



**UNITED NATIONS
DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS**

**Commission on Sustainable Development
Twelfth Session
14 – 30 April 2004 ▫ New York**

**STATEMENT OF THE 5TH GLOBAL CIVIL SOCIETY TO THE
8TH SPECIAL SESSION OF THE UNEP GOVERNING COUNCIL/GLOBAL
MINISTERIAL ENVIRONMENT FORUM**

BACKGROUND PAPER NO. 7

**Submitted by the
United Nations Environment Programme**



United Nations Environment Programme

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PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT • PROGRAMA DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE
ПРОГРАММА ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ПО ОКРУЖАЮЩЕЙ СРЕДЕ

Global Civil Society Forum

15 April 2004

ENGLISH ONLY

JEJU STATEMENT FROM CIVIL SOCIETY

5TH GLOBAL CIVIL SOCIETY FORUM TO THE EIGHTH SPECIAL SESSION OF THE GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM

The secretariat of the United Nations Environment Programme (UNEP) has the honour to submit herewith the Jeju Statement from Civil Society, as adopted by the Fifth Global Civil Society Forum and presented at the Eighth Special Session of the Governing Council/Global Ministerial Environment Forum, held in Jeju, Republic of Korea, from 29 to 31 March 2004. The paper has been reproduced without formal editing.

Jeju Statement

5th Global Civil Society Forum to the 8th Special Session of the UNEP Governing Council/Global Ministerial Environment Forum Jeju Island, South Korea 28th March 2004

"Apart from air, water is the only natural resource that the human species cannot do without."

*El-Hadji Guisse, Special Rapporteur on the Right to Water and Sanitation,
Sub Commission of the UN Commission on Promotion and Protection of Human Rights.*

Introduction

The United Nations Environment Program (UNEP) facilitated the gatherings of representatives of civil society organizations (CSOs) from all regions of the world including, Asia-Pacific, Latin America and the Caribbean, Europe, North America, Africa and West Asia, to discuss effective engagement strategies and to gather inputs for this civil society statement to be addressed to the 8th Special Session of the UNEP GC/GMEF. This was called for in the Johannesburg Plan of Implementation (JPOI) of the World Summit on Sustainable Development (WSSD) and by the Commission on Sustainable Development (CSD) at its Eleventh Session in 2003 to address specifically the thematic cluster of Water, Sanitation and Human Settlements.

The UNEP regional processes, took place between November and December 2003. They substantially widened UNEP's outreach to CSOs and afforded civil society the opportunity to network at regional and global levels and to coalesce around these issues in a more coordinated manner.

This paper synthesizes the inputs from the regional meetings and attempts to lay out civil society position and priorities in relation to the implementation of Agenda 21 and the JPOI on goals and targets pertaining to water, sanitation and human settlements. This civil society statement to the GC/GMEF is divided into two parts.

Part One provides the backdrop to the issues, reiterates the goals and targets and sets out the obstacles and challenges to implementation of global commitments.

Part Two outlines the overarching principles upon which civil society position and priorities are based and offers specific action proposals and strategies.

Finally, the statement draws a few lessons that have been learned from the experiences of civil society's engagement with UNEP.

PART ONE

A. Global Water and Human Settlement Crisis: The stark statistics

The global water crisis has been described as the greatest challenge of the 21st century. The problem is a multifaceted one involving not just water shortage but also wastage, pollution, floods droughts, poverty, consumption and natural resource management. The magnitude of the crisis can be judged from the following data:

- 1.1 billion people in the world do not have access to safe drinking water and by 2025 this number will grow to 3 billion;
- 2.4 billion people lack access to adequate sanitation;
- 90% of waste water discharged to waterways in developing countries goes untreated;
- 4 million children die each year from water-related diseases;
- 6000 children die every day from diseases associated with lack of access to safe drinking water and poor hygiene;
- Asia has the world's dirtiest water and in Europe only about 10% of the main rivers are clean;
- Agriculture uses more than 70% of global water and industry about 20% and domestic consumption accounts for 6%;
- About half the world's population lives in urban areas, by 2015 nearly 60% will make cities their home;
- By 2020 there may be 120 million new slum dwellers;
- 10 million people are displaced each year by development projects like dam construction causing landlessness, joblessness and homelessness.

B. Universally Agreed Targets, Goals and Commitments

The aforementioned issues are not new to the world community. Governments, experts and CSOs have been addressing them for decades. The UN declared 2003 International Fresh Water Year. World Water Forums and numerous UN Summits have grappled the issues and commitments have been made. The latest set of goals and targets as they relate to water, sanitation and human settlements are those reaffirmed and contained in the JPOI and they include:

- Halve by 2015, the proportion of people whose income is less than one dollar a day;
- Halve by 2015, the proportion of people who suffer from hunger;
- Halve by 2015, the proportion of people without access to basic sanitation;
- Develop integrated water resource management and water efficiency plans;

- By 2005 integrate principles of sustainable development into country policies and programs and reverse the losses of environmental resources;
- Have achieved by 2020 a significant improvement in the lives of at least 100 million slum dwellers.

The implementation of these goals, locally, nationally and globally is however lagging and the targets are unlikely to be met. The lack of an integrated approach can be considered the main barrier to effective implementation. Civil society has, in addition, identified a number of global developments that have adversely affected the implementation of policies and programs on water, sanitation and human settlements.

C. Obstacles and Challenges to Implementation

- (i) A vastly altered post-9/11 geo-political scenario, the elusive nature of peace, security and stability, counter-terrorism measures that have undermined human rights, the protracted war in Iraq, the quagmire of reconstruction, weakened multilateralism, unaltered and inequitable global trade and financial architectures have all compounded existing problems and made the achievement of internationally agreed development goals including sustainable development more elusive than ever.
- (ii) The specter of market-driven globalization with its mantra of privatization, deregulation and liberalization continues unabated and has not shown compassion to the majority of peoples in the world especially in developing countries.
- (iii) These and other barriers to sustainable development continue to exacerbate the crises caused by deforestation, biodiversity loss, land degradation, adverse climate change, global warming and rising sea levels particularly in insular states.
- (iv) Furthermore, trans-border mega development like big dams and oil and gas exploration, rail and other infrastructure projects, indiscriminate and destructive mining, inappropriate land use, industrial agriculture, urbanization and eviction schemes have made access to water for the poor an unattainable luxury. Poor water quality, deplorable sanitation and unacceptable human settlements remain the bane of the existence of the world's marginalized communities.
- (v) Women, youth, children and indigenous peoples bear the brunt of the negative impacts of these and other aspects of globalization with no safety nets in place to address problems associated with loss of livelihoods and jobs particularly among farmers and fisher folk.

In the face of these challenges, civil society reiterates its continued commitment to the goal of sustainable development, the achievement of internationally agreed targets and timeframes and the implementation of programs relating to water, sanitation and human settlements.

In Part Two below, civil society outlines its position and priorities based on a set of overarching principles.

PART TWO

A. Overarching Principles

Rights-based, people-centered, values-oriented approach to development

The rights based approach should be the basis of action at all levels because access to water is a prerequisite to health and life itself. The human right to water is indispensable as a basic right and for leading a life of dignity. Therefore water should not be regarded as a commodity to be exploited for profit without due regard to people and the values they cherish.

Role of the State

- Every State has the obligation to protect and fulfill its peoples right to water, sanitation and adequate affordable housing.
- The primary duty of the State in relation to protecting the environmental dimension of the problems relating the water, sanitation and human settlements is that of providing effective regulation to ensure access to and availability of good quality water.
- States should respect harmony of all ecosystems and human health.
- When developing river basin management strategies and trans-boundary watershed management strategies, in particular, States should be transparent and integrate and involve all stakeholders at every stage of policy planning and into all decision making process.
- States should respect the rights of Indigenous Peoples and local communities.
- States should ensure that the Polluter Pays Principle is enforced.
- States should ensure legal security of tenure, protection from discrimination and equal access to affordable, adequate housing for all persons and their families.

Inter-relatedness and inter-linkages

The crisis facing humanity is deeply rooted in a complex inter-connected web of economic, social, environmental and cultural factors, belief systems, societal attitudes and perceptions.

We urge governments to reaffirm Principle 25 of the Rio Declaration which states:

“Peace development and environmental protection are interdependent and indivisible.”

We believe that human rights, participatory democracy and human security are indispensable to sustainable development.

We urge governments to affirm Principle 24 of the Rio Declaration which states:

“Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.”

The proliferation of arms trade and soaring military budgets must be viewed as the most embarrassing impediments to directing domestic and international resources towards sustainable development priorities, the provision of basic services and the attainment of globally agreed commitments.

There is an urgent need to address the environmental issues in occupied territories as well as reduce conflicts between and within regions and nations if transborder water issues are to be resolved.

Water, sanitation and human settlement issues, if not properly addressed, will threaten progress in poverty alleviation, public health, food security and livelihoods. The realization of many of the Millennium Development Goals (MDGs) is therefore dependent upon and will in turn affect how water security policies are implemented.

In this regard, we urge governments to fully support and implement the findings of the interim report of the UN Millennium Project Task Force on Water and Sanitation which states that there is a need to monitor not only the output for achieving water and sanitation targets but also the inputs – the pledges for support from external donors and international financial institutions commitment at regional, national and local levels as well as investment in these projects.

Civil society stresses the importance of linking not only the issues of water, sanitation and human settlements but underlines the need to also link these to on-going institutional process including inter alia, the WTO processes, the UN Secretary General's High Panel on Global Security, Threats and Reform of the international system, the Cardoso Panel on UN and Civil Society, Beijing plus 10, Copenhagen plus 10, the Millennium Development plus 5 Summit.

Gender mainstreaming and youth involvement will be major determining factors in the success or failure of policies on water, sanitation and human settlements including the MDGs. Civil stands in solidarity with the recommendations by both the youth and women's groups to this Forum.

We support the call of women at this meeting for more tangible efforts such as annual reporting at national level to track progress on such issues.

We also recognize the call by youth for governments to endorse ongoing youth projects and disseminate information about them.

We also call upon governments to respect the rights of indigenous peoples and local communities by adopting the Indigenous Peoples Plan of Action on Sustainable Development and guarantee the customary uses of water in all legislation and policy.

Education and public awareness campaigns on the sustainable use of water, water conservation, recycling and the need to treat water as a finite, non-renewable, vulnerable and valuable resource is a prerequisite to improving overall healthcare and sanitation.

The spiritual dimension of sustainable development must not be neglected in current discourses. Cultural diversity must be respected and ethical dimensions of issues must remain in the forefront of debate as stated in the Earth Charter.

The harmony of all natural elements – air, water, fire, sky, sea; of thought and action, of mind-body-soul can holistically bring together the common values of all mankind towards shared responsibility in facing shared challenges.

B. Civil Society Position and Priorities

Several common themes have emerged from the views and concerns expressed by CSOs and they also guide civil society's own participation in the implementation of targets on water, sanitation and human settlements. The main themes are:

(i) Access to information

The basis of participatory democracy and broad based participation is premised upon Rio Principle 10 which states that:

“Environmental issues are best handled with participation of all concerned citizens...”

Such participation is contingent upon the access to and availability of information. Yet, the irony in this so-called knowledge-based “information age” is that civil society has enormous difficulty obtaining timely, up-to-date, consistent, relevant and reliable information on which to base its actions and plan implementation strategies.

The skepticism surrounding empowering civil society through full disclosure of plans programs and policies is still a problem at the national and regional levels. Thus attitudinal change has to occur soon if civil society is to play a more meaningful role in sustainable development.

(ii) Participation in decision-making

The integration of stakeholders in deliberative processes is vital to delivering development and implementing international and other agreements. The current levels of engagement of civil society can only be characterized as uneven. In some countries and regions CS is active. The Latin American and Caribbean Initiative on SD is one such example as is the Barbados Programme of Action on SD of SIDS.

The UN and its Agencies are opening up more space for civil society and experimenting with various modes of engagement. However, a lot more needs to be done to make civil society participation more effective and to ensure that CS voices are actually taken into account in decision-making.

In this respect, CS notes that the regional, national and local levels are lagging far behind. To ensure civil society continues to provide timely inputs to decisions and partakes in implementation programs regional and national structures have to be more accommodating and also provide adequate resources to allow for CS participation.

(iii) Financial resources and capacity building

Civil society is plagued by the need to compete in the ever-shrinking pool of resources to sustain on-going activities and work on new creative approaches. Donor aid fatigue continues to hamper effective and consistent civil society participation particularly in issues such as monitoring of water quality and sanitation at grass root/local/small scale project levels. There is much to be gained from strategic partnerships in this arena but the donor community has also to get its act together in fostering such changes without adding to the burden of civil groups.

(iv) Privatization of water resources and water management

The issue of water privatization was at the core of civil society deliberations at the 5th GCSF. Civil society firmly believes the de-link between water privatization and the human rights-based approach stems from governments' poor regulation, lack of oversight and inattention to community participation in water management decisions. This is particularly important to note given the fact that this is a \$400 billion industry controlled by a few large multinationals (Vivendi, Suez Lyonnaise, Bechtel, Thames Water, Anglia Water and United Utilities). They are all subsidized, receiving export credits, and sharing in the benefits of development loans to the countries in which they agree to do business. There is therefore, an urgent need for the IMF, World Bank and Regional Development Banks to incorporate the right to water in their lending policies, credit agreements, structural adjustments, programmes and other development projects.

Civil society therefore strongly calls upon governments to consider adopting a three-prong approach to this issue by:

- (a) For the short term, in view of high profile failures and malpractices in private water industry in several countries, we urge governments to insist on better corporate governance. Governments should themselves strengthen their own capacity to systematically assess the records of private entities.
- (b) In the medium term, governments should ensure the private sector abides by existing multilateral guidelines such as the UN High Commission Norms for TNCs, the OECD Guidelines on MNCs and persuade corporations to accept the role of the International Court of Environmental Arbitration the event of disputes.
- (c) In the longer term, governments need to make more concerted effort towards fulfilling the commitment made in Paragraph 49 of the Johannesburg Plan of Implementation where governments agreed to work towards a legally binding multilateral framework on corporate social responsibility and accountability.

Good governance in all institutions at local, national, sub-regional, regional and international – is necessary for the proper formulation as well as implementation of policies relating to water, sanitation and human settlements. However, good corporate

governance is viewed by civil society as a most fundamental factor to ensuring access of the poor to adequate, safe and affordable water.

Recognizing the finiteness of water and its special place in sustaining life, civil society notes with alarm increasing trends towards the privatization of water resources and or the proliferation of **Type II Partnerships** in the water resource management and delivery sector. The viability of such partnerships is yet to be assessed; they are rarely based on the precautionary approach as called for in Principle 15 of the Rio Declaration; and there are no provisions for liability or redress regimes in these arrangements. In the event things go wrong, it will be the poor and marginalized who will bear the brunt of the negative consequences.

Civil society therefore hopes governments will not abdicate their vital role in assessing, monitoring and regulating both indiscriminate privatization and questionable partnerships.

C. Civil Society Proposals on Water, Sanitation and Human Settlements

Civil society organizations reiterate their commitment to working with all stakeholders and especially, local communities, Governments and international organizations - towards the attainment of objectives relating to water, sanitation and human settlements.

Civil society organizations call upon governments, in particular to show leadership to strengthen international and national implementation of goals and commitments on water, sanitation and human settlements including those agreed to at the WSSD in Johannesburg namely:

Civil society organizations call for the adoption of the following strategies:

In relation to Water and Sanitation:

- The **prioritization of water and, sanitation and human settlement** issues and securing their integration into poverty reduction strategy papers (PRSPs), MDG Reports and national sustainable development strategies and other national plans.
- The adoption of an **integrated water resource management (IWRM)** approach by applying the eco-system approach i.e. linking the management of eco-systems; from water shed to coastal, from basin to local levels, by ensuring the maintenance of biodiversity and ecological equilibrium and economic productivity of the river basin.
- The development of appropriate links between national, regional and community organizations on water management issues.
- The establishment of sound, fair and equitable legal systems for water resource management and water-related disaster management.

- The promotion of **education and awareness-raising** on water conservation and related issues with the aim of mitigating the adverse effects of floods, droughts and other water-related disasters.
- The improvement of efforts for regional coordination and cooperation on shared river basins.
- Ensuring the equitable delivery of water and sanitation services especially to the poor.
- Ensuring that there is technology sharing and development on water and sanitation issues and that water users are engaged in the development of new appropriate technologies.
- The enhancement of the **role of local authorities** in water management. Decentralizing of community water harvesting projects and hydropower schemes so as to reduce the occurrence of large-scale water projects such as huge destructive dams. Supporting the participation of local communities and sectors through especially dedicated funding arrangements.
- The promotion of local production schemes and technologies that can contribute to improving local economies and which allow local communities better control over their impact on local surroundings.
- The development of appropriate **indicators** to reflect the importance of water for sustainable development and poverty eradication and the compilation of good practices relating to water and sanitation.
- The making of sound investments in water conservation, encouraging efficient use of water especially for profit making activities, reducing subsidies and reformulation of market policies that encourage water intensive agriculture and providing for full cost accounting of water resources.
- The identification of domestic and donor resources to deliver necessary support for adequate water services sanitations and human settlements.

In relation to Human Settlements:

- One component in the realization of the right to adequate housing is promoting residential stability and security of tenure. In this regard, the prevention of forced and unlawful evictions should be the corner stone of governmental action and policy.
- Improvements are required in the form of land distribution and land ownership in addressing the human settlements issue. It is the firm belief of civil society that community-based organizations must be involved in planning, construction and control of housing units.
- National disasters (including floods, landslides and drought) social strife and wars are some of the challenges affecting some countries and causing displacement of people. We call for governments in their consideration of human settlements to pay adequate attention to this challenge, address effectively the root cause of the problem and enhance the living standards of the displaced persons.
- The threat of relocation looming over communities of refugees whether because of development-induced displacement because of dam construction, sanitation

works, drainage and irrigation infrastructure projects, environmental disaster or even displacement on account of tribal and ethnic conflicts within countries must be addressed.

In relation to Environmental Governance

- Given that International environmental governance is weak, we welcome the French Government's initiative to open the debate on how to strengthen UNEP and call on governments to reconsider this issue afresh.
- An enhanced UNEP should take the lead in any trade and environment discussions and negotiations and reaffirm that MEAs have the primary competence to determine the necessity of MEA related trade measures and to assess the legitimacy of national implementation measures.
- Calling for the full rejection of trade liberalization of water and waste water services under the WTO /GATS and ensuring the harmonization of trade and environmental agreements within the framework shaped by principles of sustainable development bearing in mind that sustainability cannot be subordinated to purely trade agendas.
- The promotion of adequate enforcement policies, liability and compensation for victims based on the polluter pays principle which is Principle 13 of the Rio Declaration.
- The promotion of a participatory approach involving all stakeholders and ensuring good communication and coordination among all actors such that development decisions reflect the concerns of all and so as to encourage cooperation between government, non-government and private sector activities.
- Expedite the setting up of national committees on sustainable development with full participation of civil society.

D. Lessons from Experiences of Civil Society Engagement with UNEP

Civil society organizations appreciate the work that UNEP has undertaken with respect to engagement with civil society and especially the publication of the Guidebook and dedication of a website to CSO issues.

The bottoms-up, participatory approach in the evolution of this Statement is in itself an illustration of efforts by UNEP to implement Principle 10 of the Rio Declaration in matters relating to the environment.

Civil society organizations call attention to the need for building the capacity and expertise of civil society, especially those from the South, in relation to the work of UNEP. That said, there is also a need to strengthen UNEP's own capacity to deal with civil society, both at headquarters and regional/national levels.

Civil society organizations eagerly await the announcement of the CSO Advisory Panel to UNEP's Executive Director and stand ready to assist in implementation efforts.

Civil society organizations hope that issues such as the status of Rule 69 and other wrinkles relating to CS participation are ironed out as the strategy moves forward. As the strategy matures, it should continue to incorporate the views, criticisms and proposals of civil society and also consider the recommendations, as appropriate of the UNSG's High Level Eminent Persons Panel, whose report is due in April 2004, into the work of UNEP.

Civil society organizations call for the establishment of a separate Fund to ensure the continued and sustained participation of civil society in UNEP's activities at all levels.