

Water and Sanitation as a Human Right

at the
Deutsche Welle Global
Media Forum

Bonn, Germany
19 – 21 June 2011

Organized by

UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC)
United Nations Human Settlements Programme (UN-Habitat)
UN-Water Decade Programme on Capacity Development (UNW-DPC)
Water Supply and Sanitation Collaborative Council (WSSCC)

1. INTRODUCTION

The Deutsche Welle Global Media Forum 2011 brings together under the overarching theme “**Human Rights in a Globalized World. Challenges for the Media**” media users and producers, scientists, representatives from organizations working in cultural, political, business, development and science sector, as well as human rights experts, policy makers and representatives from international, grassroots and non-governmental organizations to discuss how to harmonize individual and collective action in order to steer the world away from a foreboding future and instead toward genuine sustainability. The role the media play in this process will consistently be in focus during the three-day conference. The event incorporates podium discussions, workshops, interactive presentations, exhibitions and an appealing social program arranged with the support of renowned partners. In previous Fora editions the number of participants was 1,500.

Deutsche Welle is Germany’s international broadcaster. It is also meant to foster understanding and exchange between cultures and people. It fulfills this mission with a journalistic portfolio including television, radio and online services as well as a training and media representatives capacity building centre, the Deutsche Welle Akademie.

The UN Office to support the International Decade for Action “Water for Life” 2005-2015, implementing the UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC), jointly organizes with the United Nations Human Settlements Programme (UN-Habitat), the UN-Water Decade Programme on Capacity Development (UNW-DPC) and the Water Supply and Sanitation Collaborative Council (WSSCC), three activities during the Deutsche Welle Global Media Forum in Bonn on **Water and Sanitation as a Human Right**.

The organizing institutions jointly organize:

- a) A stand in the Forum exhibition (20-22 June 2011);
- b) A Journalist Training Programme (19-21 June 2011);
- c) Participation in the Plenary Session at the main event: Panel Discussion “Development and human rights – What can the media do?” (20 June 2011); and
- d) An Interview Session at the main event (20 June 2011).

2. BACKGROUND

Legal recognition of the right to water and sanitation as human right

The UN General Assembly recognized in Resolution A/RES/64/292 on July 28, 2010, access to clean water and sanitation as a human right. The text “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”. The Resolution was presented by Bolivia and approved by 122 countries, to none against with abstention of 41, out of 192 UN Member States.

The recognition of the Human Right to Water and Sanitation has a more than 20 years history of international discussions. The Committee on Economic, Social and Cultural Rights had already defined the right to water in General Comment No. 15 UN Doc. E/C.12/2002/11 (2002) as the right of everyone to “sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.” In addition, universal access to sanitation is “not only fundamental for human dignity and privacy, but is one of the principal mechanisms for protecting the quality” of water resources. According to the Committee, access to water must be continuous, and the amount of water available must be “adequate for human dignity, life and health,” and suffice for drinking, cooking, and personal and domestic hygiene.

Why is it important to recognize water as a human right?

At present, and according to the WHO/UNICEF Joint Monitoring Programme (JMP), 884 million people lack access to an improved water source, 2.6 billion people do not have access to improved sanitation, and 1.1 billion people still practice open defecation. Not only are water resources crucial to life itself, but they are closely linked to other global issues including energy, climate change, and the international economy. The roots of the current water and sanitation crisis can be traced to poverty, inequality and unequal power relationships, and it is exacerbated by social and environmental challenges: including accelerating urbanization, climate change, and increasing pollution and depletion of water resources.

Clean water and sanitation would save the lives of countless children, support progress in education and liberate people from the illnesses that keep them in poverty. Children are particularly vulnerable to water-borne illnesses, especially poor children and children in developing countries. Every year, some 1.8 million children die of diarrhoea and other diseases caused by unclean water and poor sanitation, a number that dwarfs the causalities associated with violent conflict, according to the United Nations Development Programme (UNDP). There is a strong correlation between lack of access to sanitation and a low rating on the human development index.

The majority of those who do not have access to safe drinking water and sanitation are the poor, in both urban and rural areas. Not only are the poor less likely to have safe drinking water and sanitation, they are also less able to manage the impact of this deprivation. The rural poor represent

the bulk of those who do not have access to safe drinking water and sanitation. However, due to population growth and rapid urbanisation, the number of people in urban areas without access to sanitation and water supply is increasing. Over a billion rural inhabitants have to defecate in the open, with important consequences for their health, privacy and even physical security. In urban areas, due to increased population densities, the lack of proper sanitation particularly compromises human dignity and increases the risk of disease transmission. Lack of access to safe drinking water and sanitation affects women in particular. Women and children do most of the water collecting if drinking water is not available on the premises.

The second United Nations World Water Report of the World Water Assessment Programme (WWAP) says that recognizing water as a human right can have a significant impact on national water law, policy, advocacy and development programmes. It can also be a way of promoting an enhanced effort by the international community, national, provincial and local governments to improve water resources management and to meet the Millennium Development Goals (MDGs) on water supply and sanitation. It could further serve as a means to increase the pressure to translate the right to water into specific national and international legal obligations and responsibilities: “To emphasize the human right of access to drinking water does more than emphasize its importance. It grounds the priority on the bedrock of social and economic rights, it emphasizes the obligations of states parties to ensure access, and it identifies the obligations of states parties to provide support internationally as well as nationally” (Jolly, 1998). Potentially, it can also support national and international legal frameworks that regulate access to water and contribute to water conflict resolution. Finally, explicitly acknowledging a human right to water can help to place water issues higher up on political agendas around the world¹.

¹ United Nations World Water Assessment Programme (WWAP), United Nations Educational, Scientific and Cultural Organization (UNESCO), UN-WATER. United Nations World Water Development Report 2 Water, a shared responsibility (2006), <http://unesdoc.unesco.org/images/0014/001454/145405E.pdf>

3. ACTIVITIES ORGANISED

3.1. Journalist Training Programme

The objectives of the Journalist Training Programme are the following:

1. To provide an opportunity for participants to obtain first hand information on the topic; to share and reflect on their experiences in reporting on human right stories and on water and sanitation as human right (challenges and what works!); and to support participants in improving their skills for using attractive journalistic formats for the coverage of Human Right to Water and Sanitation topics for the respective media and audience.
2. To offer first hand information to participants about the Conference; to facilitate them covering relevant issues and topics of the Conference program with a strong focus on “Water and sanitation as human right”; and to produce attractive and relevant reports efficiently during the conference.
3. To resolve problems faced by the participants during the conference and try to provide tips and tricks or facilitate solutions to enable the participants to fulfil the plans established.
4. To establish a network and reference group amongst journalists and experts for exchanging news stories and ideas.

The expected outcomes include:

- Examples of good communication practices;
- Sound media coverage on the theme;
- Checklist for journalists on Water/Sanitation and Human Rights;
- Networking between and with journalists interested in water/sanitation and Human Rights.

Training Modules

In order to achieve the objectives the Journalists training programme is composed of three training modules.

Module 1: Orientation workshop

The **objectives** of the orientation workshop are:

- To provide an opportunity for participants to obtain first hand information on the topic;
- To share and reflect on their experiences in reporting on human right stories and on water and sanitation as human right (challenges and what works!);
- To support participants in improving their skills for using attractive journalistic formats for the coverage of HR/WS topics for the respective media and audience.

The orientation workshop consists of three training components:

1. Background information (Water/Sanitation and Human Rights);
2. A working group session;
3. A final session (reporting on Water and Human Rights) including conference reporting.

Module 2: Module on Planning your Conference Reporting

The **objectives** of this module are:

- To offer first hand information to participants about the conference;
- To facilitate their planning for covering relevant issues and topics of the conference program with a strong focus on “Water and sanitation as human right”;
- To produce attractive and relevant reports efficiently during the conference.

The module is composed of two parts:

Part 1: Introductory session on the 19th of June: where an overview of the conference will be presented as well as the main tasks to be done for preparing for the conference and the presentations of their plans in the morning of the 20th (before the conference inauguration)

Part 2: Presentation, discussion and feedback on plans for the conference on the 20th of June at 09:00 before the inauguration ceremony of the DWGMF.

Module 3: Editorial Sessions

The objectives of this module are:

- To resolve problems faced by the participants during the conference;
- To provide tips and tricks or facilitate solutions to enable the participants to fulfil the plans established.

Venue

19 June 2011

Room 2712

The room is located on floor level 27 at

UN Campus “Langer Eugen”

Hermann-Ehlers-Str-10, 53113 Bonn, Germany

S-Bahn/tram stop “Heussallee/Museumsmeile” on the 16/66 tram line

20 and 21 June 2011

World Conference Center Bonn (WCCB)

Platz der Vereinten Nationen 2, 53113 Bonn, Germany

19 June 2011

Morning 09:00-12:00

- **Introduction to the Programme:** Overview of the programme; Presentation of co-organizers (UNW-DPAC, UNW-DPC, UN-Habitat, WSSCC); Information Resources for journalists in the UN-System; Presentation of participants and their expectations
- **Introduction to the theme water and sanitation as a human right:** Overview presentation on the topic; key messages by panellists (South Africa and Water Supply and Sanitation Collaborative Council); interactive Q&A by participating Journalists
- **Presentation of the training modules:** working groups; conference reporting and editorial sessions

Afternoon 13:00-18:00

- **Introduction to workshop working-groups:** objectives and expected results
- **Working-groups work**
- **Report back** to the plenary and open discussion
- **Wrap-up** by session facilitator/trainer
- **Keynote** Capacity development for water and environmental journalists. Lessons learnt from Capacity Development Workshops (UNW-DPC and UN-Habitat)

Evening 18:00

- **Introduction of module on conference reporting:** overview of the DWGMF and tasks in preparation for conference reporting.

20 June 2011⁽¹⁾

Morning 09:00-13:00

- **09:00-10:00:** Conference reporting session: Presentation of plans for the conference and feedback by peers and programme organisers and facilitators.
- **10:00-12:00:** Attendance to the DWGMF Sessions
- **12:00-13:00:** Lunch time. Editorial session 1

Afternoon 13:00-17:00

- **14:00-15:00** Attendance Seminar on Water and Sanitation as Human Right

21 June 2011⁽¹⁾

Morning 09:00-13:00

- **09:00-12:00:** Attendance of Deutsche Welle Global Media Forum
- **12:00-13:00:** Lunch time. Editorial session 2

Afternoon 13:00-17:00

- Wrap-up session, lessons learnt

⁽¹⁾ Room to be announced on 19 June

3.2. Participation in the Plenary Session at the main event: Panel Discussion “Development and human rights – What can the media do?”

This panel will look at the media’s role to examine and publish targets, success and deficits of development policies and human rights. It will count with the participation of **Catarina de Albuquerque**, United Nations Special Rapporteur of the Human Rights Council on the Human Right to Safe Drinking Water and Sanitation.

Programme Agenda

Keynote by **Dirk Niebel**, Federal Minister for Economic Cooperation and Development.

Panel discussion moderated by **Melinda Crane** with the participation of:

- **Catarina de Albuquerque**, *United Nations Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation.*
- **Ingrid Deltenre**, *Director General of the European Broadcast Union (EBU).*
- **Michael P. Meehan**, *US Broadcasting Board of Governors.*
- **Olivier de Schutter**, *United Nations Special Rapporteur on the Right to Food.*
- **Purna Sen**, *Head of Human Rights at the Commonwealth.*

Date: 20 June 2011

Time: 11:30 - 13:00

Venue: Plenary Chamber

3.3. Interview Session at the main event

A 90 minutes interview session on “**Water for Life – Water and Sanitation as a Human Right**” takes place on the afternoon of 20 June, 2011, in the main Deutsche Welle Media Forum.

The session specifically deals with the following issues:

- Who has the right to water?
- Why did the UN pass a resolution about the right to water and sanitation in 2010 – more than sixty years after the UN General Assembly adopted the Universal Declaration of Human Rights (1948)?
- What is the scope and content of the right to water? Defining accessibility, the importance of sanitation, diverse socio-cultural dimensions
- Is the recognition of water as a human right enough? What are the obligations and roles of States? Is there a role for other actors?
- How does this right relate to other human rights? What are the implications?

- What has been the impact of the resolution so far? Has there been any progress? How is it being implemented?
- What are the misunderstandings in the discussion on Human Right to Water and Sanitation? Does the right to water mean that water should be free?
- What are UN organizations, civil society groups, national governments planning to do to ensure that the 2010 declarations make a difference?

Programme Agenda

Interview session moderated and facilitated by the UN News Editor, **Ben Parker** with the participation of:

- **Catarina de Albuquerque**, *United Nations Special Rapporteur of the Human Rights Council on the Human Right to Safe Drinking Water and Sanitation*
- **Rolfe Eberhardt**, *Energy and Development Research Centre of the University of Cape Town*
- **Amanda Marlin**, *Programme Manager, Advocacy and Communications, Water Supply and Sanitation Collaborative Council (WSSCC)*
- **Kieran Cooke**, *Journalist*

Date: 20 June 2011

Time: 14:00 - 15:30

Venue: Room AB

Followed by a moderated discussion with the audience and a wrap-up on key messages.

3.4 Stand in the Exhibition

The UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC) organizes during the Deutsche Welle Global Media Forum from 20 to 22 of June, with the support of UNW-DPC, UN-Habitat and the WSSCC, the UN-Water stand in the exhibition part of the conference. The stand provides information materials from UN-Water members on “Water and Sanitation as a Human Right”. This stand is also a meeting point for media participants.

4. ORGANIZERS

These activities are jointly organized by the United Nations Office to Support the International Decade for Action 'Water for Life' 2005-2015/UN-Water Decade Programme on Advocacy and Communication (UNO-IDfA/UNW-DPAC), the United Nations Human Settlements Programme (UN-Habitat), the UN-Water Decade Programme on Capacity Development (UNW-DPC), and the Water Supply and Sanitation Collaborative Council (WSSCC).



The **United Nations Office to Support the International Decade for Action 'Water for Life' 2005-2015 (UNO-IDfA)** is hosted by United Nations Department of Economic and Social Affairs (UNDESA) and implements the UN-Water Decade Programme on Advocacy and Communication

(UNW-DPAC). The Office facilitates information-sharing, implements communication activities and raises awareness in the framework of the Decade. The International Decade for Action 'Water for Life' 2005-2015 was approved by the United Nations General Assembly through its resolution 58/217 of 9 February 2004. The primary goal of the Decade is to promote efforts by different stakeholders to fulfill by 2015 the international commitments made on water and water-related issues. Such commitments include the Millennium Development Goals to reduce by half the proportion of people without access to safe drinking water and basic sanitation by 2015, and the objectives established in the Plan of Implementation of the World Summit on Sustainable Development of developing integrated water resources management and water efficiency plans, and stopping countries from exploiting water in a non-sustainable way. The Decade provides a unique opportunity to build on efforts made to date to protect, use and manage freshwater resources in a sustainable manner.



The **United Nations Human Settlements Programme (UN-HABITAT)** is the United Nations agency for human settlements. It is mandated by the UN General Assembly

to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all. UN-HABITAT's programmes are designed to help policy-makers and local communities get to grips with the human settlements and urban issues and find workable, lasting solutions. The organization's mandate is outlined in the Vancouver Declaration on Human Settlements, Habitat Agenda, Istanbul Declaration on Human Settlements, the Declaration on Cities and Other Human Settlements in the New Millennium, and Resolution 56/206. UN-HABITAT's work is directly related to the United Nations Millennium Declaration, particularly the goals of member States to improve the lives of at least 100 million slum dwellers by the year 2020, Target 11, Millennium Development Goal No. 7, and Target 10 which calls for the reduction by half of the number without sustainable access to safe drinking water. UN-HABITAT's strategic vision is anchored in a four-pillar strategy aimed at attaining the goal of Cities without Slums. This strategy consists of advocacy of global norms, analysis of information, field-testing of

solutions and financing. These fall under the four core functions assigned to the agency by world governments - monitoring and research, policy development, capacity building and financing for housing and urban development.



The **UN-Water Decade Programme on Capacity Development (UNW-DPC)**, hosted by the United Nations University (UNU) in Bonn, strengthens the coherence and effectiveness of the capacity development activities of more than two dozen UN organizations and programmes working together within the inter-agency mechanism known as UN-Water. UN-Water is dedicated to achieving the water-related Millennium Development Goals. UNW-DPC actively collaborates with UN-Water members and partners on individual, institutional and organizational capacity development in a range of thematic areas related to water, and works to support UN-Water in observing, collating and evaluating existing

knowledge through assessments, mappings and analyses, as well as in producing, disseminating and managing new knowledge through trainings, workshops and publications.



The **Water Supply and Sanitation Collaborative Council's (WSSCC)** mission is to ensure sustainable sanitation, better hygiene and safe drinking water for all people. Good sanitation and hygiene lead to economic and social development, yielding benefits in terms of health, productivity, education and the environment. WSSCC manages the Global Sanitation Fund, facilitates coordination at national, regional and global levels, supports professional development, and advocates on

behalf of the 2.6 billion people without a clean, safe toilet to use. WSSCC is hosted by the United Nations Office for Project Services (UNOPS), supports coalitions in more than 30 countries, and has members around the world.

5. SPEAKERS AND FACILITATORS PROFILES



Reza Ardakanian

Director of the UN-Water Decade Program on Capacity Development (UNW-DPC)

Reza Ardakanian was born in 1958 in Yazd, Iran. He holds a BSc in civil engineering from Sharif University of Technology in Tehran, Iran, an MSc in water resources engineering, and a PhD in water resources management from McMaster University in Canada. Dr. Ardakanian has been a faculty member of Sharif University of Technology in Tehran since 1998 and was a member of the Board of Trustees of the University from 1999-2006. He has authored, co-authored, and edited around 80 publications, including books, journal papers, research reports, lecture notes, and articles for the media. At the national level, he has served as the Deputy Minister for Urban Development (1987-89) in Ministry of Interior, Deputy Minister for Planning (1989-91), the First Deputy Minister (1998-2001), and Deputy Minister for Water Affairs (2001-2005) in the Ministry of Energy of Iran. During the latter period, he also served as the General Manager of the National Water Resources Management Company, in charge of constructing/operating of large dams, irrigation networks, and hydropower plants. At the international level, Dr. Ardakanian sat on the Bureau of UNESCO-IHP (2000-02), the Governing Board of UNESCO-IHE (2003-07), Managing Board of the International Hydropower Association (2004-06), and the Advisory Board of UNU-EHS (2003-07). He was Founding Director of RCUWM, a UNESCO regional center on urban water management based in Tehran (2002-07). In Aug. 2007, he was appointed as the Founding Director of the UN-Water Decade Program on Capacity Development (UNW-DPC) by the Rector of United Nations University. He has also served UNU as Vice Rector in Europe, ad interim, during Aug. 2009 - Nov. 2010.



Catarina de Albuquerque

United Nations Special Rapporteur of the Human Rights Council on the Human Right to Safe Drinking Water and Sanitation

As Special Rapporteur, Ms. de Albuquerque monitors the right to water and sanitation worldwide, offering advice to Governments, UN agencies and civil society, among other stakeholders. She prepares thematic research on issues of concern to her mandate and she undertakes country missions. She reports annually to the UN Human Rights Council on the work she has accomplished under her mandate. She has been working on this mandate since November 2008. De Albuquerque is an invited Professor at the Law Faculties of the Universities of Braga and Coimbra and a Senior Legal Adviser at the Office for Documentation and Comparative Law, an independent institution under the Prosecutor General's Office. Between 2004 and 2008 she presided over the negotiations of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which the UN General Assembly approved by consensus on 10 December 2008. She was awarded the Human Rights Golden Medal by the Portuguese

Parliament (10 December 2009) for outstanding work in the area of human rights. Her work in human rights was also honoured by the Portuguese President of the Republic (October 2009) with the Order of Merit, which is a recognition of an individual's personal bravery, achievement, or service to Portugal. She holds a Law Degree from the Law Faculty of the University of Lisbon (Portugal) and a DESS from the Institut Universitaire de Hautes Etudes Internationales (Geneva, Switzerland).



Kieran Cooke

Journalist

Kieran Cooke writes the weekly Green and Confused column for The Times and also contributes to Eureka, the monthly science magazine distributed by the paper. He is a frequent contributor to BBC radio, in particular to From Our Own Correspondent, one of the most widely listened to and respected of BBC programmes. He has also written for The Guardian. In addition Kieran writes for The Irish Times and broadcasts for RTE, Irish radio. Kieran has been a foreign correspondent for the Financial Times, the BBC and The Independent, based in Indonesia, Greece, Ireland and Malaysia, covering a wide variety of political, economic, business, social and environmental issues. In recent years he studied Environmental Conservation at Oxford. Kieran has lectured at Oxford and teaches environmental and business journalism, mainly in the developing world. During the past two years he has carried out training and reporting assignments in Nigeria, Georgia, Armenia and Albania as well as in the United States. In recent years Kieran has been involved in a series of Religion, Science & Environment symposia taking place in the Mediterranean, the Amazon and in the Arctic, coordinating international media coverage and helping organise events. Kieran has carried out writing and editing projects for, among others, the World Wildlife Fund (WWF), the United Nations Environment Programme (UNEP) and the Forests and the European Union Research Network (FERN). At present he is writing a book on rubbish, looking at how solutions can be found to the growing problem of waste.



Rolfe Eberhardt

Rolfe has twenty years of experience in water policy, primarily in South Africa, but also in Kenya, Uganda, Ethiopia and Lesotho. He was the lead drafter of the key policy document for water services in South Africa as well as the national water services regulation strategy. This policy and strategy give practical expression to the right to a basic water and sanitation service contained in South Africa's bill of rights, a right that must be progressively realized by the state, whilst maintaining financial viability and sustainability of the institutions providing the services. Rolfe is an advisor to the Minister of Water Affairs as a member of the National Water Advisory Council. He is involved in the process to amend Kenya's Water Act to align with the new constitutional right to water and the devolution of responsibility for water services to the regional (county) level. Rolfe has a PhD in water pricing from the University of London and was a senior partner at a public sector policy and consulting firm for ten years.



Ulrike Kelm

Communication and Media Expert, United Nations Office to Support the International Decade for Action 'Water for Life', 2005-2015/UN-Water Decade Programme on Advocacy and Communication

Ulrike Kelm acts as Communication and Media Expert at the Spain based United Nations Office to Support the International Decade for Action 'Water for Life', 2005-2015 (UNO-IDfA) which implements the UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC). Ms Kelm, a German national from Hamburg, holds a Diplom - a

degree equivalent to a Masters Degree- in Regional Sciences from the University of Cologne, with focus on international Economics and Political Sciences and specialization on transition and developing countries and regions. Before joining the thematic field of water she has worked in the 90s at the German television channel RTL, joined the German development cooperation institution Friedrich Ebert Foundation in Guatemala and Mexico on social political issues and in the field of communications, and stepped into the field of water while joining the German Technical Cooperation Institution GTZ in 2000 for the organization of the International Conference on Freshwater. Later she joined the 4th World Water Forum Secretariat at the Mexican National Water Commission (CONAGUA) as international communications officer nominated by the GTZ hosted CIM programme. She further acted as communications consultant in the Middle East and Arabic countries on water and environmental issues before she has joined in 2008 the United Nations.



Josefina Maestu

Coordinator, UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC), Director, United Nations Office to Support the International Decade for Action 'Water for Life' 2005-2015

Josefina Maestu has been appointed as Director of the programme in September 2009. Prior to her appointment Ms. Maestu served as senior advisor to the Ministry of Environment, Rural and Marine Affairs. Recently she has represented Spain in the Environmental Committee of the UN Economic Commission for Europe (UNECE),

the Mediterranean Commission on Sustainable Development, and backstopped the Spanish EU Presidency. With an academic background in economics and planning, her extended professional career in the field of water, international relations, national civil servant positions and international advisor consultancies. She has coordinated the preparation of the economic analysis of River Basin Management Plans in implementation of the Water Framework Directive and the economic evaluation of infrastructure investment projects and programs and European Funded Programs. Further on, for several years, she was Secretary-General of the Mediterranean Water Network, and has been technical adviser to the European Commission and UN system organizations including the World Bank.



Amanda Marlin

Programme Manager, Advocacy and Communications, Water Supply and Sanitation Collaborative Council (WSSCC)

Amanda is a communications specialist with extensive experience in international health and development. Career highlights have included participation in the core group working to produce the WHO report “Chronic diseases: a vital investment”, the launch of an international campaign to raise awareness about diabetes, and coordination of the press office at the World Cancer Congress in Geneva in 2009. She

has worked on health issues such as malnutrition, heart disease and infectious diseases, and participated in projects in Africa, Asia and Eastern Europe. Amanda worked for eight years at the World Health Organization. She was also Manager of Communication at GAIN, the Global Alliance for Improved Nutrition, and more recently worked as a Senior Communications Consultant at Dynamics Group, a Swiss public relations agency with clients in a range of sectors including global health and development, biotech and life sciences. Before this, she worked in non-government organizations in her home country, Australia.



Ben Parker

Director of IRIN

Ben Parker is the director of IRIN (Integrated Regional Information Networks), an award-winning specialist news and analysis service on humanitarian issues. He has been working in media, information and humanitarian issues since 1989. He has worked mainly for UN agencies in Africa, but also as a freelance writer and technology consultant. From the early 1990s, he became involved in setting up some of the first e-mail systems in Ethiopia, Eritrea and Kenya. In 1995 he was the co-

founder of IRIN, which covers issues and parts of the world often under-reported, misunderstood or ignored. He set up the initial editorial and online systems for IRIN, and later moved into web publishing in the private sector with Africa Online. As a UN communications officer in Sudan from 2003-2006, he was closely involved in raising the alarm about Darfur internationally and released some of the first widely-available photos and TV footage of the crisis. After a brief stint at the European Commission, he returned to IRIN in 2006 as its global Editor-in-Chief and since 2009, its director.

Annex 1

Background: Key issues to be presented and discussed

What are the main misunderstandings in the discussion the on Human Right to Water and Sanitation²?

Misconception	Clarification
The right entitles people to water free of charge	Water and sanitation services need to be affordable to all; people are expected to contribute financially or otherwise to the extent they can.
The right allows for unlimited use of water	Entitles everyone to sufficient water for personal and domestic use and is to be realised in a manner that is sustainable for present and future generations.
The right entitles everyone to a household connection.	Water and sanitation facilities need to be within, or close to households; can comprise facilities like wells and pit latrines.
The right entitles people to water resources in other countries.	People cannot claim water from other countries. But international customary law requires such water courses to be shared equitably with priority given to human needs.
A country is in violation of the right if not all its people have access to water and sanitation.	The right requires that states take steps to the maximum of available resources to progressively realise the right.

Who has the right to water?

The General Comment No. 15 says that the right to water is the right of everyone. To protect the right to water effectively, it is necessary to pay attention to the specific situation of individuals and groups, in particular those living in vulnerable situations (the urban and rural poor, women, children, persons with disabilities, refugees and internally displaced persons, indigenous peoples...) and those that have a particularly hard time exercising their right to water as a result of discrimination or stigma, or a combination of these factors.

² Centre on Housing rights and Evictions (COHRE), American Association for the Advancement of Science (AAAS), Swiss Agency for Development and Cooperation (SDC), and United Nations Human Settlements Programme (UN-HABITAT) (2007), Manual on the Right to Water and Sanitation, <http://www.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2536>

What is the scope and content of the right to water?

The Committee on Economic, Social and Cultural Rights in the General Comment No. 15 explained that the right to water contains freedoms and contains entitlements.

Defining accessibility

Accessibility includes physical and economic accessibility to all, without discrimination, with special attention given to those who have traditionally been deprived of the right to water, as well as access to information concerning water issues.

While the right to water does not imply that everyone should have access to water and sanitation at home, it requires such facilities to be in close proximity to, or at a reasonable distance from, each house.

The importance of sanitation

Given the critical importance of sanitation to human health, dignity, and well-being, as well as its interconnectedness with the right to water and other rights, the Independent Expert has already focused on sanitation during the first year of her mandate. “Although the discussion about recognition of a distinct right to sanitation is ongoing, the Independent Expert indeed supports the current trend of recognizing sanitation as a distinct right.”

Diverse socio-cultural dimensions

According to UNESCO, considering water as a cultural good should indeed be understood as the recognition of the diverse socio-cultural dimensions of people’s engagement with water, such as identity, heritage, and sense of belonging. Water must also be of a safe quality and “acceptable colour, odour and taste”

Is the recognition of water as a human right enough? What are the obligations of the States?

Establishing a human right to water is only the first step in ensuring that this right is realized and universally enjoyed. Implementation of the right to water requires not only economic and technical resources, but also political will.

General Comment No. 15 (U.N. Doc. E/C.12/2002/11, 2002) specifies core obligations of States that are of immediate effect, including ensuring access to a “minimum essential amount of water” at a reasonable distance from homes on a non-discriminatory basis and with special protection for vulnerable and marginalized groups, “ensuring access to adequate sanitation,” creating and implementing a national water strategy, and monitoring progress on realizing the right to water.

The State must respect, protect and fulfil that right. Individuals and entities may also bear obligations in this regard.

Primary responsibility

The primary responsibility to guarantee the right to water thus falls upon governments. Yet, this does not exclude the option of privatized services. In that case, States have to ensure that private actors do not adopt approaches which result in human rights violations. This requires inter alia an adequate regulatory framework, accountability mechanisms, and pricing schemes that ensure affordability as well as safeguards such as public participation and the involvement of local communities to ensure non-discriminatory access.

Respect for human rights

The State must take legislative, administrative and other action progressively to achieve that every human being within its jurisdiction has access to adequate water, to the maximum of its available resources (Article 2 of International Covenant on Economic, Social and Cultural Rights (ICESCR)). The primary duty of the State is not to interfere with or deprive people of their rights. This is referred to as an obligation to respect the right in question.

a) Protection of human rights.

At a second level, the State has an obligation to protect this right from the illegal interference of others.

b) Fulfilment of human rights.

The State must fulfil rights, by facilitating their enjoyment, or, as a last resort, by providing for them. The State must ensure that everyone has access to adequate water, and may and must use a variety of legal, administrative and policy instruments to progressively achieve this. The State may privatise water services and allow user fees as long as essential water is affordable for everyone.

c) Government as service provider

Governments, in most cases local authorities or public companies, operate the vast majority of water and sanitation utility services, although some services are contracted out to private operators. In many developing countries, small-scale facilities such as kiosks, standpipes, wells, and public toilets operated by entrepreneurs and community groups are responsible for a significant proportion of service provision. Many countries consider basic sanitation and hygiene promotion a responsibility of public health services, although some responsibilities are borne by water and education agencies. Some of the revenues necessary to carry out these duties can be raised through tariffs, including through cross-subsidies between high- and low-income users, or between industry and domestic use. However, it is likely that public finances will be required to ensure that providers meet the duties set out above and still remain financially solvent. Such public finances can be provided directly to the user or through the provider³.

Is there a role for other actors?

The responsibilities about these obligations have different actors, particularly governments but also other actors such as communities and civil society organizations. National, regional and local governments (both the executive/administrative branch of government and legislative branches/municipal councils) are the key actors in setting up the conditions to ensure the right to water and sanitation services. Achieving this objective involves actions by governments at national, regional and local levels in the roles of policy maker and resources allocator and as a regulator of service provision.

a) Private service providers

Private service providers include utilities managed by corporations and small-scale services managed by private entrepreneurs, civil society organisations and by communities of users. They have the following roles:

- In the case of private corporations managing utilities, carrying out the roles of public service providers.
- In the case of small-scale providers (private, civil society or community-based providers), providing services of adequate quality at an affordable cost⁴.

b) Independent public monitoring bodies

An effective complaints mechanism is a key component of the right to water and sanitation. It is a useful tool for ensuring service delivery standards and targets are effectively implemented. A regulator may provide such mechanisms. However, whether or not a regulator has established such a mechanism, accountability can be enhanced if an independent branch of government – a human rights commission, an ombudsperson institution or the judiciary – monitors the performance of public institutions⁵.

c) Civil society organisations

Civil society organisations (CSOs) include non-governmental development and advocacy organisations, social movements, faith-based organisations, research and academic institutions, the media, professional bodies and other similar organisations. Community-based organisations are part of ‘civil society’. CSOs have a variety of roles to play in implementing and/or promoting the right to water and sanitation which can include, depending on their area of specialization, for example:

- Supporting the work of governments and communities by providing information, facilitating community organisation and assisting communities with their advocacy processes;
- Building community and government capacity and knowledge on water and sanitation issues, including on rights and responsibilities, management and technical information;

³ Ibid

⁴ Ibid

⁵ Ibid

- Striving to ensure that their activities are coordinated and that their work supports and does not duplicate work done by government, other civil society organisations or international organizations.
- Monitoring government actions on water and sanitation and that of third parties.
- Educating students and the broader public about the right to water and sanitation.
- Carrying out research on ways to implement the right to water and sanitation, and sharing research outcomes with all stakeholders.
- For international civil society organisations, supporting the development and growth of local and national civil society organisations and community-based organisations⁶.

Does the right to water mean that water should be free?

The right to water does not mean that water is to be provided free of charge. However, individuals are entitled to water that is affordable. Water should be treated as a social and cultural good, a public good, and not primarily as an economic good. This point was confirmed in General Comment 15. Water cannot be treated as a commodity. Any payment for water services must be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable to all, including socially disadvantaged groups.

Cost Recovery and Affordability

- a) The Plan of Implementation of the World Summit on Sustainable Development (2002) underlines that cost-recovery objectives should not become a barrier to access to safe drinking water by poor people.
- b) Affordability requires that direct and indirect costs related to water and sanitation should not prevent a person from accessing safe drinking water and should not compromise his or her ability to enjoy other rights, such as the right to food, housing, health and education.

What is the relation to other human rights? What are the implications?

Access to safe drinking water is a fundamental precondition for the enjoyment of several human rights, including the rights to education, housing, health, life, work and protection against cruel, inhuman or degrading treatment or punishment. It is also a crucial element to ensure gender equality and to eradicate discrimination.

For example, with regard to the right to education, where no toilet block is set aside for girls in educational institutions, parents will often not allow their daughters to attend school, especially once they have started menstruating.

⁶ Ibid

Lack of access to safe drinking water and sanitation also has serious repercussions for the right to health. Every year, some 1.8 million children die of diarrhoea and other diseases caused by unclean water and poor sanitation, a number that dwarfs the casualties associated with violent conflict, according to UNDP. Collecting water from distant water points also has severe health implications, notably for women and children. Besides the heavy burden of carrying water, women and children are also exposed to water contact diseases such as schistosomiasis. The fact that women and children do the bulk of the water collecting also affects their education and other productive activities⁷.

What is the impact of the resolution so far? Has there been any progress? Legal changes

Although there is no single policy framework that satisfies everyone, nor will there ever be a one-size-fits-all solution, there is an increasing number of States which have included the right to water in their constitutions, enacted legislation aiming to expand and improve water and sanitation services, and pursued innovative policies that seek to realize the right to water while making water management more effective and sustainable.

- Several national constitutions protect the right to water or outline the general responsibility of the State to ensure access to safe drinking water and sanitation for all;
- Courts from various legal systems have also adjudicated cases related to the enjoyment of the right to water, covering issues such as the pollution of water resources, arbitrary and illegal disconnections, or lack of access to sanitation.

For example:

- The Autonomous Service of Water and Sewerage (SAAE) in Guarulhos, State of São Paulo, **Brazil**, created a Division of Sanitation in slums, which identified the needs of the poor, discussed plans of action and implemented them with the targeted populations;
- **South Africa** has declared access to sufficient food and water a basic human right. The right to water is included in the Constitution, and the Water Services Act provides that “everyone has a right of access to basic water supply and basic sanitation⁸.
 - *The National Water Act*, passed in 1998, is the legal framework for South Africa’s water policy, which abolishes private ownership of water and places all water resources in a public trust. The Free Basic Water policy, adopted in 2001 in order to improve upon the 1998 Act, guarantees each household 6,000 litres of water per month, based on the amount deemed necessary for basic needs⁹.
 - *Mazibuko et al. v. City of Johannesburg et al. in the Constitutional Court of South Africa*: The Court held that the decision on how much water should be supplied for free (“sufficient” water) is better made by the legislative and executive branches of the government, rather than by a court, since sufficiency varies with context and should be a matter of democratic accountability. Further, the Court referred to the element of progressive realisation

contained in the right to water when refusing to fix the amount of free water at 50 litres/ person/day (as demanded by the applicants).

- In 2002 **Kenya** launched a major reform of its water supply sector by adopting a new Water Act. Mainly, the reform separated the functions of policy formulation, regulation and service provision, so that the two latter should be independent from politics. It also included decentralisation of service delivery. The reforms have led to the introduction of new features, such as stakeholder participation in decision-making, information sharing, and complaints mechanisms to fight corruption. These measures are all positive when seen from a human rights-based approach, but few of them work as intended in practice¹⁰.
- **Belgium** guarantees a basic right of access to water and sanitation. Responsibility for providing such access rests with different administrative bodies, but is primarily the concern of regional and municipal authorities.
 - In the Flemish region, residents pay a basic connection fee for a minimum amount of water supplied for free to each person, with the price of excess water used depending on the amount consumed. The Walloon region recognizes a right of access to enough water to cover “nutrition, food, domestic, and health needs”¹¹.
 - The Brussels-Capital region recognizes “the right of drinking water for household consumption,” and uses a progressive pricing plan¹².
- Another important step to implement the right to water is the 1997 Indigenous Peoples Rights (**Philippines**). The Act recognizes, protects and promotes the water rights of indigenous peoples. Traditional water use practices, though not mentioned in the Water Code, are protected by the Act, which bestows customary water rights to indigenous communities¹³.

⁷ United Nations (UN), United Nations Human Right (UNHUM), Office of the High Commissioner for Human Rights (HCHR), UN-HABITAT, World Health Organization (WHO) (2010), The Right to Water, Fact Sheet No. 35, <http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>.

⁸ United Nations of Educational, Scientific and Cultural Organization (UNESCO), UNESCO Etxea-UNESCO Centre Basque Country, (2009), Outcome of the International Expert’s Meeting on the Right to Water, <http://unesdoc.unesco.org/images/0018/001854/185432e.pdf>.

⁹ Ibid.

¹⁰ United Nations Development Programme (UNDP) Kenya and UNDP Water Governance Facility (WGF) (2007), Improving Water Governance in Kenya. Through the human rights-based approach. A Mapping and Baseline Report, November 2007, http://www.watergovernance.org/documents/Resources/Reports/BASELINE_REPORT_HRBA_Kenya.pdf

¹¹ United Nations of Educational, Scientific and Cultural Organization (UNESCO), UNESCO Etxea-UNESCO Centre Basque Country, (2009), Outcome of the International Expert’s Meeting on the Right to Water, Op. cit.

¹² Ibid.

¹³ Ibid.

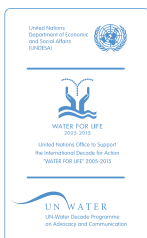
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