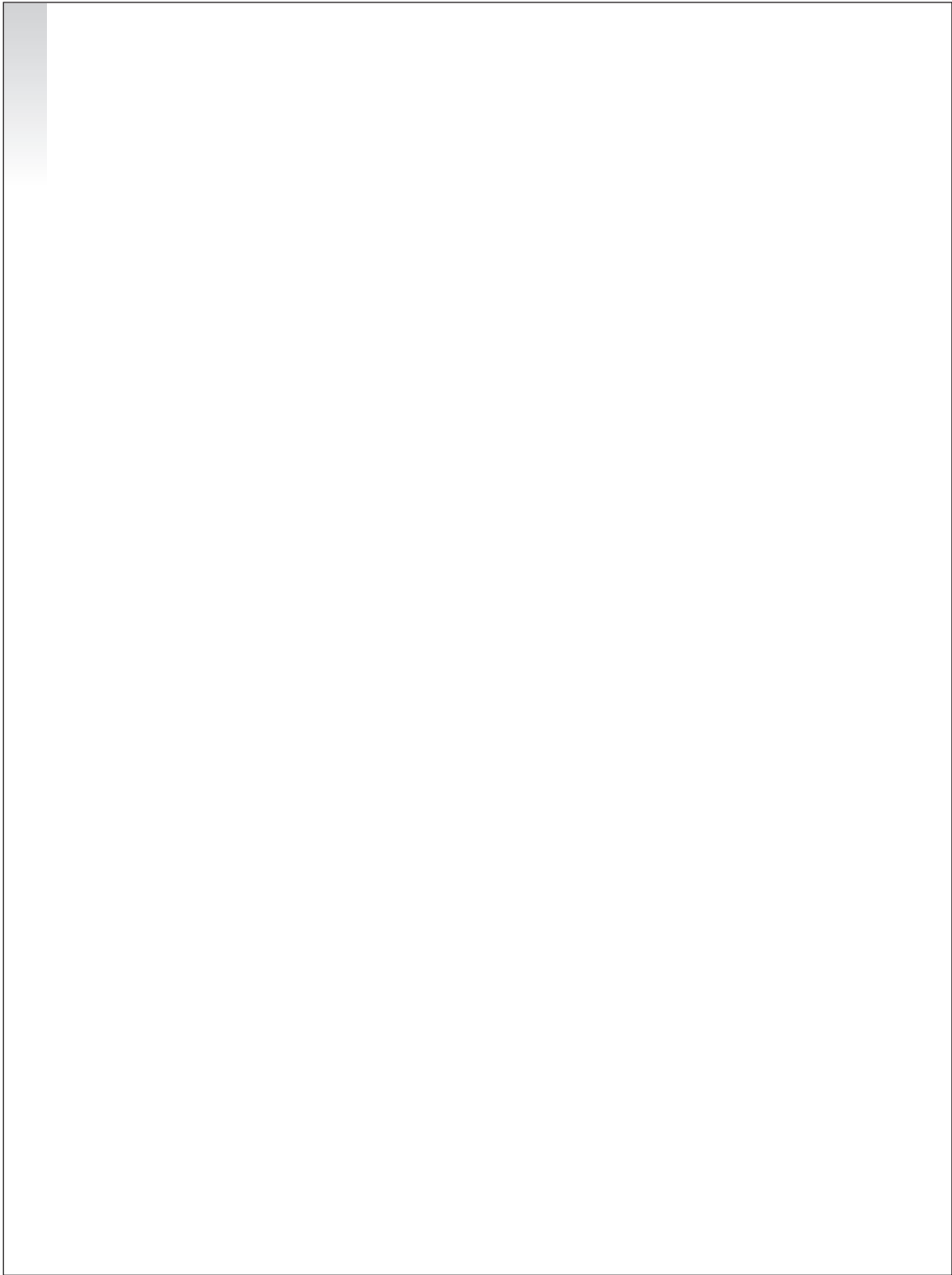
For the global water justice movement a covenant must explicitly describe water not only as a human right but also as a public trust. As well, a United Nations covenant on the right to water will have to address the two great shortcomings of existing human rights law if it is to be accepted by civil society. Those shortcomings are their failure to establish meaningful enforcement mechanisms and the failure to bind international bodies.

Steve Shrybman, a Canadian trade and public interest lawyer, said that the most significant development in international law has not been taking place under the auspices of the United Nations, but rather, under the World Trade Organization and the thousands of bilateral investment treaties between governments that have codified corporate rights into international law. “Under these rules, water is regarded as a good, an investment and service, and as such, it is subject to binding disciplines that severely constrain the capacity of governments to establish or maintain policies, laws and practices needed to protect human rights,

the environment or other non-commercial societal goals that may impede the private rights entrenched by these trade and investment agreements”

Moreover, states Shrybman, these agreements have equipped corporations with powerful new tools in asserting proprietary rights over water with which the state cannot interfere. “The codification of such private rights creates an obvious and serious impediment to the realization of the human right to water.” Private tribunals operating under these treaties are now engaged in arbitrating conflicts between human rights norms and those of investment and trade law – a role they are ill-suited to serve. He goes on warn that unless UN bodies are able to reassert their role as the fundamental arbiter of human rights, they risk becoming bystanders as private tribunals operating entirely outside the UN framework resolve key questions of human rights law. To be effective, the Covenant must assert the primacy of the human right to water where there is a conflict with private and commercial interests. As well, this instrument must apply to other institutions beside states, most importantly, transnational corporations, the WTO, and the World Bank.

The right to water is a fundamental right. It is a right that’s time has come. We must build on the recent momentum of support shown at the United Nations for the human right to water and sanitation resolution. Let us commit to a water secure future based on the principles of water protection and watershed renewal, equity and justice, and the right of all living things to water for life.





# The Status of Water

Danielle Mitterrand



Photo: "The World in our hands" Painted by The Apacheta Group of muralists (April, 2010, Cochabamba)

**Danielle Mitterrand (Francia)**

She is currently President of the humanitarian foundation France Libertés - Fondation Danielle Mitterrand. During the Second World War was an agent of the Resistance and there she met and married François Mitterrand, with whom he had three sons, Pascal, early death, Jean-Christophe and Gilbert. After her husband's presidential election in 1981, Danielle assumes the duties of first lady devoted mainly to help the Third World. In 1986 creates the foundation France Libertés - Fondation Danielle Mitterrand, designed to help the homeless men and women and the oppressed, taking action to raise awareness and funding. It supported the Sahrawi people, Subcomandante Marcos, the Tibetans, the Kurds and the indigenous peoples of Latin America.



## The Status of Water

When friends from the water defense network asked me to contribute to this book without giving me any precise instructions or topic, I thought for a long time about whether to write a text about my fascination with water's diversity, universality and freedom – as a sort of metaphor for the kind of humanity we dream of – or to take up my pen as an activist and denounce once again the greed and nerve of those around the world that organize the systematic pillaging of one of the common goods of humanity.

In the end, that hesitation led me to a simple idea and a didactic message that I will present here for the first time: the clash between water's "natural" and "economic" status. What I hope to do is unite those two types of status in a single social definition that would prohibit any appropriation or commercialization of water, and fix rules for its just and rigorous public management.

### Water's natural status

Water is the common denominator in all forms of life on Earth, and probably, the universe. Life is the offspring of water, whether it is the life of bacteria, plants, animals, or humans. From its origins, it has been

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\* Translated from Spanish by Megan Morisey

the single point of encounter for all the constituent parts of life, amino acids, DNA, minerals... Without water, the improbable coming together of all those different elements would never have occurred.

Water is at once the prerequisite for life and its most essential component. Life, however, does not consume water. Although it moves through a multiplicity of chemical combinations, water is not destroyed in the process, or at least very little. It is constantly recycled, always on the verge of flowing into a new waterwheel: the large waterwheel of the sea, the evaporation of clouds, the tiny waterwheels of cellular exchange and the waterwheel of “used” water that nature regenerates for new consumption. Water is present everywhere life can be found, and where life is found, there is water.

How not to regard with the utmost respect this “crystal liquid” has the capacity, among its many guises, to transport energy from the sky and its mighty cumulus clouds, to move sediments along rivers, to bring food to the smallest vegetable or animal cell.

### Water’s economic status

This is the reason that, 20 years ago, I decided to dedicate the efforts and the resources of my foundation to the promotion of the social status of water, something without which the struggle to defend human rights, dignity and citizen responsibility would be in vain.

In theory, the issue is simple: all that is required is, instead of opposing the two kinds of status (natural and economic), to unite them.

With this purpose in mind, we should integrate the *economic status* of water with the three following obligations:

- Water is not merchandise, it is the collective and essential wealth of humanity.
- After it is used, water should be returned to nature in the same pure state in which it was found.
- The public collective should ensure the just distribution of this wealth without benefit and without damage to the needs of nature itself, in the future as well as in the present.

The creation of the social status of water has three political consequences:

- The first relates to global water governance. Water – free and universal – knows no borders, and no nation can proclaim itself the owner of the water found in its territory, whether it be water from rain, springs, or rivers. To this universality of water there should correspond the universality of its management, which means ending all local, juridical, economic, and political particularisms, factors that are potential sources of negligence, corruption, and depredation. Global water governance should be democratic and institutionally protected from any attempts at instrumentalization by capital.
- The second obligation relates to the distribution of water and, by extension, the construction and maintenance of networks. There is naturally nothing wrong with entrusting such projects to companies with the proper knowledge and tools. However, the management of water distribution cannot be handed over to private businesses whose principal aim is to generate profits, more each year, and charge for services unchecked while ignoring maintenance and prioritizing the provision of services to the wealthy: water belongs to all... those who can pay! It is one thing to make a legitimate profit from investments in infrastructure,

but quite another to profit from the satisfaction of basic needs. The investments required so that everyone, particularly the poorest, can have access to water can thus only be made by public authorities. The costs of maintaining a water network and annual contributions to its functioning should be fixed with the participation and under the democratic control of the population.

- Finally, the impartial distribution of a common good of humanity requires a social organization with great democratic conviction at all levels. To effectively share water is to recognize that each person has the same rights, no matter their income or social position.

This is quite evident in poor countries whose populations have much to teach the world about the democratic management of distribution networks. In our own country, which holds equality as a central principal, there is an incredible range of prices for water services and great variations with respect to quality.

I have long proposed – and I believe I am beginning to be heard – that municipal management of water should have a rule that says the first forty liters of water consumed each day by each individual should be free.

It goes without saying that distribution networks should be consistently accompanied by the water treatment systems used by the wealthy, including for water used by the agricultural and industrial sectors. That obligation should be subject to the same rules regarding financing and public management.

### Campaigning for public management of water

The winds of change are blowing. Popular disappointment is being expressed throughout France with respect to the price and also the quality

of water, the deplorable maintenance of networks, frequent leaks that must be paid for. Realizing that they have signed bad contracts, communities return as quickly as possible to municipal water management, and to the great satisfaction of their constituents. If at the beginning of our campaign we could count on one hand the number of municipalities seeking to recover control over water management, we now see attempts to return to public management multiplying.

The same is true at the global level, since corporations know no borders. As in France, there have been bitter failures overseas, particularly in Latin America, when they have tried to turn water into merchandise. The “water war” in Cochabamba, Bolivia became the symbol of a rising popular consciousness that, for the last ten years, has reverberated throughout the South American continent in the form of a new demand: access to natural resources.

### Are we returning to our senses?

Ten years ago, when I began to sound the alarm, I was very alone. It was difficult to fill a room for a discussion of this subject. Ten years is a long time to raise consciousness and provoke a reflection on the status of water throughout the world. But I have regularly renewed my convictions at the World Social Forum, which has given me so much support. We have formed a group of activists with very different backgrounds, but with a shared motivation. Together we created a common declaration that gave rise to the Water Messengers’ Charter.

I am convinced that, just like this group, all the movements that campaign for a world free from the domination of money can establish, sometimes without even knowing it, new connections, linkages, intellectual collaborations, and exchanges of knowledge and social practices that show the way to a different destiny. To struggle for public management of water in your own neighborhood, community, state or nation, and all

throughout the world, is a political act that is concrete and essential. But above all, it is a daily practice of reflection about the future of the planet and the critical management of the common goods of humanity.

Spread the word!

### A French tale:

When Napoleon III undertook vast urban development projects in Paris, important investments were made to create new pressurized water distribution networks to reach the top floors of the buildings that grew ever taller. They had to find a way to replace the old water carriers, young people hailing from central France who brought buckets of hot or cold water to the homes of the wealthy ladies on Rivoli Street so they could take their baths. In this way, running water became available as though by some miracle. This new technology, with the backing of the banks, became a source of considerable revenues.

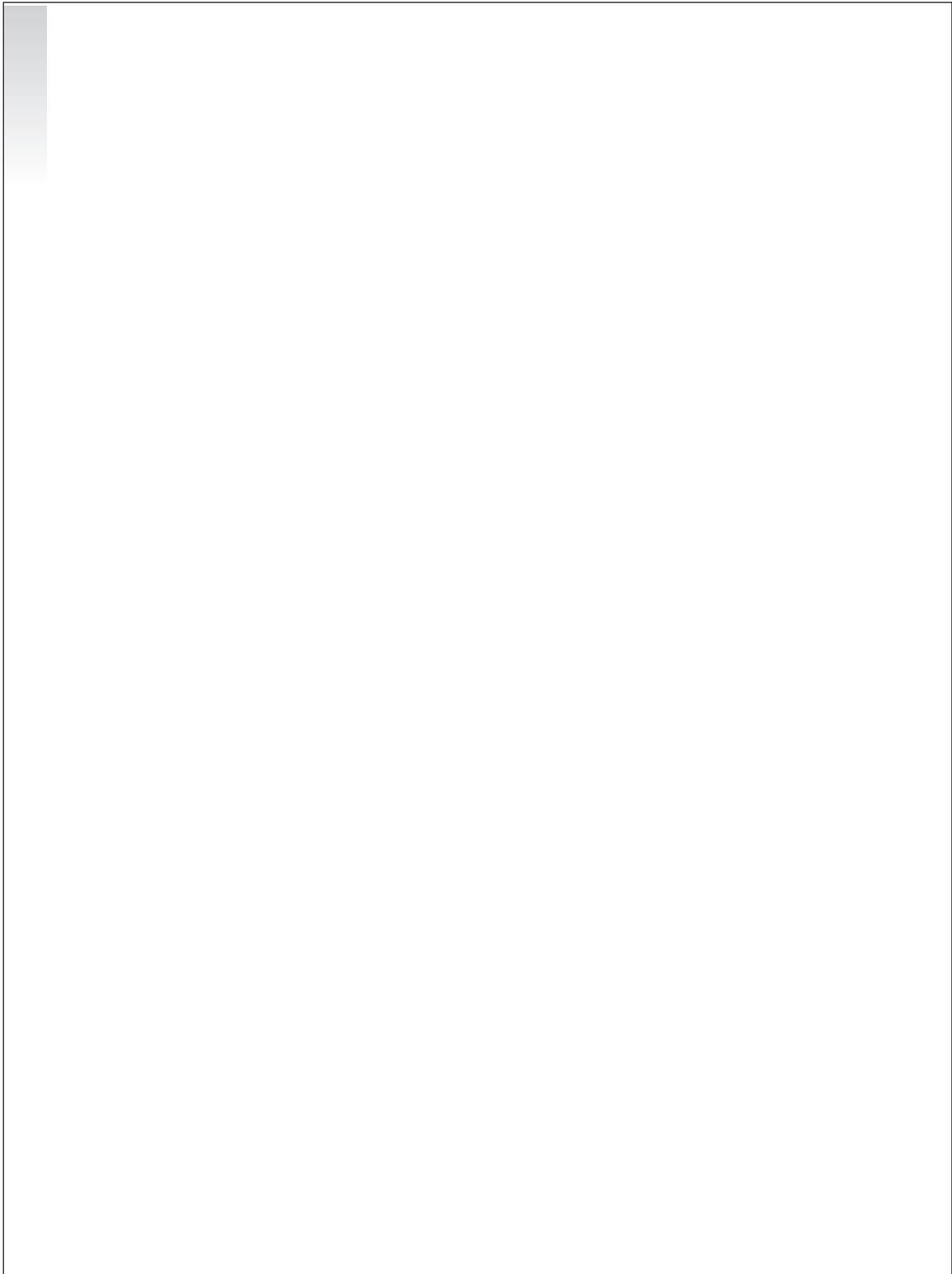
When the socialists came to power in 1981, President François Mitterrand was determined to implement a mechanism to guard against the excesses of liberalization. That mechanism included, in large part, nationalizations. With the crisis of '83, the hostility of the European partners, east-west tensions and finally the fall of the Berlin wall, that mechanism fell apart. The trend toward liberalization, for a while marked by a weakened social democracy, was able to infiltrate everywhere including the heart of the left. The return of King Money took a heavy toll on public services. Powerful investors launched an offensive on collective landholdings, notably to open up the market for water, sanitation and transportation. Regarding water, the situation was already quite advanced. All that was left to do was convince the undecideds; what luck to be able to subcontract out that complex technical service, and to work with big companies that are so capable! The consequence? Today, 17% of water in France is managed by private companies.

What better example for far-off lands where poverty is mixed with misery? How to resist the pressure of international finance, always Western, always more expensive, always ignorant of the true needs of the population?

A strange fact: this dominant position became so widely accepted that its proponents were able to take over the World Water Council. Maybe it is time to admit that water has become business like any other?

In the summer of 2010, I was extremely pleased to see that United Nations member states recognized water as a common good of humanity, declaring access to water a human right. This is considerable progress toward rethinking the meaning of wealth.







# Cash-Strapped U.S. Communities Get Soaked by Corporate Water Grabs

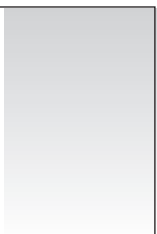
Wenonah Hauter

Obverse: Solon Foundation Archive

**Wenonah Hauter (EEUU)**

Is the Executive Director of Food & Water Watch. She has worked extensively on energy, food, water and environmental issues at the national, state and local level. Experienced in developing policy positions and legislative strategies, she is also a skilled and accomplished organizer, having lobbied and developed grassroots field strategy and action plans. From 1997 to 2005 she served as Director of Public Citizen, Energy and Environment Program, which focused on water, food, and energy policy.

From 1996 to 1997, she was environmental policy director for Citizen Action, where she worked with the organization's 30 state-based groups. From 1989 to 1995 she was at the Union of Concerned Scientists where as a senior organizer, she coordinated broad-based, grassroots sustainable energy campaigns in several states. She has an M.S. in Applied Anthropology from the University of Maryland.



## Cash-Strapped U.S. Communities Get Soaked by Corporate Water Grabs

While communities in the Global South struggle to access clean, affordable water, many in the United States are experiencing a similar plight. Although water in the U.S. is among the safest in the world, many public utilities face profound funding challenges that hinder their ability to maintain and modernize the systems that deliver this essential resource.

In the U.S., 86 percent of people on community water systems receive their drinking water from a public utility, and these public operators have kept drinking water safe and affordable for most households. Public utilities provide nearly 250 million in the U.S. with high quality water that costs less than a penny per gallon.

But across the nation, water systems are aging, crumbling from the effects of time and the burdens imposed by population growth. Repair

and replacement costs are taxing many towns and cities, especially those with limited financial resources.

When Congress passed the Clean Water Act of 1972, it promised much needed money to communities to help them protect their water systems. But times have changed, and since the 1980's, the federal government has slowly cut back funding to local water. This assistance reached an all time low during the second Bush administration. While the cash flow has since increased, many areas still suffer from that funding drought and the myriad infrastructure problems it created.

U.S. public drinking water systems need an average of \$17 billion a year. In 2010, the federal fund that provides this money received \$1.4 billion—enough to finance only 8 percent of what is needed.

Decaying drinking water systems have jeopardized the integrity of local water, contaminating supplies and leading to service interruptions. In April of 2010, a leak in the system that delivers water to residents of the greater Boston, Massachusetts area left over 2 million people without potable water. The result of aging pipes, the bill to repair the damages climbed to over \$600,000 and the federal government contributed nothing.

Meanwhile, modern economic challenges have left many municipalities around the country strapped for cash. Struggling to come up with the funds to maintain their water systems, and often lacking the resources to even balance their budgets, many have fallen prey to the advances of corporations looking to turn a quick buck off of their water woes.

Offering to buy or lease local water systems, private companies often present themselves as the solution to the dual problem of shallow municipal coffers and aging water infrastructure systems. While sales and leases of municipal water systems to private companies were rare until relatively recently, they have become more prevalent as the economy has worsened in many regions of the U.S. in recent years.

The details of these deals vary among location, but the basic gist is always the same: local governments receive an influx of cash for abdicating control of their water to a private corporation—either temporarily or permanently. The corporation is given control of the water system, an essential resource to the community, but a source of profit in the eyes of the company itself.

Like any get rich quick scheme, cash advances for water assets have a way of costing consumers a lot more than promised. Much of the time, the company in control of the system will recoup the money given to the municipality by hiking fees for consumers. In fact, high water rates are standard among private water companies, often costing consumers as much as 89 percent more than their public counterparts.

While many private water providers tout their efficiency, the reality is that they are often less capable than public operators of handling emergency calls, addressing maintenance issues and fixing water main breaks. Public water utilities on the other hand offer more reliable service because they are more accountable to those they serve. In fact, the collectively spotty track record of private water companies has lead many experts to deduce that privatized water service offers little benefit to anyone but privatizers and the shareholders to whom they are ultimately accountable.

Some communities, disenchanted with the rate increases, poor customer service and degraded water quality that privatized water often brings have gone so far as to reclaim control of their water systems when their service contracts have not lived up to their original promises.

One of the most the water privatization's movement's most egregious failures occurred in Atlanta, Georgia. While the city entered into a \$428 million contract with the Suez-owned United Water in 1999, the company's poor performance doomed what was intended to serve as a model of the so-called promises of privatized water service.

While United Water had originally claimed it would cut resident water bills in half and lead to more efficient service, the reality of its control of the system painted a much darker picture. Under the company's management, the city experienced a backlog of 14,000 work orders, delayed repairs, inadequate response to emergencies, and the loss of 400 jobs, among other pitfalls. The city also lost millions of dollars because United Water incorrectly installed, maintained and read resident water meters.

Corporate corruption also marred the deal. The city accused United Water of charging for work it never performed and working on other contracts on the city's dime. The company's refusal to turn over certain billing records further stoked the distrust.

A mere 18 months into entering the contract with United Water, residents of Atlanta had experienced enough of the company's mismanagement of their water resources. The city ultimately terminated its contract with United Water—16 years before it was scheduled to run out.

Residents of Fort Wayne, Indiana experienced similar challenges when their water was taken over by Aqua Indiana, a subsidiary of the national private water company Aqua America. Residents there experienced a litany of service problems ranging from rusty water to high bills. Water infrastructure in Fort Wayne was in obvious need of improvement, yet Aqua Indiana was investing very little of what it budgeted for infrastructure, despite seeking rate hikes of 75 percent.

Frustrated by poor service and high bills, in 2008 residents petitioned the City of Fort Wayne to employ eminent domain to take over water and sewer service from Aqua Indiana on the north side of town. Since then, the city has embarked on a plan to improve service and rejuvenate its water system, while saving households more than \$370 a year on service.

Fort Wayne is not the only community to suffer under the control of an Aqua America subsidiary. In 2007, residents from towns served by Aqua Utilities Florida took action when the company proposed a \$7.3 million rate increase that would have doubled water and sewer rates for more than 110,000 customers across 15 Florida counties.

Those in the town of Chuluota, Florida had particular reason to protest. In addition to being overcharged for their water, it could have also been making them sick. While some complained of a foul smell and taste, studies there detected traces of the known carcinogen trihalomethane in excess of federal standards. In 2009, the Florida Public Service Commission (PSC) gave water in Chuluota a grade of “unsatisfactory.” While the PSC eventually ordered the close monitoring of water systems across the state, Chuluota and other communities remain under the service of Aqua Utilities Florida, which announced in 2010 that it would seek yet another round of rate hikes.

Some privatized water agreements have proven so controversial they’ve been rescinded before they’ve even had a chance to fail. Such was the case in Lee, Massachusetts in 2004, where one of the U.S.’s most vigorous debates over water privatization unfolded.

After initially favoring a deal to turn the town’s water over to Veolia, town representatives voted overwhelmingly against a proposed contract with the company. Veolia claimed it would save the city \$6 million over 20 years, but residents grew uneasy when they read the fine print. Made public only days before the vote, the contract lacked any credible information through which consumers could estimate how much money they’d actually stand to save.

The public turned on the deal, with opponents packing special town hall meetings to voice their displeasure with the proposed arrangement with Veolia. The city’s own public works staff even voiced its opinion, staging a protest in front of City Hall.



Veolia eventually lost the contract, and one of its corporate vice presidents who had lead the failed privatization effort lost his seat as town moderator.

While a tempting fix for cash-strapped towns and cities looking to bring their water systems up to date, or to simply pad municipal coffers, privatized water service rarely lives up to its own hype. Corporations prioritize earnings over quality, and stockholders over consumers. They make their money by cutting corners, neglecting system upkeep, raising rates, cutting jobs and stripping away worker benefits.

Keeping water utilities under public control—in the U.S. and elsewhere around the world—is the best way to ensure that this essential resource remains safe, clean and affordable now, and for generations to come. The discussion around global water should center on how to provide fair and equitable access to water in the future, rather than privatize this fundamental resource for corporate profit.

To that end, it is imperative that we establish legally binding regulations at the local, national, and international levels recognizing the human right to water. This is the only way we'll achieve development goals in the 21st century and provide safe, affordable water to all—whether they live in rich countries or poor.



National Commission for  
the Defense of Water and Life

## The human right to water in Uruguay

Adriana Marquisio

Photo: Solon Foundation Archive

**Adriana Marquisio (Uruguay)**

She is President of Uruguay's Public Water Workers Union and is active in Latin America's water justice movement, the Red Vida. She was a key organizer in the passage of Uruguay's constitutional referendum recognizing water as a human right. She is a collaborator with Our Water Commons.



National Commission for  
the Defense of Water and Life

## The human right to water in Uruguay

In many Latin American countries –following processes of re-appropriation by the state and private companies being expelled –, we are working very hard towards a successful public model wherein the human right to water is established, with a view to sustainability, equality and accessibility, and capable of surmounting all impositions by the capitalist model which conditions the entire management of water.

After those processes such as the ones which occurred in Bolivia with Bechtel, in Argentina with the Suez Company, in Uruguay with Aguas de Barcelona and the Suez, and so many others where popular struggles were able to get the transnational corporations expelled, we had to face that the public sector had been dismantled and the socio-cultural vision that water should have.

Wherever the privatization process was reversed and things went back to a public system for water and sewerage, it has been the outcome of outright popular pressure. Most governments have been forced to stop and reverse these privatization processes exposing themselves to pressures

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\* Translated from Spanish by Hemando Calla

by transnational corporations through claims to the CIADI and threats by multilateral financial organizations conditioning future borrowing. When governments take these pressures as insurmountable and give in to them while misinterpreting the popular mandate without breaking with neo-liberal tenets, they generate a great contradiction with the promises to the population when they just got into office.

As an outcome of these struggles against the impacts of privatization policy-measures, the peoples have reached awareness of how important it is not to delegate their decision-making and to remain the leading actor in the definition of public policy which will affect their daily life. Direct and active participation by society as a whole is essential to achieve good governance.

The workers play an important role on that road. In many countries, the water unions have included in their platforms, besides their particular and legitimate labor demands, the defense of water as a fundamental human right.

In Uruguay, the worker members of OSE' Employee Union, plus social and political and environmental organizations, other unions and citizens, have created, since year 2002, the National Commission for the Defense of Water and Life (CNDAV) which has been the propelling force behind the plebiscite for the constitutional reform approved by voting citizens on October 31, 2004 with 64.7% of total votes, and which keeps an eye on the thorough compliance with the Constitution.

As regards the water policy designs, the involvement by workers and users, by society at large, is the only safeguard for the construction of a new model for successful management.

### What does public management mean in Uruguay?

Water management is the process comprising from the sustainable tapping of water at source to the treatment of water until it reaches users,

with sufficient quality and quantity for the various uses making possible the life of the community, as well as the sanitary disposal and treatment of sewage.

Public management comprises political and technical aspects which are both important and mutually dependent. A good management is not viable if there is political, social or economic instability. Neither is it possible if better tools are not used to manage emergent problems and opportunities. The element linking these two aspects is public communication, including both intra and extra institutional communication which are essential to educate, communicate and build consensus with the population.

Communication must be conveyed permanently. The government's vision and implementing policies must be communicated and argued properly so as to get support and approval for its implementation. Communication must be conveyed also the other way around, that is to say, from the population towards the government; allowing and encouraging the population to express their perceptions and expectations according to their real needs. It is necessary to insist that communication must be constant and both ways, as we said, promoting strategies, tools and technology for its implementation. However, the purpose should not be the substitution of direct communication and personal interaction by technology as a key element of management. Communication is strongly tied to the culture and history of every people.

It becomes public management when society as a whole is financing regional or national policies for the benefit of everyone. Whence the collection of service charges must be redistributed through concrete policy in favor of the community

For all these reasons, public management must be carried out by the state and/or both the state and the community, and it is always the state that must provide a guaranteed budget and technical assessment.

According to Uruguay's New Constitution, the possibility of drinkable water provision to other countries' needed populations for solidarity reasons is allowed, just as the sale of water in bulk is refused either for drinkable or crude water. That is why it is fundamental to establish a national and international coordination and cooperation within the public and community sectors for the management of water resources. The unity of criteria and coordination of juridical aspects becomes of greater importance for the Region and Continent, and the governments and social organizations are responsible for promoting their materialization.

In Uruguay a Platform on Public Community Agreements is being promoted both by FFOSE and OSE in order to exchange knowledge and technologies among operating agents of water systems, be they managed by the state, community, cooperative, aqueducts. The organization of this platform was carried out under the principles of non-profit, solidarity and reciprocity. It was understood that the public is not circumscribed only to the state, the public is also what is common to all: that which belongs to the community.

This platform was launched on April 2009 in Paso Severino by many social organizations and governmental agencies from the continent and the world, an agreement being signed committing themselves to promote this vision.

### Why should the management of public services not stay on private hands?

Private management follows the company logic of maximizing gains; profitability and profit-making being its ultimate aims. For this reason, companies are not interested in making investments where there is no profitability: suburban areas, rural zones, poor towns will never be provided by the private sector. Besides, the profits reaped by private companies are not reinvested for improving the quality of services or

any other social-interest goal. In the case of water resources, neither the issues of environmental impact nor the protection of underground waters or river ecosystems are taken into account. Even less a savings policy, essential for the rational use of water, is defended since such policy contradicts the private company's economic interests: the greater are the consumption levels, the greater the profits regardless of costs.

Providing drinkable water and sewage system is a natural service monopoly; therefore, its private nature conditions the user who does not have any option to choose. A private water service provision and sewerage turns into a service operated according to the rules of capitalist markets which redefine it as an economic good, without fair competition, transforming the human right to water and sewer access into a commodity.

Whenever a private company gets involved – either in a partial way or entirely – in the planning, management and control of drinkable water or sewage systems, it is because doubtlessly reaps a profit from such an activity, otherwise it would not be a private company.

### How to insure equality, accessibility, solidarity and sustainability in water access?

From the definition of water as a basic human right impinging on the life of any living creature, equality and accessibility in their economic and physical dimensions, plus the right to information without discrimination to its access, are uncompromising tenets.

Equality is assured when investments on material infrastructure are made with no view to its “profitability” or the return for the money invested in mind. An efficacious way to achieve this equality is that the “profitable” zones due to big numbers of users, finance the “non profitable” ones among small or isolated communities. “Cross-subsidies” that always existed in the public company OSE, and which has allowed everyone of us as private users pay the same service charge, must be preserved.



It would be more effective – as far as we know – to design a territorial planning allowing an access to water sources near the communities where infrastructures of networks far from town populations are avoided, taking care of water sources for future generations. For this caring performance, technical practices, scientific knowledge and the know-how accumulated by the communities living close to rivers, are fundamental.

The subsidy to the human right to water should be guaranteed from wealth originating in the territory, not always generated within the water sector.

### Participation in public management

By participation in the democratic process one should understand the way service users and civil society become fundamental actors as regards the planning, management and control of water resources, the environment and territory, with due respect for identities.

The service users and civil society have the right to participate in an effective and true way for the formulation, implementation and evaluation of established plans and policies. The communities manage their water systems through being directly involved with the building, maintenance and water distribution. They organize themselves around the need of access to and their relationship with common goods.

This people's right to participate in each moment of the process is consecrated by the Republic's New Constitution in the 2nd paragraph of Article No. 47, as a product of constitutional reform.

As a consequence from the New Constitution, the DINASA (National Direction for Water and Sewerage) was created inside the Ministry of Housing, Territorial Planning and Environment, and the degree of participation by social organizations was made possible at the level of

an Advisory Commission on Water and Sewerage (COASAS). In this sphere, the CNDAV participated with proposals throughout the process of designing the project of Regulatory Law impinging on constitutional changes: Regulatory Law concerning the 2nd paragraph Article 47 of the Republic's Constitution, approved by Parliament on September 2009, and which establishes the guiding principles for a National Policy on Waters.

According to the Constitution and Regulatory Law, the water basin is recognized as the basic management unit for the planning, control and management of water resources, and the establishment of Basin Committees will be encouraged to insure the implementation of these activities.

Presently, there is the Laguna de Rocha's Basin Committee created by the needs and worries of organized neighbors facing the consequences of forest expansion in the area, where the CNDAV has its delegate, as well as the different users and the IMR (Rocha's Town Council)

The CNDAV has been a sound box to problems created by water uses throughout the country. From complaints regarding the effects of the forest-cellulose model to privatization of irrigation in Bella Unión and the lack of control and profit-oriented handling of waters at rivers and lakes. It has declared itself contrary to subcontracting by the public company OSE and to operations under private terms by the "Decentralized Management Unit" in Maldonado, as well as its opposition, for being unconstitutional, to the creation of a mixed company between OSE and private investors (SEINCO) in the Barra de Maldonado so as to substitute for the transnational corporation Agua de la Costa – Suez, besides its asking for transparency in the research projects on the Guaraní Aquifer.

In the last two years, encouraged by the CNDAV and the OSE's Employees Union (FFOSE), some steps were given towards solving infrastructure and financing for facilitating access to drinkable water by 100 rural communities with less than 100 inhabitants. This program has

enabled a co-management mechanism for community management of the system built by the state.

The National Commission for the defense of water and life is still dedicated to thorough compliance with the Constitution, and it is by taking into consideration all the above that the CNDAV – in this new period of government (2010 – 2015) and within the correspondingly appropriate spheres –, promotes the following points:

- 1) The normalization within the framework of the public right to the provision of drinkable water in Maldonado where a Decentralized Management Unit (UGD) – as a mixed company between OSE and the City Council – was constituted in substitution of URUGUA, which threatens the key tool to achieve equality: the “crossed subsidy”. We understand that this subsidy has been fundamental to reach current levels of national water provision (99%).
- 2) Total state ownership of Aguas de la Costa S.A., the company created to substitute for Aguas de la Costa-Suez. Of total capital stock issued by the corporation Aguas de la Costa S.A., OSE bought the 60% that was on the hands of Suez, but the remaining 40% is still on private hands (SEINCO); a situation which is – we insist – clearly unconstitutional.
- 3) The creation within OSE of an Area for Promoting the Relationship with Users where citizens may get involved with managing the organization. OSE cannot be, due to its social nature, an organization essentially based upon a structure with commercial characteristics.
- 4) The promotion and materialization of established Basin Committees, thus making possible an effective and actual involvement by users, backed up by the population’s social organizations at the national, regional and local levels, in

accordance with constitutional rights and their corresponding Regulatory Law.

- 5) Top priority to the establishment of Basin and sub-Basin Committee for the Santa Lucía River and its tributaries, a proposal by the CNDAV and agreed upon within the sphere of the DINASA. Considering that the Santa Lucía River Basin comprises important ecosystems of mountainous and riverside forests, with their associated native fauna, which deserve to make a sustainable management of the territory and all activities developed within it, so as to adequately protect this resource for the benefit of present and future generations. It is unconceivable to carry out effective protective actions for a water body without being able to control and regulate the activities taking place within its drainage basin. Besides, upstream the Santa Lucía River are located the OSE's inlet works for water provision to the city of Montevideo, Canelones, San José, Florida and their surroundings, which obliges us to be careful with water uses, so as to be able to insure the provision of drinkable water to people. It is essential to count on systematic and detailed studies about the quality of water and water balances enabling the possibility of doing a rational and planned management on behalf of this resource.
- 6) Tooling capacity for monitoring activities, by the Republic's universities, of the environmental impacts of new crops with greater scope in the last decades, and the use of agrochemicals forbidden in northern countries and other continents, as well as of the polluting industries by means of public reports to the people.
- 7) The promotion at the level of region and continent – MERCOSUR – UNASUR – and so on – for the adoption of common criteria and the uniformity of legislation concerning the access to drinkable water and sewerage as a fundamental human right, and the refusal

to consider water as a commodity or to allow the sale of water in bulk from common water sources in the region such as rivers, aquifers, etc.

- 8) Public access to full information about the outcomes from monitoring activities of impacts from crops; updated information and research on agrochemicals, on the state of Guarani and Raigón aquifers, and how their water reserves are used, as well as of the existing wells and their periodical controls.
- 9) The establishment of the Ministry of Water as a way to concentrate the integral management of water resources.

The proposal is also based on the following  
national legal frameworks:

- A) On what is established by Art. 47 of the Republic's Constitution, concerning the participation of users and civil society in every water resource planning, management and controlling instances, it must be one of the basis for a National Water Policy.
- B) On what is established by Art. 3rd No. 8th of the Law on Soils and Waters (Law Decree No. 15239 passed on December 23, 1981), concerning the powers given to the Ministry of Cattle Raising, Agriculture and Fishery to prohibit the planting of certain crops or of some soil and water managing practices in the corresponding areas, so as to achieve an adequate use and handling of soil and water for farming purposes.
- C) On the provisions of the General Law for the Environment (Law No. 17283, passed on November 28, 2000) which, as stated by its 1st Art, states the general interest in protecting the environment, the quality of air, water, soil and landscape; by its Art 6th BIT. B, establishes prevention and provision as top priority criteria in

relation to any other within environmental management, as well as that it will not, whenever there is danger of serious or irreversible damage, be possible to plead lack of absolute certainty on technical or scientific grounds as a reason for not having adopted preventive measures and, by its Art 14 Lites. A and D, enables the Ministry of Housing, Territorial Planning and Environment to deliver administrative resolutions and to carry out tangible operations to prevent, stop, diminish, oversee and modify environmental depredation, destruction, pollution or impinging risks, and to decree the preventive suspension of the activity presumably dangerous, while the studies for verifying it, or the studies and/or work addressed to the their analyses or to avoid environmental pollution or degradation, are respectively carried out.

- D) On what is determined by Art 24 of the Law on Territorial Planning and Sustainable Development (Law No. 18308 passed on June 18, 2008) which gives to Departmental District Governments the authority to establish, duly grounded as a cautionary measure, the cancellation of authorizations for use, land divisions, urban developments, buildings or demolitions, within strategic or opportunity-driven territorial fields, once the making of territorial planning tools are started.
- E) On the contents of Regulatory Law to Article 47 2nd Paragraph of the Republic's Constitution approved on November 15, 2009.

### The human right to water at the United Nations

This year, in the context of the United Nations Assembly, 122 countries have subscribed to the human right to water.

Bolivia, Venezuela, Cuba and Uruguay were the four countries promoting the alternative declaration within the IV World Forum on Water in Mexico 2007. At that time there were only four countries.

Afterwards, in Istanbul – Turkey, it was again Uruguay the country promoting a Ministerial Workshop in which could join 25 supporting countries to the pronouncement of the human right to water declaration. And so many other events that Bolivia promoted asking for that the World Water Forums were to be convened by the United Nations and not by the GWP (Global Water Partnership).

No one at the United Nations Assembly, in July 2010, voted against this declaration that Bolivia had promoted with more than 40 sponsoring countries to this proposal to declare the Human Right to Water and Sanitation.

It seems that it is closer that national legal frameworks will adopt this top priority in terms of human rights; even more, at the scale of mother earth rights

We must defend the balance in the production of water for life in the planet. It is something more than a public service, it is a human right, and it is a vital common good for life and for survival of all women and men in the world.



# The Global Water Crisis Should Be A Top Priority Issue

Martin Khor



Photo: Solon Foundation Archive

**Martin Khor (Malaysia)**

Is the Executive Director of South Centre. Prior to this, he was the director of the Third World Network, a leading developing-country civil society organization involved in research and publications in trade, environment, and development issues. He was also the editor of the South-North Development Monitor (SUNS). He is a member of the United Nations Committee on Development Policy.

He did some economics studies at the Cambridge University (United Kingdom) and the Universiti Sains (Malaysia). He is the author of numerous books and papers on trade, sustainable development and intellectual property rights.



## The Global Water Crisis Should Be A Top Priority Issue

*While climate change has captured the headlines, many countries are running out of freshwater supplies, threatening human health and causing conflicts between nations. Water should be at the top of the global and national agendas.*

In recent years, climate change seems to have elbowed out other environmental issues to become the No. 1 global problem. But the alarming problems of water -- increasing scarcity, lack of access to drinking water and sanitation, pollution, flooding -- are equally important and an even more immediate threat.

On 28 July, the UN General Assembly in a historic decision recognised the right to water and sanitation as a human right. This is a fitting recognition of the crucial importance of water to the survival of individuals and the basis for development of nations and indeed the world.

The extensive floods in Pakistan is also a current reminder of two things: the devastating impact of climate change on rainfall and the flow of water quantities; and the importance of properly managing water drainage, especially in the major rivers and waterways.

The increasing shortage of water in many countries has become a crisis. A decade ago, it was predicted that a third of the world's population would be facing water scarcity by 2025. But this threshold has already been reached. Two billion people live in countries that are water-stressed and by 2025, two-thirds of the world population may suffer water stress, unless current trends alter.

Even more dramatic, it is predicted that wars will be fought over water this century, just as wars were and are still being fought over control of oil these past decades.

"The global population tripled in the 20th century but water consumption went up sevenfold," noted Maudhe Barlow of the Council of Canadians and an expert on the global water crisis in her book *Blue Covenant*.

"By 2050, after we add another 3 billion to the population, humans will need an 80% increase in water supplies just to feed ourselves. No one knows where this water is going to come from."

### Loss of water supplies

There is a rapidly growing demand for freshwater but its supply is limited and decreasing.

Water supply is affected by the loss of watersheds due to deforestation and soil erosion in hills and mountains. There is also a severe depletion of valuable groundwater resources as water is taken up for agriculture and industry, and is being dug from deeper and deeper sources.

Mining of groundwater has caused the water-table to drop in parts of many countries including India and China, West Asia, Russia and the United States.

Agriculture uses 70% of water because industrial agriculture requires large amounts of water. It takes 3 cubic metres of water to produce a kilo of cereals, and 15 cubic metres of water to produce a kilo of beef because of the grain fed to the cows.

A lot of surface water is also polluted and thus not available for human use, or if it is used, the polluted water causes health problems. Five million people die from water-borne diseases annually.

Water supplies are also being affected by climate change. Global warming is causing an accelerated melting of the glaciers and there will be less glaciers in the future.

For example, the Himalayan glaciers feed many of the great rivers in India, China and Southeast Asia, “The full scale glacier shrinkage in the plateau regions will eventually lead to an ecological catastrophe,” according to Yao Tandong of the Chinese Academy of Sciences.

The acute water problems facing Yemen are described in the London-based Guardian on Feb 27.

The country’s capital Sana’a is predicted to run out of water in 2017 as four times as much water is taken out of its river basin as falls into it each year. Of the country’s 21 main water aquifers, 19 are no longer being replenished after a drought and increased demand.

The water situation is so serious the government has considered moving the capital as well as desalinating coastal seawater and pumping it 2,000 metres uphill to Sana’a.

### Conflict over water supplies

Water scarcity has also become a reason for conflict. This is especially when a source of water such as a major river serves more than one country.

The country or countries that have the upper reaches of the river can affect the volume of water flowing into the countries at the lower parts of the river.

In Africa, about 50 rivers are each shared by two or more countries. According to an issue of Population Reports, access to water from the Nile, Zambezi, Niger, and Volta river basins in particular has the potential to ignite conflicts.

It also describes how the Aral Sea Basin in Central Asia is beset by international conflicts over water among Turkmenistan, Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan which all depend for their survival on the waters of the Amu Darya and Syr Darya rivers.

The Middle East has been running out of water. In that situation the grounds for conflict have increased. In his recent book *Water*, Steven Solomon describes the growing tension over the sharing of water resources of the Nile especially between Egypt and Ethiopia.

In the Jordan River basin, writes Solomon, “in one of the world’s political hot spots, Israelis, Palestinians, Jordanians and Syrians contest to control and divide the scarce resources of a region that long ago ran out of enough freshwater for everyone.”

There can also be similar competition for water within a country, for example between states that share the same river.

According to Population Reports, in the western US, farmers who want more irrigation water face off against urban areas that demand more water for households and other municipal uses.

In India, Karnataka state was in a water dispute with Andhra Pradesh over the height of a dam on the Krishna River, which could affect the amount of water available for use by both states.

## Private vs. Public control over water systems

Another issue is the fight over the systems for owning and distributing the scarce water resources. In her book, Maudhe Barlow describes the recent policies to privatise water, which until recently was under direct control of government authorities.

Privatisation was first carried out in Western countries and then spread to developing countries through World Bank loans and projects.

This has led to adverse effects on people's access to water, according to Barlow, who also documents the fight by citizen groups in many countries to make water a public good, and to make access to water a human right.

## Water as a top priority issue

All the above issues should be taken with the same seriousness as climate change, because water is about the most important item needed by everyone, and its scarcity affects both human health and geo-politics.

As Solomon puts it: "An explosive new political fault line is erupting across the global landscape between the water Haves and water Have Nots.... Simply, water is surpassing oil itself as the world's scarcest critical resource.

"Just as oil conflicts were central to the 20th century history, the struggle over freshwater is set to shape a new turning point in the world order and the destiny of civilisation."

Thus, water must be recognised as a crisis issue and solutions to the crisis should be at the top of the global and national agendas.

It is thus timely that the UN General Assembly, the world's top policy forum, has adopted the resolution that the right to water and sanitation

is a human right. Operationalising this right so that all human beings have access to water, and that all countries have the capacity to obtain, manage and wisely use water resources, is an imperative.

#### DATA ON WATER SHORTAGE

The following are some data from the World Health Organization (WHO) report on water scarcity:

- Water scarcity affects one in three people on every continent of the globe. The situation is getting worse as needs for water rise along with population growth, urbanization and increases in household and industrial uses.
- Almost one fifth of the world's population (about 1.2 billion people) live in areas where the water is physically scarce. One quarter of the global population also live in developing countries that face water shortages due to a lack of infrastructure to fetch water from rivers and aquifers.
- Water scarcity forces people to rely on unsafe sources of drinking water. It also means they cannot bathe or clean their clothes or homes properly.
- Poor water quality can increase the risk of such diarrhoeal diseases as cholera, typhoid fever and dysentery, and other water-borne infections. Water scarcity can lead to diseases such as trachoma (an eye infection that can lead to blindness), plague and typhus.
- Water scarcity encourages people to store water in their homes. This can increase the risk of household water contamination and provide breeding grounds for mosquitoes - which are carriers of dengue fever, malaria and other diseases.

*Source: WHO, Ten facts about water scarcity, 2009*



# Creating Water Democracy and Stopping Water Privatisation

Vandana Shiva



Photo: Solon Foundation Archive

**Vandana Shiva (India)**

Is a philosopher, environmental activist, and eco feminist. Shiva, currently based in Delhi, has authored more than 20 books and over 500 papers in leading scientific and technical journals. She was trained as a physicist and received her Ph.D. in Philosophy from the University of Western Ontario, Canada, in 1978 with the doctoral dissertation "Hidden variables and locality in quantum theory."

She is one of the leaders and board members of the International Forum on Globalization, and a figure of the global solidarity movement known as the alter-globalization movement. She has argued for the wisdom of many traditional practices, as is evident from her interview in the book *Vedic Ecology* (by Ranchor Prime) that draws upon India's Vedic heritage. She is a member of the scientific committee of the Fundacion IDEAS, Spain's Socialist Party's think tank.



## Creating Water Democracy and Stopping Water Privatisation

Delhi, India's capital, has been sustained for centuries by the river Yamuna. The 16th-century poet Sant Vallabhacharya wrote the Yamunastakam in praise of the Yamuna.

I bow joyfully to Yamuna, the source of all spiritual abilities.

You are richly endowed with innumerable sands glistening from contact with lotus-feet of Krishna.

Your water is delightfully scented with fragrant flowers from the fresh flowers from the fresh forests that flourish on your banks.

You bear the beauty of Krishna, Cupid's father, who is worshipped by both the gods and demons.

You rush down from Kalinda Mountain, your waters bright with white foam.

Anxious for love you gush onward, rising and falling through the boulders.

Two decades of industrialization have turned the Yamuna into a toxic sewer. Instead of stopping the pollution, the World Bank, using the scarcity created by the pollution, pushed the Delhi government to privatize Delhi's water supply and get water from the Tehri Dam on the Ganges, hundreds of miles away. A privatized plant that could have been built for 1 billion rupees has cost the public 7 billion rupees.

The privatization of Delhi's water supply is centered around the Sonia Vihar water treatment plant. The plant, which was inaugurated on June 21, 2002, is designed at a cost of 1.8 billion rupees for a capacity of 635 million liters a day on a 10-year build-operate-transfer (BOT) basis. The contract between Delhi Jal Board and the French company Ondeo Degremont (a subsidiary of Suez Lyonnaise des Eaux Water Division—the water giant of the world), is supposed to provide safe drinking water for the city.

The water for the Suez-Degremont plant in Delhi will come from the Tehri Dam through the Upper Ganga Canal to Muradnagar in western Uttar Pradesh and then through the giant pipeline to Delhi. The Upper Ganga Canal, which starts at Haridwar and carries the holy water of the Ganga to Kanpur via Muradnagar, is the main source of irrigation for this region.

Suez is not bringing in private foreign investment. It is appropriating public investment. Public-private partnerships are, in effect, private appropriation of public investment. But the financial costs are not the highest costs. The real costs are social and ecological.

The Ganga is also being transformed from a river of life to a river of death by the ecological consequences of damming and diversion. The Tehri Dam, located in the outer Himalaya, in the Tehri-Garhwal district of Uttaranchal, is planned to be the fifth highest dam in the world. If completed, it will be 260.5 meters high and create a lake spread over an area of 45 square kilometers of land in the Bhagirathi and Bhilangana

valleys. The dam will submerge 4,200 hectares of the most fertile flat land in those valleys without benefiting the region in any way.

Additionally, the area is earthquake prone and the huge Tehri Dam is located in a seismic fault zone. Between 1816 and 1991, there have been 17 earthquakes in the Garhwal region, with recent ones occurring in Uttarkashi in 1991 and Chamoli in 1998. The International Commission on Large Dams has declared the dam site “extremely hazardous.”

If the dam collapses from an earthquake—or from any other fault, such as a landslide—the devastation will be unimaginable. The huge reservoir will be emptied in 22 minutes. Within an hour Rishikesh will be under 260 meters of water. Within the next 23 minutes Haridwar will be submerged under 232 meters of water. Bijnor, Meerut, Hapur, and Bulandshahar will be under water within 12 hours. The dam is potentially dangerous for large parts of northwestern India, and large areas in the Gangetic Plain could be devastated.

Already, the islands of silt are rising faster than the captured water. It is estimated that the life of the dam would not be more than 30 years because of the heavy sedimentation. The Tehri Dam will hold silt, not water, and create floods, not prevent them.

Diversion too spells catastrophe. The disappearance of the Ganga in the peak of the summer of 2003 was an experiment—a vivisection of our living rivers, our living cultures—allegedly to clean the “ghats” at Haridwar, but designed to test how much violence as a society we will tolerate as mute witnesses to our own destruction. The people of Uttaranchal, Uttar Pradesh, and Delhi can turn around this violent, abusive experiment and transform the conversion of the lifeblood of our rivers from corporate commodities into an experience for ensuring water justice and sustainability.

The people of Tehri can never be compensated for the uprooting of their lives. The women are still sitting on a dharna, refusing to move,

even though the government paid contractors to break down the homes to force the people to move. All local water development projects in the dam catchment area have been canceled on the grounds that the government has no money and because every drop of Ganga water must flow into the dam. Nearly a hundred women are said to have committed suicide in the Pratap Nagar area for lack of water, even though the Ganga flows below their villages. As one woman declared, “The Ganga, which was our mother, has become our graveyard.” Privatization of water denies local communities their water rights and access to water.

### People’s Resistance to Water Privatisation

Since the World Bank has tried to intervene the water sector in Delhi, a huge resistance has been put forward in form of movements by “broad based alliances”. These alliances consist of various organizations working at different levels in different parts of the country.

The Research Foundation for Science, Technology and Ecology / Navdanya has been against the Sonia Vihar Plant since its inception, and has been helped by organizations / groups – Tarun Bharat Sangh (Alwar), Jal Biradari (M.P, U.P, Rajasthan), Chipko Information Center (Tehri, Uttaranchal), Ganga Mukti Morcha (Haridwar) and Azadi Bachao Andolan (Allahabad).

In addition to these, various other groups in Haridwar, farmer organizations in Western Uttar Pradesh, Resident Welfare Associations in Delhi and Environmental Groups have been an active part of this movement.

### Ganga Yatra

On 9<sup>th</sup> of August, 2002, on the eve of Quit India Day, more than 5000 farmers of Muradnagar and adjoining areas of Western Uttar Pradesh

gathered in a rally at village Bhanera to protest the laying of a giant 3.25 metre – diameter pipeline to supply water from the river Ganga to Sonia Vihar Water Treatment Plant in Delhi. The project, which has been contracted to Suez Ondeo Degremont of France by the Government of Delhi, will deprive the richest farmlands of India of irrigation water. Such a rally was a part of Ganga Yatra organized by RFSTE / Navdanya in three consecutive years – 2002, 2003, 2004. The organizations which participated in the Ganga yatras included Kalp Vikas Sansthan, Lupin Human Welfare Research Foundation, Bharat Jagriti Mission Nyas, Janhit Foundation, Ganga Mahasmiti, Akhil Bharatiya Tirth Purohit Mahasabha, Ganga Raksha Samiti, Yuva Shakti, Ganga Mukti Aandolan, Taj Mission and Bharat Seva Aashram Sangh.

Oscar Olivera of Bolivia joined the yatra in Haridwar, Uttarakhand, India.

### The Citizens Front for Water Democracy tells the World Bank “Hands off our Water”

More than 150 water warriors from the trade union of the public utility and women’s movements gathered at the gate of the World Bank office in New Delhi, timed with the visit of Paul Wolfowitz’s visit to India to reiterate their commitment to keep water in public hands and to fight World Bank’s privatization project to the end.

Wolfowitz met with the delegation of the Citizens Front for Water Democracy. The delegation submitted a memorandum. On receiving it Wolfowitz admitted that he knows nothing about water issues. I suggested that is even more reason why the World Bank should keep its hands off water. The World Bank is clearly in defensive in Delhi as a result of years of building the movement against water privatization.

## Citizens Victory

The Delhi Government had to officially withdraw its application for a World Bank loan to fund its 24x7 water supply scheme. On 23<sup>rd</sup> November, 2005 Principal Secretary, Urban Development, O.P. Kelkar, wrote to the Union Finance Ministry about the decision to withdraw the loan application.

Water Democracy had won over water privatization, peoples human rights to water had won over corporate rights to profit.



# A journey Toward Understanding That Water Has Rights

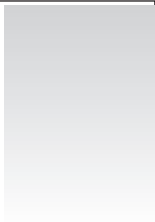
Suzanne Golas



Photo: Solon Foundation Archive

**Suzanne Golas (EEUU)**

Is the “founding mother” of WATERSPIRIT in 1998. She continues to serve as the director. Her background includes efforts in education, peace and justice work, and church renewal. She has served in leadership positions in the Sisters of St. Joseph of Peace, an international, Catholic religious order comitted to peace through justice. Suzanne also serves as the Sisters of St. Joseph of Peace's non-governmental organization (NGO) representative at the United Nations where she concentrates on sustainable development and environmental issues, specifically water. Suzanne participated in the Earth Literacy program at Genesis Farm, Blairstown, New Jersey.



## A journey Toward Understanding That Water Has Rights

The concept of “the rights of water” is an especially strange idea in a culture with a strongly influential legal system that emphasizes the rights of the human person. That culture is also embedded in an economic system that tends to see the planet as a collection of goods and services rather than a living system of interconnected, interrelated components of which humans are a part.

Increasingly, however, there are emerging educational, informational and experiential programs which are shifting the largely utilitarian perspective and viewing Earth from a broader cosmic context. Informed by recent findings of science, these programs are presenting new patterns of thought, creating new awareness and forming a new consciousness in which humans are re-defining themselves and their place on planet Earth.

WATERSPIRIT, a center with a primary focus on water issues, is one example of such a program. WATERSPIRIT is a nonprofit program committed to a process of informing, motivating and enabling people to address local, national and international water issues through advocacy and personal lifestyle changes. At a deeper level, WATERSPIRIT engages people in a process of examining water in its relationship with the rest

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\* Translated from Spanish by Hemando Calla

of the community of life. Ultimately, it aims to create a new vision and understanding especially among North Americans at the very important “grassroots” level.

Fundamental to WATERSPIRIT’s programs is the presentation of water within the context of Earth’s evolutionary process ever unfolding toward increasing complexity. Life forms which initially came from water, even as they increased in complexity, remained dependent on water. In this context, Earth is seen as a living system of interdependent and interrelated components with water playing a critical role in sustaining its life.

Earth began its history over four billion years ago as a collection of debris and dust particles from a burned out star which eventually evolved into a hot, molten mass with a thin, rocky crust. As heat cracked through this crust connecting with the atmosphere, the steam condensed and rains began to fall on the Earth. It rained for millions of years, covering the planet with a gigantic womb which would eventually bring forth life. With time the rains would begin circulating in what is known as the hydrological cycle as the sun evaporated the water which would then fall again on Earth in precipitation such as rain, snow and sleet. Eventually, there would be one amount of water circling the planet, the same amount which nourishes, cleanses, purifies and energizes Earth today. Though not evenly distributed, still there is only one amount - no more, no less.

For the many WATERSPIRIT participants, searching for a deeper spirituality that relates to their love of nature, the story of water and its role in bringing forth and sustaining life is seen as sacred and a revelation of the holy. The one amount of water is a sacred trust to be revered and protected. The intimate connection between humans and water becomes obvious. As Mary Bilderback, rsm, a participant in WATERSPIRIT, wrote, “*Humans breathe with water; we see, hear, taste and feel with water; we think, move and dream with water; we conceive in water, and as the children of the future are born from water, with water we bless their coming.*”

## Water as a Human Right

July 28, 2010 saw a significant international breakthrough concerning water. After years of turning down such a resolution, the United Nations General Assembly declared “the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights.” For those concerned about a growing water crisis, this turn-around was a surprise to be celebrated.

It is amazing how many people who, themselves, have not yet, experienced serious water deprivation and who are only vaguely aware of the threats to their water supply, also do not know statistics that give this declaration such significance. 884 million people do not have access to clean drinking water. More than 2.6 billion people do not have access to basic sanitation. One and a half million children under the age of five die each year from water and sanitation related diseases. Such figures cry out for justice.

People, who once took water for granted, in programs like WATERSPIRIT, grow in awareness of the crucial role Earth’s one amount of water plays in the health and vitality of the human community. They begin to see water differently. Realization of the seriousness of the international water crisis easily leads to action. Ordinary people, attuned to human rights, most frequently respond, “Of course, people have a right to clean water! Their lives and health depend upon it. Of course, we should lobby our government to support actions such as the UN resolution declaring water a human right!”

## Water as a Right of all Living Beings

In his book, *Song for the Blue Ocean*, Carl Safina refers to an old saying: “animals were invented by water as a device for transporting itself from one place to another.” It is true that when animals left the sea, where life began, they did carry water with them since their bodies

could not survive without water. We humans are seventy percent water and are connected to every other living being through water. We and those other life forms continue to depend on water for survival. We live in ecosystems that thrive or falter depending on how water flows through them. These ecosystems enrich soil and provide the clean air that supports life. Within these ecosystems, communities of life – the plants, insects and animals – cooperate with the water flowing through them as they busily do their jobs in maintaining just the right balances in the systems. However, it is the human member of the community that attempts to control these systems, especially in manipulation of water, disrupting the very cycles that support life and threatening the survival of other species and themselves.

As participants in programs such as WATERSPIRIT begin to address their own local water issues, they see how various life forms are dependent on ecosystems nurtured by the clean water flowing through them:

- Nitrogen runoff from fertilizers and pesticides, used on lawns in housing developments, pollute bays and rivers, compromising the habitats of creatures that have lived there for thousands of years.
- Over-development destroys local wetlands and marshes. These systems have purified and stored water, providing nurturing grounds for the life these participants have grown to love - like varieties of fish, turtles and birds. Now heavily stressed, these creatures diminish in number or completely disappear.
- Proposals for the industrialization of the ocean by locating oil wells or liquid natural gas facilities along the coastline threaten not only peoples' security, but also the marine life that enchants and feeds coastal residents.

Finally, the connection becomes real. The human right to water can be realized only if water is sufficient for the life of the animal and plant species which, with humans, are part of one interdependent living ecosystem. All living beings have a right to water.

## The Rights of Water

Does water have rights? Posed with this question, people in programs like WATERSPIRIT inevitably pause in a puzzlement that invites discussion and reflection. Fish, turtles and birds are clearly living beings. But water? However, if, indeed, Earth is a living system and water is a prominent sustainer of Earth's life, then water must have life specific to water. It follows that water has rights which would protect its life.

Many people are familiar with the image of "living water" from the various religious traditions. What might be the meaning of "living water" in the light of the understanding of Earth as a living system?

What are the rights of water? Water rights are not the same as human rights. Water rights are specific to water.

Passionist priest, cultural historian and ecotheologian, Thomas Berry, speaks of the rights of nature: "Rights originate where existence originates; that which determines existence determines rights." Some would refer to the Universe as the origin of existence and rights. People of faith are more apt to refer to the Creator. The point is the first right of water is the right to exist.

A second right is water's right to its habitat, without which water cannot survive. That habitat is the hydrological cycle; water has the right to flow freely and cleanly through the planet.

Thirdly, water has the right to make its crucial contribution to the community of all life. Water is not the exclusive reserve of any single member of the life community. It does not belong to any particular region, corporation or nation state. Its very existence is for the good of the whole, for all that is, plant, animal, human, mountain, marsh, meadow, soil and air.

As people in “grassroots” programs such as WATERSPIRIT struggle to broaden their understanding of nature and the meaning of rights, they are in a process of transformation.

In their article, “Daring to Dream: Religion and the Future of the Earth,” Mary Evelyn Tucker and John Grim of Yale University write: “Among environmentalists, a conviction deepens: though science and policy approaches are clearly necessary, they are not sufficient to do the job of transforming human consciousness and behavior for a sustainable future.”

Tucker and Grim speak of how values, ethics, religion and spirituality are important factors in this transformation. They refer, also, to human beings arriving at a new “species identity” in which humans come “to understand (their) place within this vast field of force we call nature and evolutionary history....”

An expansion of the concept of “rights” is movement toward this way of thinking. And rather than a sense of diminishment of the human, this understanding evokes awe, wonder and a sense of oneness with all creation that motivate an enduring commitment to responsible action. Only in this way, will we begin to create a world that will sustain with renewed life, those generations who will come after us.



The process of the Human Right  
to Water and Sanitation  
Resolution at the UN



Photo: Solon Foundation Archive

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## UN declares water and sanitation a human right

In an historic victory for social movements, the UN declared water and sanitation a human right despite opposition from countries like the US, UK and Canada.

Safe and clean drinking water and sanitation is a "human right that is essential for the full enjoyment of life and all human rights," the General Assembly declared today, voicing deep concern that almost 900 million people worldwide do not have access to clean water.

The resolution put forward by the Plurinational State of Bolivia calls on "states and international organizations to provide financial resources, capacity building and technology transfer, through international assistance and co-operation, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all."

The decision also welcomes a decision by the the UN Human Rights Council that the UN Independent Expert on the issue of human rights obligations should present an annual report to the General Assembly on progress towards realising the human right and meeting targets set in the Millennium Development Goals.

The Assembly resolution received 122 votes in favour and zero votes against. 41 mainly developed countries including the US, UK, Netherlands, Japan, South Korea and Canada abstained. France, Germany, Italy, Norway and Spain however voted in favour of the resolution.

The text of the resolution expresses deep concern that an estimated 884 million people lack access to safe drinking water and a total of more than 2.6 billion people do not have access to basic sanitation. Studies also indicate about 1.5 million children under the age of five die each year and 443 million school days are lost because of water- and sanitation-related diseases.

noted that water had up to now never been fully recognised as a human right. "The Summit on the Millennium Development Goals is approaching, and it is necessary to give a clear signal to the world that drinking-water and sanitation are a human right, and that we will do everything possible to reach this goal, which

we have only 5 more years to achieve."

The resolution was a result of extensive campaigning and lobbying work by many civil society organisations, in particular the . There were fears up to the last minute that countries opposed to the resolution would block it or undermine it. However in the end, those opposed abstained, only expressing their concern that the resolution was not consulted properly or couched in the right language.

Celebrating the successful approval of the resolution, Anil Naidoo, of Council of Canadian's Blue Planet Project said: "This resolution has the overwhelming support of a strong majority of countries, despite a handful of powerful opponents. It must now be followed-up with a renewed push for water justice. We are calling for actions on the ground in communities around the world to ensure that the rights to water and sanitation are implemented.

Satoko Kishimoto, joint coordinator of TNI and Corporate European Observatory's Water Justice Project celebrated the accord but also said the bigger battle would be ensuring that water remains a public and common good:

"The resolution is a very important new tool for forcing governments to improve water delivery, via funding for expanding clean water and sanitation as well as progressive reforms of public water management.

"However there is also a very important battle ahead to ensure that governments not only commit to the right to water but also recognise that improved publicly managed water systems is the only realistic option for implementing this right.

"In the wake of the UN resolution, private water lobbies like AquaFed have been celebrating its approval, claiming that governments should use their services. Yet in countless cases worldwide, we have seen that private water firms have proven ill-equipped to secure access to water for the poorest. Only a properly funded and improved publicly managed water system can turn the hope of this declaration into reality for the millions of people without clean water or sanitation."

July, 2010  
Water Justice (TNI)

## Plurinational State of Bolivia Speech

*Amb. Pablo Solón*

Mr. President,

The loss of 20% of body water can cause death. It is possible to survive for various weeks without food, but it is not possible to survive more than a few days without water. Water is life.

That is why, today, we present this historic resolution for the consideration of the plenary of the General Assembly on behalf of the co-sponsoring countries of:

Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Benin, The Plurinational State of Bolivia, Burundi, Central African Republic, Congo, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Fiji, Georgia, Guinea, Haiti, Madagascar, Maldives, Mauritius, Nicaragua, Nigeria, Paraguay, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Serbia, Seychelles, The Solomon Islands, Sri Lanka, Tuvalu, Uruguay, Vanuatu, The Bolivarian Republic of Venezuela, and Yemen.

The right to health was originally recognized in 1946 by the World Health Organization. In 1948, the Universal Declaration of Human Rights

declared, among others, “the right to life,” “the right to education,” and “the right to work.” In 1966 these were furthered in the International Covenant on Economic, Social and Cultural rights with the recognition of “the right to social security,” and “the right to an adequate standard of living,” including adequate food, clothing and adequate shelter.

However, the human right to water has continued to fail be fully recognized, despite clear references in various international legal instruments such as: the Convention on the Elimination of All forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities.

This is why we, the co-sponsors, present this resolution in order that we now recognize the human right to water and sanitation, at a time when illness caused by lack of drinking water and sanitation causes more deaths than does war.

Every year, 3 and a half million people die of waterborne illness.

Diarrhea is the second largest cause of death among children under five. The lack of access to potable water kills more children than AIDS, malaria and smallpox combined.

Worldwide, approximately one in eight people lack potable water.

In just one day, more than 200 million hours of women’s time is consumed by collecting and transporting water for domestic use.

The situation of lack of sanitation is far worse, for it affects 2.6 billion people, or 40% of the global population.

According to the report on sanitation by the Independent expert, “Sanitation, more than many other human rights issue, evokes the concept of human dignity; consider the vulnerability and shame that so many people experience every day when, again, they are forced to defecate in

the open, in a bucket or a plastic bag. It is the indignity of this situation that causes the embarrassment.”

The vast majority of illnesses around the world are caused by fecal matter. It is estimated that sanitation could reduce child death due to diarrhea by more than one third.

On any given day, half of the hospital beds are occupied by patients suffering from illnesses associated with lack of access to safe water and lack of sanitation.

Mr. President,

Human rights were not born as fully developed concepts, but are built on reality and experience. For example, the human rights to education and work included in the Universal Declaration on Human Rights were constructed and specified over time, with the International Covenant on Economic, Social and Cultural Rights and other international legal instruments such as the Declaration on the Rights of Indigenous Peoples. The same will occur with the human right to water and sanitation.

That is why we emphasize and encourage in the third operative paragraph of this resolution that the independent expert continue working on all aspects of her mandate and present to the General Assembly “the principal challenges related to the realization of the human right to safe and clean drinking water and sanitation and their impact on the achievement of Millennium Development Goals.”

The Summit on the Millennium Development Goals is approaching, and it is necessary to give a clear signal to the world that drinking-water and sanitation are a human right, and that we will do everything possible to reach this goal, which we have only 5 more years to achieve.

That is why we are convinced of the importance of the second operative paragraph of this resolution, which “Calls upon States and

international organizations to provide financial resources, capacity-building and technology transfer, through international assistance and cooperation, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all.

All resolutions contain a passage that we can point to as the heart of the matter, and the heart of this resolution is in its first operative paragraph. Throughout many informal consultations, we have striven to accommodate the different concerns of the Member States, leaving aside issues that do not pertain to this resolution and always seeking balance, but without losing the essence of the resolution.

The right to drinking water and sanitation is a human right that is essential for the full enjoyment of life.

Drinking water and sanitation are not only elements or principal components of other rights such as “the right to an adequate standard of living.” The right to drinking water and sanitation are independent rights that should be recognized as such. It is not sufficient to urge States to comply with their human rights obligations relative to access to drinking water and sanitation. Instead, it is necessary to call on states to promote and protect the human right to drinking water and sanitation.

Mr. President,

In our effort to seek transparency and understanding without losing perspective on the essence of this resolution, in the name of the cosponsors we would like to propose an oral amendment to the first operative paragraph of the resolution that would replace the word “declares” with the word “recognizes.”

Mr. President,

Before moving to the consideration of this resolution, I would like

to ask all delegations to bear in mind the fact that, according to the 2009 report of the World Health Organization and UNICEF entitled "Diarrhoea: Why children are still dying and what can be done," 24,000 children die in developing countries every day from preventable causes like diarrhea contracted from unclean water. That is one child death every three and a half seconds.

One, two, three...

As my people say, "Now is the time."

Thank you very much.





## General Assembly

Distr.: General  
3 August 2010

Sixty-fourth session  
Agenda item 48

### Resolution adopted by the General Assembly

[without reference to a Main Committee (A/64/L.63/Rev.1 and Add.1)]

#### 64/292. The human right to water and sanitation

*The General Assembly,*

Recalling its resolutions 54/175 of 17 December 1999 on the right to development, 55/196 of 20 December 2000, by which it proclaimed 2003 the International Year of Freshwater, 58/217 of 23 December 2003, by which it proclaimed the International Decade for Action, "Water for Life", 2005–2015, 59/228 of 22 December 2004, 61/192 of 20 December 2006, by which it proclaimed 2008 the International Year of Sanitation, and 64/198 of 21 December 2009 regarding the midterm comprehensive review of the implementation of the International Decade for Action, "Water for Life"; Agenda 21 of June 1992;<sup>1</sup> the Habitat Agenda of 1996;<sup>2</sup> the Mar del Plata Action Plan of 1977 adopted by the United Nations Water Conference;<sup>3</sup> and the Rio Declaration on Environment and Development of June 1992,<sup>4</sup>

Recalling also the Universal Declaration of Human Rights,<sup>5</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>6</sup> the International Covenant on Civil and Political Rights,<sup>7</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>8</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>9</sup> the Convention on the Rights of the Child,<sup>10</sup> the

<sup>1</sup> Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.L.8 and corrigendum), resolution 1, annex II.

<sup>2</sup> Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3–14 June 1996 (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.

<sup>3</sup> Report of the United Nations Water Conference, Mar del Plata, 14–25 March 1977 (United Nations publication, Sales No. E.77.II.A.12), chap. I.

<sup>4</sup> Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.L.8 and corrigendum), resolution 1, annex I.

<sup>5</sup> Resolution 217 A (III).

<sup>6</sup> See resolution 2200 A (XXI), annex.

<sup>7</sup> United Nations, Treaty Series, vol. 860, No. 9444.

<sup>8</sup> Ibid., vol. 1249, No. 26578.

<sup>9</sup> Ibid., vol. 1577, No. 27531.

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Convention on the Rights of Persons with Disabilities<sup>10</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>11</sup>

*Recalling further* all previous resolutions of the Human Rights Council on human rights and access to safe drinking water and sanitation, including Council resolutions 7/22 of 28 March 2008<sup>12</sup> and 12/8 of 1 October 2009,<sup>13</sup> related to the human right to safe and clean drinking water and sanitation, general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights, on the right to water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)<sup>14</sup> and the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments,<sup>15</sup> as well as the report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation,<sup>16</sup>

*Deeply concerned* that approximately 884 million people lack access to safe drinking water and that more than 2.6 billion do not have access to basic sanitation, and alarmed that approximately 1.5 million children under 5 years of age die and 443 million school days are lost each year as a result of water- and sanitation-related diseases,

*Acknowledging* the importance of equitable access to safe and clean drinking water and sanitation as an integral component of the realization of all human rights,

*Reaffirming* the responsibility of States for the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

*Bearing in mind* the commitment made by the international community to fully achieve the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration,<sup>17</sup> to halve, by 2015, the proportion of people who are unable to reach or afford safe drinking water and, as agreed in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),<sup>18</sup> to halve the proportion of people without access to basic sanitation,

1. *Recognizes* the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;

<sup>10</sup> Resolution 61/706, annex I.

<sup>11</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>12</sup> See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 33 (A/63/33)*, chap. II.

<sup>13</sup> See A/HRC/12/50 and Corr.1, part one, chap. I.

<sup>14</sup> See *Official Records of the Economic and Social Council, 2003, Supplement No. 2 (E/2003/22)*, annex IV.

<sup>15</sup> A/HRC/6/3.

<sup>16</sup> A/HRC/12/24.

<sup>17</sup> See resolution 55/2.

<sup>18</sup> See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

2. *Calls upon* States and international organizations to provide financial resources, capacity-building and technology transfer, through international assistance and cooperation, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all;

3. *Welcomes* the decision by the Human Rights Council to request that the independent expert on human rights obligations related to access to safe drinking water and sanitation submit an annual report to the General Assembly,<sup>17</sup> and encourages her to continue working on all aspects of her mandate and, in consultation with all relevant United Nations agencies, funds and programmes, to include in her report to the Assembly, at its sixty-sixth session, the principal challenges related to the realization of the human right to safe and clean drinking water and sanitation and their impact on the achievement of the Millennium Development Goals.

*108th plenary meeting  
28 July 2010*

United Nations



## Vote on Human Right to Water

The draft resolution on the human right to water and sanitation (document A/64/L.63/REV.1) was adopted by a recorded vote of 122 in favour to none against, with 41 abstentions, as follows:

*In favour:* Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Finland, France, Gabon, Georgia, Germany, Ghana, Grenada, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Portugal, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Tuvalu, United Arab Emirates, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

*Against:* None.

*Abstain:* Armenia, Australia, Austria, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Greece, Guyana, Iceland, Ireland, Israel,

Japan, Kazakhstan, Kenya, Latvia, Lesotho, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Poland, Republic of Korea, Republic of Moldova, Romania, Slovakia, Sweden, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States, Zambia.

*Absent.* Albania, Belize, Cameroon, Chad, Fiji, Gambia, Guinea, Guinea-Bissau, Kiribati, Malawi, Marshall Islands, Mauritania, Micronesia (Federated States of), Mozambique, Namibia, Nauru, Palau, Papua New Guinea, Philippines, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Sierra Leone, Suriname, Swaziland, Tonga, Turkmenistan, Uganda, Uzbekistan.



## Annexes

Photo: Martín Vilela



This annex contains the full proceedings of the Plenary Session of sixty-fourth session of the UN General Assembly, which addressed various issues including the draft Resolution of the Human Right to Water and Sanitation proposed by the Plurinational State of Bolivia.

United Nations

A/64/PV.108

**General Assembly**

Sixty-fourth session

*Official Records***108**<sup>th</sup> plenary meeting  
Wednesday, 28 July 2010, 10 a.m.  
New York**Agenda item 48** (*continued*)**Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields****Draft resolution (A/64/L.63/Rev.1\*)**

*The Acting President.* Members will recall that the General Assembly held the debate on agenda item 48 jointly with agenda items 114, 120 and 121 at its 47th plenary meeting on 16 November 2009, as well as jointly with agenda item 114 at its 88th plenary meeting on 20 May 2010. Members will also recall that, under agenda items 48 and 114, the Assembly adopted resolutions 64/184 and 64/291 at its 66th and 107th plenary meetings on 21 December 2009 and 16 July 2010, respectively, and decision 64/555 at its 82nd plenary meeting on 15 April 2010.

I now give the floor to the representative of the Plurinational State of Bolivia to introduce draft resolution A/64/L.63/Rev.1\*.

*Mr. Solón* (Plurinational State of Bolivia) (*spoke in Spanish*): Allow me to begin my introduction of draft resolution A/64/L.63/Rev.1\* by recalling that human beings are basically made of water. Approximately two thirds of our bodies is composed of water; 75 per cent of our brains is water, and water is the main vehicle for the electrochemical transmissions within our bodies. Our blood circulates throughout our bodies like water flowing in a network of rivers. The water in our blood helps transport nutrients and energy throughout our bodies. Water also carries away waste products excreted by our cells. Water helps regulate body temperature. The loss of 20 per cent of the body's water can lead to death. We can survive for several weeks without food, but we cannot survive more than a few days without water. Water, without a doubt, is life.



That is why, today, we introduce this historic draft resolution for the consideration by the General Assembly at this plenary meeting. The following States are sponsors of the draft resolution: Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Benin, the Plurinational State of Bolivia, Burkina Faso, Burundi, the Central African Republic, Congo, Cuba, Dominica, the Dominican Republic, Ecuador, El Salvador, Eritrea, Fiji, Georgia, Guinea, Haiti, Madagascar, Maldives, Mali, Mauritius, Nicaragua, Nigeria, Paraguay, Saint Vincent and the Grenadines, Samoa, Saint Lucia, Saudi Arabia, Serbia, Seychelles, Solomon Islands, Sri Lanka, Timor-Leste, Tuvalu, Uruguay, Vanuatu, the Bolivarian Republic of Venezuela and Yemen.

The right to health was originally recognized in 1946 by the World Health Organization. In 1948, the Universal Declaration of Human Rights declared, among other rights, the right to life, the right to education and the right to work. In 1966, the International Covenant on Economic, Social and Cultural Rights recognized, among other rights, the right to social security and the right to an adequate standard of living, including adequate food, clothing and housing.

However, the human right to water has gone without full recognition despite the existence of clear references to such a right in several international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

The sponsors of the draft resolution present it today to ensure that the human right to water and sanitation at a time when diseases caused by the lack of safe drinking water and sanitation result in more deaths than any war. Each year, more than 3.5 million people die from diseases transmitted by contaminated water. Diarrhoea ranks second in the causes death among children under five years of age. Lack of access to safe drinking water kills more children than AIDS, malaria and smallpox combined. Approximately one in eight people around the world does not have safe drinking water. In a single day, women spend more than 200 million hours collecting and transporting water for their homes.

The situation resulting from the lack of sanitation is worse still, affecting as it does some 2.6 billion people, which is equivalent to 40 per cent of world population. In her report, the independent expert on safe drinking water and sanitation, who made an important contribution to the draft resolution and who will contribute further to its implementation, states:

“Sanitation, more than many other human rights issue, evokes the concept of human dignity; consider the vulnerability and shame that so many people experience every day when, again, they are forced to defecate in the open, in a bucket or a plastic bag. It is the indignity of this situation that causes the embarrassment.” (*A/HRC/12/24, para. 55*)

The vast majority of diseases in the world are caused by fecal matter. It is estimated that sanitation could reduce the number of child deaths from diarrhoea by more than two thirds. At any given moment, half of the world’s hospital beds are taken up by patients suffering from diseases linked to the lack of access to safe drinking water and sanitation.

Human rights did not come into being as fully developed concepts; they are the fruit of a constructive process shaped by reality and experience. For example, the human rights to education and to work, which are enshrined in the Universal Declaration of Human Rights, were built up and fleshed out over time with the International Covenant on Economic, Social and Cultural Rights and other international instruments. A similar process will take place with the human right to water and sanitation.

We therefore welcome and endorse the provision under the paragraph 3 of the draft resolution that the independent expert should continue working on all aspects of her mandate and report to the General Assembly on the principal challenges related to the realization of the human right to safe and clean drinking water and sanitation and their impact on the achievement of Millennium Development Goals.

The world summit on the Millennium Development Goals is drawing ever nearer, and we must send a very clear signal to the world that access to safe drinking water and sanitation is a human right and that we are going to do everything possible to achieve that goal in the five short years we have left.

Hence the importance of the paragraph 2 of the draft resolution, which calls upon States and international organization to provide financial resources, capacity-building and technology transfer, through international assistance and cooperation, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all.

There is a heart to every resolution. And the heart of this draft resolution is in its paragraph 1. Throughout the numerous informal consultations, we sought to accommodate the various concerns of Member States, leaving aside issues that are not crucial to this draft resolution and always striving to strike a balance without losing the essence of the draft resolution.

The right to drinking water and sanitation is a human right essential to the full enjoyment of life. Safe drinking water and sanitation are not only principal elements or components of other rights, such as the right to an adequate standard of living. The rights to safe drinking water and sanitation are independent rights, which must be recognized as such. It is not enough to urge States to fulfil their human rights obligations relating to access to drinking water and sanitation. It is necessary to call on States to promote and protect the human right to safe drinking water and sanitation.

Once again, in the spirit of always transparently seeking a broad understanding, and without losing our perspective on the very essence of the draft resolution, on behalf of the sponsors we wish to propose an oral revision to the paragraph 1, in which the term “declare” should be replaced by “recognize”.

Before the Assembly proceeds to consider the draft resolution, I should like to draw the attention of all delegations to the fact that, according to the 2009 report of the World Health Organization and UNICEF entitled “Diarrhoea: Why children are still dying and what can be done”, every day 24,000 children die in developing countries from causes that could be prevented such as diarrhoea caused by contaminated water. This means that a child dies every three and a half seconds. One, two, three. As they say in my country, now is the time.

**The President:** We shall now proceed to consider draft resolution A/64/L.63/Rev.1\*. Before giving the floor to speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made from delegations from their seats.

**Mr. Wittig (Germany):** Some 884 million people worldwide lack access to safe drinking water, and over 2.6 million people do not have access to basic sanitation. Every year, around 2 million people die from diseases caused by unsafe water and sanitation — most of them small children.

Germany is committed to the realization of the Millennium Development Goals, including that of reducing by half by 2015 the proportion of people without sustainable access to safe drinking water and sanitation. Germany is one of the main proponents of the right to access to safe drinking water and sanitation. We consider access to safe drinking water and sanitation to be a component of the right to an adequate standard of living recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights, alongside food, housing and others. This is the reason why we took the initiative, together with Spain, to create the mandate of an independent expert on human rights obligations related to access

to safe drinking water and sanitation in the Human Rights Council in Geneva. And this is the reason why we shall vote in favour today.

We regret that consensus on this text could not be achieved and that a vote has been called for, thus introducing an element of division on a very important issue. Some Member States have also voiced concern about the possible effect of the draft resolution on the Geneva process. We do not share this assessment, but see the draft resolution rather as a complement to the ongoing important process on water and sanitation in Geneva.

The text of the draft resolution before us is a compromise. We would have appreciated it if the resolution had taken into account more of the proposals made by the European Union during the negotiations. We would have appreciated a clearer message on the primary responsibility of States to ensure the realization of human rights for all those living under their jurisdiction, complemented, if needed, by external support coming from the region or other parts of the world.

However, the draft resolution contains an important recognition of the ongoing process on water and sanitation in the Human Rights Council in Geneva and the work of the independent expert in particular. The draft resolution encourages her to continue working on her mandate to clarify the content of the human rights obligations related to access to safe drinking water and sanitation.

We also welcome the flexibility of Bolivia, as the main sponsor, to meet the concern of some Member States, including Germany, on paragraph 1.

To conclude, Germany invites delegations to continue to actively support and participate in the Geneva process in order to understand the full human rights dimension of access to safe drinking water and sanitation and the obligations linked to the provision and protection of both. Germany engages itself to continue this process in the open, transparent and inclusive way that has marked the mandate since its inception.

**Mr. Oyarzun** (Spain) (*spoke in Spanish*): Spain would have wished that the suggestions and alternative texts presented by the European Union, first by Spain as a rotating President of the European Union and then by the current Belgian Presidency, had been taken into account by the delegation of Bolivia. In this respect, Spain regrets the fact that, first of all, almost none of these suggestions have been included in the final text of the draft resolution and that, predictably, we will not achieve a consensual adoption of the draft resolution. A consensus is crucial if there is to be an effective guarantee of any initiative that the United Nations may carry out with respect to human rights.

In particular, I would like to refer now to paragraph 1 of the draft resolution. In this regard, Spain welcomes the oral revision presented by Bolivia whereby the word “declares” would be replaced by the word “recognizes”. This amendment introduced by Bolivia, which we highly welcome, creates a stronger link between the draft resolution and the work of the independent expert, whose ultimate objective is to conclude that this right exists and to invest it with substance.

In any case, Spain would like to give an explicit interpretation of the content of paragraph 1. For Spain, as for Germany, water and sanitation are two components of the right to an adequate standard of living, recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights. In this respect, my delegation firmly supports the content of General Comment No. 15 of the Committee for Economic, Social and Cultural Rights and the report on this matter presented by the independent expert, Ms. De Albuquerque, to the Human Rights Council in September 2009 concerning the human rights obligations related to access to sanitation (A/HRC/12/24).

Spain regrets in particular that the proposal to include a paragraph 1 bis that would expressly reference the work of the independent expert on this matter has not been taken into consideration.

With respect to paragraph 2, Spain would like to clarify that its wording creates open confusion by not pointing out, as the sixth preambular paragraph does, that the responsibility to promote and protect all human rights falls upon States themselves.

Despite that, Spain acknowledges the important role that is played by technical assistance and cooperation for development in helping developing countries improve access to drinking water and sanitation for their populations. We should recall that Spain has, in the Spanish Agency for International Development Cooperation within the Ministry of Foreign Affairs and Cooperation, a water and sanitation fund for Latin America, of which Bolivia is the second greatest beneficiary.

Having said this, the delegation of Spain would like to announce that we will vote in favour of the draft resolution.

**Mrs. Horváth Feksz** (Hungary): Hungary attaches great importance to access to safe drinking water and sanitation, which is closely connected to the realization of such fundamental rights as the right to life and human dignity. We consider access to safe drinking water and sanitation to be a component of the right to an adequate standard of living. Those are the main reasons why we shall vote in favour of the draft resolution, despite the concerns we have regarding the text and the way it was negotiated.

I wish to emphasize that Hungary fully supports the mandate of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, which was established in March 2008 by the Human Rights Council. We are convinced that the process initiated in Geneva by two States members of the European Union should be the one to clarify the content of human rights obligations related to access to safe drinking water and sanitation. We are determined to support the Independent Expert in her endeavours.

For the aforementioned reasons we deem it unfortunate for the General Assembly to declare a human right to water and sanitation, since in our view the draft resolution before us prejudices the outcome of the Geneva process. We are convinced that the overall aims of the Geneva process would be better served if this draft resolution were adopted by consensus. We would also have appreciated it had proposals by interested delegations, including those of the European Union, been more positively considered. We regret that the text as it stands provokes division among Member States, in spite of the fact that we are all aware of the importance of access to safe drinking water and sanitation. We firmly believe that this text could have been further improved and that it could have been the object of consensus.

Before I conclude, allow me to reiterate the important role of the Geneva process and to encourage all Member States to participate in it actively and constructively.

**Mr. Sammis** (United States of America): The United States is deeply committed to finding solutions to our world's water challenges. We support the goal of universal access to safe drinking water. Water and sanitation issues will also be an important focus at September's Millennium Development Goal summit. The United States is committed to working with our development partners to build on the progress they have already made in these areas as part of their national development strategies.

Water is essential for all life on Earth. Accordingly, safe and accessible water supplies further the realization of certain human rights, and there are human rights obligations related to access to safe drinking water and sanitation.

The United States supports the work of the Human Rights Council's Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. In fact, we joined in sponsoring Human Rights Council resolution 12/8, on human rights and access to safe drinking water and sanitation, last September in Geneva. We look forward to receiving the next report of the Independent Expert. We also look forward to a more inclusive, considered and deliberative approach to these vital issues in Geneva than we have unfortunately experienced on draft resolution A/64/L.63/Rev.1\* in New York.

Let me add that these concerns are not alleviated by the fact that just this morning we have seen a revision made, from the floor, to what the lead sponsor viewed as the core operative paragraph of the draft resolution. This, again, is an imposition on all of us who have not had sufficient time to really consider the implications of this. I think that it would have been far better, under the circumstances, not to bring this draft resolution forward for action today.

The United States had hoped to negotiate and ultimately join consensus on a text that would uphold and support the international process under way at the Human Rights Council. Instead, we have here a draft resolution that falls far short of enjoying the unanimous support of Member States and that may even undermine the work under way in Geneva. This draft resolution describes a right to water and sanitation in a way that is not reflective of existing international law, as there is no right to water and sanitation in an international legal sense as described by the draft resolution.

The United States regrets that this draft resolution diverts us from the serious international efforts under way to promote greater coordination and cooperation on water and sanitation issues. The draft resolution attempts to take a short cut around the serious work of formulating, articulating and upholding universal rights. It was not drafted in a transparent, inclusive manner, and the legal implications of a declared right to water have not yet been carefully and fully considered in this body or in Geneva.

For those reasons, the United States has called for a vote on this draft resolution and will abstain.

**Mrs. Dunlop** (Brazil): Brazil recognizes the human right to water and sanitation as a right that is intrinsically connected to the realization of the rights to life, to physical integrity, to health, to food and to adequate housing. It is the responsibility of States to guarantee those rights to their citizens. We consider that the human right to water and sanitation is compatible with the principle of the sovereign right of States to use their own water resources, as reflected in the 1992 Rio Declaration on Environment and Development.

Brazil has been developing technical cooperation projects aiming at promotion of access to water in countries where water resources are scarce, focusing in particular on low-income communities. Brazil supports the efforts of Catarina de Albuquerque, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, aimed at clarifying the nature and content of the obligations associated with the right to water and sanitation.

We would like to recall that the treaty-based and non-treaty-based bodies of the United Nations human rights system are based in Geneva. For that reason, the Human Rights Council is the appropriate forum for discussion of this subject in a more objective and better-informed manner. But Brazil today will support draft resolution A/64/L.63/Rev.1\*.

**Mr. Sen** (Turkey): My delegation wishes to explain its vote before the vote on draft resolution A/64/L.63/Rev.1\*. On 28 March 2008 the Human Rights Council adopted by consensus its resolution 7/22, entitled “Human rights and access to safe drinking water and sanitation”, in which the Council established the mandate of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. On 1 October 2009, the Council adopted by consensus a second resolution, Human Rights Council resolution 12/8, on the same subject. The Independent Expert has been working on the issue of the human rights obligations of States related to access to safe drinking water and sanitation. The issue is before the Human Rights Council, and there is an ongoing process. Therefore, that Council should have been allowed to continue its work on this important, but also complex, issue.

The draft resolution before us prejudices the outcome of the ongoing work of the Council and prevents its further deliberations.

In view of what I have said, Turkey will abstain in the voting on draft resolution A/64/L.63/Rev.1\*, entitled “The human right to water and sanitation”.

**The Acting President:** We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/64/L.63/Rev.1\*, entitled “The human right to water and sanitation”, as orally revised. A recorded vote has been requested.

A recorded vote was taken.

*In favour:*

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Finland, France,



Gabon, Georgia, Germany, Ghana, Grenada, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Portugal, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Tuvalu, United Arab Emirates, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

*Against:*

None

*Abstaining:*

Armenia, Australia, Austria, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Greece, Guyana, Iceland, Ireland, Israel, Japan, Kazakhstan, Kenya, Latvia, Lesotho, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Poland, Republic of Korea, Republic of Moldova, Romania, Slovakia, Sweden, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zambia.

*Draft resolution A/64/L.63/Rev.1\*, as orally revised, was adopted by 122 votes to none, with 41 abstentions (resolution 64/292).*

[Subsequently, the delegations of Belize and the Philippines advised the Secretariat that they had intended to vote in favour; the delegation of Albania advised the Secretariat that it had intended to abstain.]

The Acting President: Before giving the floor to those representatives who wish to speak in explanation of vote on the resolution just adopted, may I remind members that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mrs. Bianchi** (Argentina) (*spoke in Spanish*): Argentina supports the progressive development of international human rights law, taking into account the fact that the main international human rights treaties in the areas of civil and political rights and of economic, social and cultural rights have become important pillars of the

Argentinean legal order, having been raised to the constitutional level through the reform of the national Constitution in 1994. In this context, the importance of access to drinking water and basic sanitation services to protect human health and the environment have been recognized by many international documents that enjoy the support of Argentina.

Similarly, Argentina understands that it is one of the main responsibilities of States to guarantee its inhabitants the right to water as a fundamental aspect of guaranteeing the right to life and ensuring an adequate standard of living. As a consequence of that position, Argentina voted in favour of resolution 64/292. Nonetheless, Argentina maintains that the right to water and sanitation is a human right that every State must ensure for the individuals within its jurisdiction and not with respect to other States.

**Mr. Løvold** (Norway): Norway gives high priority to the right to water and sanitation, and we voted in favour of resolution 64/292. In General Comment No. 15 (2002) on the International Covenant on Economic, Social and Cultural Rights, it is stated that ensuring that everyone has access to adequate sanitation is not only fundamental to human rights, but is one of the principal mechanisms for protecting the quality of drinking water supplies and resources. Furthermore, the International Covenant on Economic, Social and Cultural Rights explains that measures to prevent, treat and control diseases linked to water, in particular ensuring access to adequate sanitation, are part of the core obligations under the right to water.

Norway regards the right to water and sanitation as being among the fundamental rights already recognized in existing human rights norms, such as the right to the possible highest standard of physical and mental health, the right to an adequate standard of living and the right to life. However, Norway regrets that it was not possible to achieve consensus on resolution 64/292 and the split this resolution has created. Nevertheless, we hope that this situation will not have a negative impact on the process on the issue in the Human Rights Council in Geneva and the future work of the Special Rapporteur.

**Mr. Rosenthal** (Guatemala) (*spoke in Spanish*): Guatemala welcomes the efforts made by the delegation of the Plurinational State of Bolivia and the other sponsors of resolution 64/292, as well as the flexibility shown even at the very last minute to come up with a text acceptable to the majority of countries. As a result, Guatemala would have preferred that the resolution be adopted by consensus, but we decided to vote in favour because we agree with its essence, if not with all of its specific content.

At the same time, we voted in favour of the resolution on the understanding that our recognition of the right to drinking water and sanitation is in accordance with our existing national legislation guaranteeing the effective management and governance of waters as goods and services in the aim of contributing to the maintenance of essential ecological processes, access to a safe and secure environment, economic growth, compliance with the Millennium Development Goals, and improved quality of life for the present and future generations of the people living on our national territory. Similarly, Guatemala understands that the adoption of resolution 64/292 will create no international or inter-State right or obligation.

**Mr. Edrees** (Egypt): I take the floor in explanation of vote on resolution 64/292, entitled “The human right to water and sanitation”, just adopted as orally revised.

Egypt believes that all human rights are universal, indivisible, interdependent and interrelated, and must be treated globally in a fair and equal manner, on the same footing and with the same emphasis. In this light, Egypt voted in favour of the resolution, which focuses on the right to access to safe and clean drinking water and sanitation, based on the understanding that it does not create new rights or sub-categories of human rights different from those stipulated in the internationally agreed human rights instruments.

Egypt appreciates the dedication of the Plurinational State of Bolivia to this noble cause, and welcomes the efforts of the sponsors to take on board our major concerns. We also welcome the fact that the provisions of the resolution deal solely with this important issue, despite the shorter title, which we had sincerely hoped the sponsors would streamline to reflect the focus on the right to access to safe and clean drinking water and sanitation, in line with the provisions of the resolution itself.

Egypt believes that guaranteeing the full enjoyment of this basic human right is the obligation of all States towards all their citizens — a matter that reaffirms the need to concentrate on local and national perspectives in considering the issue at hand. This is surely dependent on the varying capacities of States, and as such is not expected in many instances to be achieved overnight or without the international cooperation necessary to support efforts to provide safe, clean, accessible and affordable drinking water and sanitation to all, particularly in developing countries.

We acknowledge the need, highlighted by many delegations during the course of the negotiations, to set aside controversial questions of international watercourse law and transboundary water. Egypt regrets that the resolution on this important issue was put to the vote, and is mindful that certain aspects of human rights

obligations related to access to safe drinking water and sanitations have yet to be further studied, as pointed out in the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (A/HRC/6/3).

However, we trust that the resolution will bring these issues to the forefront and provide added impetus to the efforts under way in Geneva to resolve them so as to achieve consensus in the near future.

**Ms. Cavanagh** (New Zealand): New Zealand takes this opportunity to explain its abstention in the voting on resolution 64/292.

New Zealand fully appreciates the importance of clean water and sanitation to development and the achievement of the Millennium Development Goals. We recognize that safe drinking water and sanitation are essential to good health. We wish to see progress in this area. However, we are concerned that the resolution was introduced before New Zealand and others had an adequate opportunity to fully consider its implications in terms of both our domestic and our international obligations.

We support the work of the Human Rights Council, and in particular of the independent expert, to clarify the content of human rights obligations related to access to safe drinking water and sanitation. New Zealand believes that the work of the independent expert raises issues that require further consideration by States.

**Mr. Errázuriz** (Chile) (*spoke in Spanish*): The delegation of Chile voted in favour of resolution 64/292, introduced by the delegation of the Plurinational State of Bolivia. We recognize the importance of drinking water and sanitation to human dignity and believe that the aim of the resolution is to promote compliance with the Millennium Development Goals with respect to water and sanitation.

In that regard, we understand that the resolution does not determine or prejudice the way in which States decide to administer water and sanitation, which are regulated by domestic legislation. Similarly, we interpret the recognition of the right to drinking water and sanitation strictly in the context of efforts to promote access to those vital resources, again subject to the domestic legislation of every State.

**Mr. Golezinski** (Australia): Access to water and sanitation is fundamental to the realization of a range of human rights. Globally, some two thirds of those without reliable access to clean water live in the Asia-Pacific region, and of our

region's 3.8 billion people, over half do not have access to sanitation. Australia also acknowledges that access to water and sanitation is of critical importance to the achievement of the Millennium Development Goals. Therefore, Australia has increased development assistance for water and sanitation by \$300 million in the past two years.

We appreciate the sincerity of the Plurinational State of Bolivia as the lead sponsor of resolution 64/292, and we respect Bolivia's commitment to this issue. Nevertheless, Australia has reservations about the process of declaring new human rights through a General Assembly resolution. In particular, we are concerned that the precise status and nature of such rights will be uncertain, and uncertainty makes consensus difficult. Of course, when we recognize new human rights, consensus is very important.

Australia supports the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation. We have followed with interest the progress of the independent expert's work in clarifying the content of rights related to access to water and sanitation.

Resolution 64/292 has now been adopted, but we would have preferred that the independent expert had been allowed to finalize her work before the introduction of a resolution so that her work on this subject could have been fully taken into account by the General Assembly.

**Ms. Zamora** (Costa Rica) (*spoke in Spanish*): Costa Rica joined the majority of the Members of our Organization with our vote in favour of resolution 64/292, but we would like to point out the reasons for our position and the procedural reservations that we still maintain.

In Costa Rica, access to water is an inalienable right and has been guaranteed as such by the Constitutional Court of the Supreme Court of Justice, which has also acknowledged the international developments in this area. As constitutional jurisprudence consistently indicates,

“[t]he Court recognizes, as a part of the Constitutional Law, a fundamental right to drinking water, derived from the fundamental rights to health, life, the environment, food and adequate housing, among others, as has been recognized as well in international instruments on human rights which are applicable to Costa Rica”.

For our country, every State has the primary responsibility to guarantee its inhabitants access to water pursuant to the principle of social and intergenerational

equity and solidarity. Costa Rica therefore supports the work on this issue being carried out in the Human Rights Council in Geneva, and in particular by the independent expert on the matter of human rights obligations related to access to water and sanitation. This process seeks to establish with greater clarity the content of human rights obligations, including the obligation to ensure non-discrimination with respect to access to drinking water and sanitation, specifically with the ultimate purpose of recognizing access to water and sanitation as a human right.

In this respect, my country would have liked to see more clearly reflected in the text of the resolution an acknowledgment of the work that is yet to be done to establish the content and scope of this right at the international level. Nevertheless, we understand that with the revision introduced, the resolution represents recognition by the General Assembly of the legal developments concerning this fundamental right in various international and national forums.

Costa Rica regrets the fact that this recognition was not adopted by consensus. The issue at hand is extremely important at a time when we are preparing to review the Millennium Development Goals. It is not advisable to stray from our goals; rather, we must devote ourselves to speeding up the implementation of the Goals related to access to water and sanitation and to carry the process begun in Geneva to a successful conclusion.

**Mr. Ntwaagae** (Botswana): I thank you, Sir, for giving me the floor to explain my delegation's position on resolution 64/292, which the Assembly has just adopted.

Though we fully recognize the importance of the provision of water and sanitation infrastructure in the context of the Millennium Development Goals, we regret that we were unable support the resolution in its present form. Botswana also regrets that such a vital resolution should have been subjected to a vote instead of being adopted by consensus. My delegation feels strongly that sufficient time should have been allowed for consultations and for the ongoing process in Geneva, under the auspices of the Human Rights Council, to take its full course. We also feel that the intended objectives of the resolution could be achieved through many ongoing multilateral initiatives, including the International Decade for Action, "Water for Life".

In Botswana, water is a precious natural resource. We are a country that has a semi-arid climate; we have highly unreliable rainfall; we experience recurrent droughts and high rates of evaporation due to extreme temperatures. Just to demonstrate the extent to which we attach importance to water, we have named our national currency "pula", which literally means "let there be rain". This is an

expression which is also used as a form of national greeting or to signal public approval or consent.

Over the years, the provision of water in Botswana has been of utmost national priority. This is reflected in the consistently high rates of budget allocations for water and sanitation over the successive periods of our national development plan. It is on this account that my delegation abstained in the voting on this otherwise vital resolution.

**Ms. Freedman** (United Kingdom): The United Kingdom abstained in the voting on resolution 64/292 today for reasons of both substance and procedure. On substance, the United Kingdom does not believe that there exists at present sufficient legal basis under international law to either declare or recognize water or sanitation as free-standing human rights. Neither a right to water nor a right to sanitation has been agreed upon in any United Nations human rights treaty, nor is there evidence that they exist in customary international law.

The United Kingdom does believe that there is a right to water as an element of the right of everyone to an adequate standard of living. We also believe that inadequate sanitation has a negative impact on the protection of human rights, such as the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

On procedure, we are disappointed that this resolution cuts across and pre-empted the work under way in the Human Rights Council in Geneva on this very subject. We supported the Council's resolutions 7/22, which established the post of independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, and 12/8 on human rights and access to safe drinking water and sanitation of October 2009. In view of the complexities of the issue at stake, the work in Geneva has been progressing in a careful and consensual manner, and it is unfortunate that this initiative today has pre-empted the outcome of this work.

The United Kingdom is very concerned about the impact that inadequate access to water and poor sanitation has on the full enjoyment of human rights. Furthermore, sanitation and drinking water underpin all aspects of human and economic development. If current trends continue, it is estimated that the Millennium Development Goal on sanitation may not be met globally until 2049. The United Kingdom takes this extremely seriously. We place a very high priority on providing the poorest people in the world with clean water and sanitation as part of achieving the Millennium Development Goals. Since March 2008, our bilateral programmes

have delivered safe water to 2.7 million people in Africa and 3.1 million in South Asia and have helped 1.8 million people in Africa and 25.5 million people in South Asia gain access to basic sanitation. We are also actively striving, through our support to the Sanitation and Water for All initiative, to strengthen the global response in the sector, bringing together Governments, multilateral agencies and global civil society. We very much hope that September's summit on the Millennium Development Goals (MDGs) will provide much-needed attention and impetus to expedite progress on this and other related MDG targets. We simply regret that this initiative here today was not pursued with consensus in mind.

**Mr. Suárez** (Colombia) (*spoke in Spanish*): Colombia attaches special importance to the progressive improvement of access to drinking water and basic sanitation services. Our constitution and laws, as well as our national courts, have established a significant legal framework regarding the delivery of these services. Colombia voted in favour of resolution 64/292; it considers that, in spirit and in scope, it is an aspirational political declaration that, as it is not binding, creates no legal obligations for a State that differ from those established in treaties and other human rights instruments to which a State subscribes. Hence, Colombia will interpret the scope of the resolution in accordance with its constitution, obligations assumed under human rights treaties we have ratified and with national laws related to the matters covered in the resolution.

My delegation wishes also to make the following points. First, Colombia agrees with delegations that have expressed concern over the effect of the submission and adoption by the Assembly of a resolution on a matter that has been the subject of careful study and consideration in the Human Rights Council, in particular considering the high level of technical expertise and conceptual discussion that has characterized that specialized body's consideration of this issue. In that regard, my delegation hopes that the processes under way in the Human Rights Council will continue, in line with the appropriate technical and legal approach.

Secondly, my country notes that we did not agree with certain aspects of the consultation process. During that process, Colombia presented — in a constructive spirit and in line with solid legal arguments — a number of proposals that do not appear to be reflected in the final text, even though we heard no opposition from other States. My country does not know why the sponsors did not accept our proposals, and we regret that the limited opportunity to discuss this very important issue led to a vote having been taken on today's resolution, which sets an unfortunate precedent on international matters related to human rights and the internationally agreed development goals.



As to the content of the resolution, we note that the content of operative paragraph 1 does not clearly identify the basic components of the concept of the right to drinking water and sanitation. For instance, it does not define the scope of the right to drinking water and sanitation in terms including the uses to which the water will be put, the definition of its characteristics and the identification of the modalities or beneficiaries of services that would be covered under this right. Nor does it make reference to aspects of this right that should enjoy immediate protection, such as non-discrimination in access, as compared with those that should be promoted progressively, such as public services and various social rights.

Hence, we reaffirm that States should interpret the elements and characteristics of the right to drinking water and sanitation in conformity with obligations established in human rights instruments they have ratified and their various constitutional regimes, national legislation and relevant jurisprudence. Moreover, we note that paragraph 1 defines the right to water and sanitation as “essential for the full enjoyment of life and all human rights”. Here, it is Colombia’s interpretation that the General Assembly’s intention was to recognize the right to water and sanitation as a right derived from or viewed in connection with other rights, because the definition emphasizes its nature as an essential component in the enjoyment of the right to life and other rights.

Colombia’s political constitution does not explicitly refer to the right to drinking water and sanitation. But the jurisprudence applied by our constitutional court in particular cases indicates that the right to water is a fundamental right only as it the water is for human consumption in connection with the enjoyment of the right to life in conditions of dignity and the right to health. That court has indicated too that the right to water is not protected when the water is intended for other activities on which human life, health or welfare do not depend. In its decisions, the court specified instances in which protection must be required of public authorities and individuals as regards proper, efficient and timely delivery of public sanitation services.

It is Colombia’s understanding that the provision of drinking water and environmental sanitation services is among the services for which the State is responsible. Under our system, it is the State’s duty to ensure the efficient delivery of public services to all of the country’s inhabitants, taking account of the fact that such public services are subject to a legal regime established through legislation and that the State can deliver them either directly or indirectly through organized communities or through individuals. In all cases, it falls to the State to regulate, control and monitor these services.

Having said that, my delegation thanks the delegation of Bolivia for its initiative to bring this item to the General Assembly for discussion.

**Mr. Gonnet** (France) (*spoke in French*): France regrets that the Assembly was unable to adopt resolution 64/292, on the basic right to water and sanitation, by consensus. We welcome the progress made through the adoption of this text, with its recognition that the right to access to drinking water and sanitation is a universal right. We hope that the work under way in the Human Rights Council in Geneva will continue so that this right can be fully implemented.

France calls upon the international community to come together on this issue during the ongoing consideration of the implementation of the Millennium Development Goals, in particular during the September summit, and in the framework of the preparations for the sixth World Water Forum, to be held at Marseilles in March 2012.

**Ms. Fujimoto** (Japan): Japan appreciates the initiative that the Bolivian Government has taken, but it regrets that the right to safe and clean drinking water and sanitation was recognized through a vote. Japan knows that this is a profoundly important issue: since the 1990s Japan has been the world's largest donor in the water and sanitation sector. And Japan knows that the Human Rights Council has been considering this issue since 2006, as it has actively participated in the discussions in that body. Furthermore, Japan was among the sponsors of the Human Rights Council resolution on human rights and access to safe drinking water and sanitation.

But my delegation believes that such an important issue should be resolved by consensus, not a vote. It therefore deeply regrets that we did not have an exhaustive discussion on this right in order to reach consensus before action was taken. It is for that reason that Japan abstained in the vote on resolution 64/292.

My delegation will continue to engage in this discussion both in Geneva and in New York in order to reach consensus, and will continue to support the work of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. In this and other ways, my Government will spare no effort to achieve the Millennium Development Goals, including water and sanitation targets, in countries in need.

**Mr. Lukiyantsev** (Russian Federation) (*spoke in Russian*): The delegation of the Russian Federation voted in favour of resolution 64/292, prepared by the delegation of Bolivia and other delegations, on the human right to water and sanitation. We believe that this document raises important problems, in particular in light of the summit on the Millennium Development Goals to be held in September.

We view it as a complement to the discussions under way in Geneva. At the same time, we draw attention to some shortcomings in the conceptual drafting of this right, and we call on other States, regardless of the positions they took today, to continue discussions on this topic.

**Mr. Gutiérrez** (Peru) (*spoke in Spanish*): With respect to resolution 64/292 on the human right to water and sanitation that we have just adopted, I should like to make the following remarks on behalf of my country. Peru voted in favour of the resolution in the understanding that the guaranteed enjoyment of this right is subject to existing domestic legislation, spatial planning and the allocation of resources allowing for the exercise of this right.

**Ms. Kok** (Singapore): I have the honour to make this statement in explanation of vote after the voting. Singapore is a small island State with no natural resources, including water. Nonetheless, we cater to the needs of our population through a combination of means and mechanisms for the reliable delivery of this crucial resource. We thus support efforts to provide access to safe and clean drinking water and sanitation. This is the basis of our vote in favour of resolution 64/292.

At the same time, we believe that several issues need to be worked out with respect to this right — a process that can also proceed through the ongoing discussions in Geneva. For instance, clear definitions and the scope of Member States' obligations should be clarified. My delegation stands ready to contribute constructively in discussions.

**Mr. De Bassompierre** (Belgium) (*spoke in French*): Belgium voted in favour of resolution 64/292 because we recognize the fundamental principle of the right of access to water, which is enshrined in our national and regional legislation.

Belgium appreciates the sincerity of Bolivia and other sponsors in submitting this resolution. However, we regret the process by which it was developed, which did not favour the achievement of consensus on this key issue.

We fully support the mandate of the independent expert and the process under way in Geneva. Belgium also regrets that some important suggestions made by the European Union during the negotiations were not taken into account in the final text of the resolution. In particular, we express our reservations with respect to paragraph 2. Without wishing to minimize the role of the international cooperation in this area, which is an explicit priority of Belgium's cooperation and development policy, we underscore that the implementation of this right is above all the responsibility of individual States.

**Mr. Tarar** (Pakistan): I take the floor to give an explanation of vote after the voting on resolution 64/292. Pakistan voted in favour of the resolution.

We wish to reaffirm that States have the responsibility to ensure access to safe and clean drinking water and sanitation for its nationals. However, we should like to draw attention to practical limitations in achieving the ideals aimed at in resolution 64/292. These could only be progressively achieved by taking into account the particular context of developing countries like Pakistan vis-à-vis capacity limitations, financial limitations and access to natural resources.

**Mr. De Klerk** (Netherlands): The Netherlands abstained in the voting on the Bolivian resolution on the human right to water and sanitation, and I should like to explain our position.

The Netherlands recognized access to clean, affordable drinking water and adequate sanitation as a human right in 2008. The Netherlands attaches great importance to this human right. This is also reflected in our overall development efforts and in our output target for water and sanitation, which was formulated in 2005. The target is for Dutch assistance to help to provide safe water and improved sanitation to 50 million people by 2015. We are also a major donor to UNICEF's programme for water, sanitation and hygiene.

To ensure that priority is given to water and sanitation in the international debate, the Netherlands supports the Secretary-General's Advisory Board on Water and Sanitation. The Board has been instrumental in, for instance, promoting the International Year of Sanitation and in developing the Sanitation and Water for All initiative, which is an alliance of national Governments, donors, civil society organizations and other development partners that tries to increase political will and improve aid effectiveness by mobilizing and better targeting resources for water supply and sanitation.

Unfortunately, notwithstanding our support for water issues, the Netherlands was not in a position to vote in favour of resolution 64/292 for a number of reasons. First of all, the resolution puts insufficient emphasis on the responsibility of Governments towards their own citizens to move progressively and as quickly as possible towards the full realization of the right to water and sanitation for everyone, with special attention to individuals and groups who have traditionally faced difficulties. If Governments fail to do so, citizens must be able to claim this right and hold the duty-bearers accountable. Resolution 64/292 neither encourages States to take this responsibility nor calls for redress mechanisms.

Secondly, the resolution refers to the work of the independent expert mandated by the Human Rights Council. The Netherlands considers it very important that her report (A/HRC/12/24) be used as input for further discussion during the Millennium Development Goals summit. Requesting the independent expert to do additional work at this stage, for which she is not mandated by the Human Rights Council, will infringe on her present mandate, which aims at inclusiveness and consensus. A new request from the General Assembly to the independent expert will not really benefit consensus on or the realization of the relevant human rights.

Thirdly, we firmly believe in the right to access to clean, affordable drinking water and good sanitation, and we underline that this right should be recognized as such. However, we are not happy with the ad hoc declaration of human rights by the General Assembly, even though we noted and appreciated the oral revision just introduced.

Finally, the resolution contains elements that unnecessarily politicize this important theme.

In conclusion, I should like to reiterate that the Netherlands acknowledges the importance of access to drinking water and good sanitation, and I should like to underline our willingness to support Governments in fulfilling their international obligations through development assistance. National development policies can be a starting point for turning human rights into plans and action.

**Ms. Rovirosa** (Mexico) (*spoke in Spanish*): Mexico voted in favour of resolution 64/292 as we believe that access to safe drinking water and sanitation is a matter of high priority and we share the spirit of the text presented by Bolivia and the other sponsors.

Mexico recognizes that access to safe drinking water and sanitation are part and parcel of the human right to an adequate standard of living and of the right to the enjoyment of the highest attainable standard of physical and mental health, as established, respectively, in article 25 of the Universal Declaration of Human Rights and articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. That is how we interpret the content of paragraph 1 of the resolution just adopted by the Assembly.

In Mexico, article 27 of our Constitution establishes the modalities for ownership of the land and water within the boundaries of our national territory. Mexico will continue to make every effort necessary to adopt progressive measures and, within the limits of our resources, to provide water and sanitation to that part of our population that does not have such services, as established in our national legislation

in compliance with our applicable international obligations and in line with the Millennium Development Goals.

Mexico believes that it is up to national legal systems to enhance equitable access to drinking water and basic sanitation. The resolution must therefore be implemented nationally and in accordance with the applicable national legislation of every country.

Lastly, we believe that we must continue the indepth discussion on this matter in a constructive manner and consistent with the processes under way in the Human Rights Council, which is the appropriate forum in which to move forward with this very important issue.

**Mr. Feleke** (Ethiopia): My delegation abstained in the voting on this resolution on the human right to water and sanitation, but not because Ethiopia believes that access to water for all human beings is neither a noble idea nor their natural right.

However, although the delegation of Ethiopia requested the inclusion of a paragraph taken from the Rio Declaration on Environment and Development of June 1992 —

“[Reaffirming that] States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environment and development policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,”

— this was not considered during the consultations, and Ethiopia had to take this position today.

The Government of Ethiopia is of the view that the aforementioned paragraph should have been included in the resolution, as it reaffirms the sovereign right of all States to their own resources, which is consistent with the Charter of the United Nations and the principles of international law. We strongly believe that the right to water and sanitation cannot be seen in isolation, particularly without taking into account, in the first place, the rights of resource-poor countries, which deserve new consideration when negotiating the right or access to water or other related issues.

**Mr. Normandin** (Canada): By way of introduction, let me first say that Canada fully appreciates the vital importance of water for all, and this is why Canada supports countless initiatives around the world to ensure that people have access

to safe drinking water and sanitation. This being said, with respect to the resolution we have just adopted, let me offer the following explanation of vote.

Canada takes its human rights obligations seriously, and before agreeing to be bound by new international obligations, Canada must ensure that it can meet those obligations domestically. During the period when Canada was a member of the Human Rights Council, we joined the consensus on resolution 7/22 of 2008, which established the mandate of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation to further study the issue. The work of the independent expert was expected to serve as a basis for Member States to consider, debate and delineate the basis, scope and content of any right to water and sanitation.

It is premature to recognize such a right without allowing States the benefit of full deliberations based on the independent expert's findings, their own internal processes and the agreement of States. The current non-binding resolution would appear to declare that there is a right to safe and clean drinking water and sanitation as a human right, but does not set out the basis, scope or content of the right, or the concomitant obligations of States with regard to this right.

The Government of Canada is of the view that a general right to safe and clean drinking water and sanitation is not explicitly codified under international human rights law, and there is currently no international consensus among States regarding the basis, scope and content of a possible right to water. It is premature to declare such a human right in the absence of a clear international consensus, and the lack of international consensus is exemplified by the fact that a vote was called on this resolution.

Canada recognizes that there are important human rights related to access to safe drinking water as a component of existing rights, and Canada will continue to meet its obligations in this regard. For all these reasons, Canada abstained in the voting on this resolution.

**Mr. Vigny** (Switzerland) (*spoke in French*): Switzerland supports the process aimed at promoting the right to water and access to sanitation for all, which we believe arises from the international instruments guaranteeing human rights. We would therefore like to send a positive signal to that end, which justifies our vote in favour although we were unhappy with the negotiating process for the text.

Indeed, we do not support a duplication of resolutions concerning water between the General Assembly and the Human Rights Council, as we believe that it weakens the consensus work under way in Geneva. Our hope is that, in the future, the

countries that initiate these different resolutions will work together in a concerted fashion.

In addition, the negotiating process took place in a way that was not very constructive or transparent, thus preventing a consensus from being forged. Indeed, a number of countries, including Switzerland, proposed — unfortunately, to no avail — that paragraph 1 include a reference to international instruments that underpin the right to water and access to sanitation.

Switzerland also regrets that there is no reference in the resolution to the obligation of States to ensure enjoyment at the national level of the right to water and to promote access to sanitation.

**Mr. Barriga** (Liechtenstein): My delegation voted in favour of the resolution 64/292 because we agree with the central and general statement that the right to water is a human right that is essential to the full enjoyment of life and all human rights. We do, however, regret that a vote had to be taken on this resolution, and we share the concerns about the process that others have expressed.

On substance, while we agree with the core message, we regret that the issue has been dealt with in a rather simplistic manner. To recognize the right to water and sanitation as a human right is in our view, in this context, nothing more and nothing less than an act of interpretation of existing human rights law. There is a limited number of human rights that are explicitly recognized in international treaties and customary law, and the right to water is not one of them. But these explicit rights do, of course, imply many more specific rights. This is also true for the right to water, even though its exact scope and content remain unclear in this resolution.

Most human rights are, furthermore, not absolute in nature and must be seen in the context of the law. This is particularly true for rights within the realm of economic and social rights, whose realization is, to some degree at least, subject to the availability of resources. Most importantly, the obligation to implement human rights falls first and foremost on each individual State. It is therefore our understanding that resolution 64/292 does not create any new right and that it must be seen in the context of wider human rights law.

**Mr. Ndong Mba** (Equatorial Guinea) (*spoke in Spanish*): At the outset, the delegation of Equatorial Guinea congratulates Bolivia on its initiative. We welcome the adoption of resolution 64/292 and the fact that there was no vote against the resolution.



Let us picture a remote place where people have nothing and live without resources. If we go there and leave them without water, and then return after a while, we will find them in the same situation. However, if we leave them with water, the situation of the population of that remote place will certainly have improved greatly.

That is why I believe that the adoption of this resolution is very significant, given the importance that my country and Government attach to water. We believe that it is a question of national sovereignty and that countries are very aware of that. That is why our Government is carrying out a vast national programme to provide water to the population, an issue that played a very important role at the national economic conference. That is why we would like to thank Bolivia and the sponsors of the resolution, and are pleased to have voted in its favour.

**Mr. Mutahar** (Yemen) (*spoke in Arabic*): At the outset, I would like to express my heartfelt condolences to the Government and people of Pakistan following this morning's airplane crash, which claimed 152 lives. Yemen was a sponsor of resolution 64/292, entitled "The human right to water and sanitation". Given our belief that water is of great importance to human existence and life, since there can be no life at all on Earth without it, it is natural that access to water be considered a human right.

I will not parrot the representative of Bolivia's introduction of the resolution. Suffice it to note that during the first decade of this millennium, many reports have referred to the world water crisis. All of those publications have stressed that the shortage of water could be the greatest challenge of our time. I would simply reiterate the statement made by Maude Barlow — an expert in the field of water who received the 2005 Right Livelihood Award, known as the Alternative Nobel Prize, for her studies — to the effect that water will be the oil of the twenty-first century. This might even lead us to say that this is a time of thirst.

In conclusion, I would like to thank the members of the General Assembly who voted in favour of the resolution. We believe that this is a historic moment that represents a major step forward towards the September summit. We would have preferred, however, that the resolution be adopted by consensus.

**Mr. Benítez Versón** (Cuba) (*spoke in Spanish*): The adoption of resolution 64/292 marks a historic moment. For the first time, the United Nations has recognized the right to drinking water and sanitation as an essential human right.

The issue of water is at the very core of the survival of humankind. While we deliver speeches in this Hall, more than 884 million people on our planet have no

access to sources of improved drinking water and 2.6 billion, including almost 1 billion children, have no access to improved sanitation services. Worst still, if we do not act quickly and effectively, in 2025 more than 3 billion people will suffer the consequences of a lack of water.

Cuba, which achieved the Millennium Development Goal concerning the use of drinking water in 1995, believes that access to water and sanitation is a fundamental human right. In reaffirming the sovereign right of every country to regulate water and all its uses and services within its own territory, we believe it important for States to strive at all levels to implement this right for their inhabitants. Developing countries need the support of the international community in order to achieve these goals.

The internationalization of the problem of water makes it crucial for the United Nations to become the main forum for discussing and reaching agreements on water and sanitation. That is why Cuba welcomes today's adoption by the General Assembly, the universal representative body, of this important resolution by a wide majority, following a lengthy negotiating process marked by transparency and inclusiveness. The text that we have adopted takes into account proposals made by various delegations and strikes a suitable balance. The resolution does not contradict or prejudice in any way, but rather complements and strengthens the discussion on the issue of water and sanitation that is currently under way in the Human Rights Council. The resolution allows us to focus effectively on the consequences and impact of the lack of drinking water and sanitation on the attainment the Millennium Development Goals.

In conclusion, I should like to convey the appreciation and gratitude of Cuba to the Plurinational State of Bolivia for its leadership in this area. That brotherly country took the initiative to promote a debate on this important matter in the General Assembly, and its tireless efforts were key to enabling the adoption of this historic resolution, which Cuba welcomes.

**Mrs. Rubiales De Chamorro** (Nicaragua) (*spoke in Spanish*): Nicaragua welcomes the adoption of resolution 64/292 today, which recognizes the human right to drinking water and sanitation as a human right essential to the full enjoyment of life. We welcome the adoption of this historic milestone, after more than 15 years of debate at the global level, thanks to the initiative of the brotherly people and Government of the Plurinational State of Bolivia, which also endeavoured, with a conciliatory spirit, to reconcile the positions of those countries that still find it difficult to recognize the human right to water.

The adoption of this resolution is all the more important in the light of the upcoming review of the status of implementation of the Millennium Development Goals.

Some 884 million people lack safe drinking water and more than 2.6 billion people do not have basic sanitation. Every year, approximately 1.5 million children under the age of five die, and 443 million school days are lost as a result of diseases linked to water and sanitation. We cannot continue to neglect this issue.

Access to water and sanitation is essential to the health and dignity of all people around in the world. This resolution has been adopted at a crucial moment as the world is also facing the impact of climate change. The insufficient and inadequate provision of safe drinking water represents an ongoing problem for the health of the world population. Some 80 per cent of all cases of disease in the developing world are caused by the lack of clean water and adequate sanitation, making it one of the leading causes of illness and death, especially among children.

Nicaragua thanks those Member States that, having grasped this reality, voted with us in favour of this historic resolution.

**Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): At the outset, we wish to thank the Plurinational Republic of Bolivia for its initiative and its leadership. We should also like to thank all the States that have spoken in favour of resolution 64/292.

Today we have seized the opportunity to provide an adequate response to the 1.2 billion people who currently do not have access to safe drinking water and to the approximately 2.4 billion people who lack adequate sanitation services. We have also taken an important step to reduce the number of people, currently more than 3 million, who die each year from diseases linked to the lack of safe drinking water.

In the process of negotiating the resolution, we considered the importance of valuing water as a source of life — and, indeed, as life itself. It is no coincidence that water constitutes two-thirds of our planet and that the same proportion can also be seen in the composition of the human body. Without water, life on Earth would be impossible. That is why we reject all attempts to turn water into commodity, as bargaining with the life of humankind and of the planet could result in water, instead of nourishing peace, becoming an element of violence.

The international community must ensure the right to water of the millions of persons, the majority of whom are in developing countries, who lack safe drinking

water and thereby ensure their right to life and to human dignity, based on the fact that access to water services is fundamental to the enforcement of the right to health and the prevention of countless diseases that primarily affect the poor. All forms of discrimination represent an attack on life, but discrimination based on setting market prices for access to water is not only economic discrimination, but a violation of the right to exist.

The right to water is fundamental to peace, democracy and a society free of disease and suffering.

**Mr. Zeidan** (Palestine): Palestine welcomes the adoption by the General Assembly today of the important resolution 64/292 on the human right to water and sanitation. We thank the sponsors and express our appreciation of the efforts of Ms. Catarina de Albuquerque, the United Nations independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, especially with regard to the further elaboration of standards.

Palestine affirms that the right to safe and clean drinking water and sanitation is a universal human right that is essential to the full enjoyment of the right to life and human dignity, and to which all peoples are entitled, including people living under foreign occupation. Palestine affirms its respect for the United Nations Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the relevant provisions of international humanitarian law and human rights law.

That water is a priority issue for Palestine is reflected in the fact that it is actually one of the core final status issues that must be justly and comprehensively resolved for a lasting resolution of the Israeli-Palestinian conflict. For Palestine, the scarcity of water has been compounded by the exploitation and diversion of water resources by Israel, the occupying Power, in addition to its contamination and destruction of water and sanitation systems during military assaults on the occupied Palestinian territory.

Israel's illegal colonization by means of the wall and settlements in the West Bank, including East Jerusalem, has also entailed the seizure and obstruction of access to aquifers, further reducing the water supply available to the Palestinian civilian population. Israel's violation of the Palestinian people's right to water negatively impacts many other human rights, including their rights to food, to health, to livelihood and to development. A brief glimpse at the many troubling statistics in this regard reveal that the Palestinian people are allotted only 10 per cent of the water extracted from their own land and that they must actually purchase

from Israel water that has been exploited from the Palestinian territory. In the Gaza Strip, only 5 to 10 per cent of water resources are of drinkable quality, with the remaining 90 per cent unfit for human consumption due to sewage and seawater infiltration. Daily per-person water consumption falls below World Health Organization minimum guidelines. Israel continues to hamper Palestinian development of essential water and sanitation infrastructure to this day. Today, Palestine reiterates its call on Israel to comply with its obligation to respect the right to water, in addition to the need for its compliance with all of its other obligations under international law.

Palestine looks forward to the implementation of resolution 64/292, including the call for assistance to help countries in need to gain the capacity and technology to provide safe, clean, accessible and affordable water and sanitation for all.

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 48.

*The meeting rose at 12.20 p.m.*









