

Submission to the UN High Commissioner for Human Rights – April 2007
For inclusion in report to be delivered on the right to water for the 6th Session of the HRC

Madame Louise Arbour

United Nations High Commissioner on Human Rights

Dear Madame High Commissioner,

Please accept the following statement for inclusion in the information you are considering in your human rights and water report to be presented to the Human Rights Council.

The statement below has been signed by 176 organizations and networks from 47 countries.

There were, however, other strong points which did not make it into the statement because of time constraints in drafting and collecting sign-ons, I would like to share some of these with you for your consideration.

One theme was that water should be removed from trade, and investment agreements, specifically cited was the WTO, but bilateral treaties and regional treaties were also noted. Another related point was that the human right to water and other human rights, must clearly hold precedence over corporate rights, the World Trade Organization was again mentioned.

Prepaid water meters were also broadly condemned as an arbitrary cut-off which violates the right to water. I would reference the guidelines produced for the sub-commission regarding both these issues.

Concern for nature and protection of nature was also a strong theme which was believed to be a key component in achieving and sustaining the human right to water. It was cautioned not to look at the right to water in isolation of nature and ecosystems.

Social control and control of delivery of water was another theme, with the point being that we must look beyond solely access if we are to truly achieve the right to water. A strong point was to ask that you examine, what the writer suggested was the fundamental incompatibility and failure of the market with reference to respecting human rights.

Finally, I would request that you examine what support there is in international law for the right to water to be both an economic, social and cultural right, as well as a political and civil right. As a political and civil right there would be immediate access to an optional protocol, something that we hope you would consider supporting for economic social and cultural rights as you deliver your report.

Sincerely,

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Anil Naidoo

Blue Planet Project.

To Madame Louise Arbour,

United Nations High Commissioner for Human Rights,

Dear Madame High Commissioner,

We are encouraged that you have been asked to provide a report regarding the Human Right to Water (HRTW); to the Human Rights Council. Lack of access to clean water for hygiene and personal use is at a critical stage in many parts of the world. The growing crisis will be intensified by the sweeping effects of climate change. The continuing lack of access to basic sanitation for over half the world's people continues to lead to fatal disease and a lack of dignity. The time for action on both water and sanitation is well upon us.

A strong report from your office, pointing towards mechanisms for implementation of the human right to water and highlighting the importance of a rights-based approach in dealing with the water crisis, will have a major impact; both in how we interact with water and on future policy decisions of states and the international community.

The depth of the crisis cannot be overstated, Millions die needlessly and billions struggle daily with water scarcity and disease, loss of dignity and suffering that accompanies this avoidable scourge.

Governments have not invested the necessary political and financial resources to address this issue adequately, and the impacts are devastating. Strong and unambiguous affirmation of the HRTW may alleviate this deplorable lack of attention.

We hope your work complements that of the many organizations and activists around the world who continue the fight for water justice and sustainable solutions.

We, the undersigned international networks, civil society organizations and social movements, representing people from all corners of the world, coming from movements focused upon environmental, women's, labour, social justice, human rights, peasant and other struggles, bring the following points forward for consideration in your upcoming report to the UN Human Rights Council.

We assert that the HRTW exists through its implicit and explicit recognition in international treaties, declarations and customary law which bind all governments. It is engendered in several existing human rights instruments as a binding obligation on the

Parties. Nevertheless, the failure of the existing instruments to deal with the HRTW explicitly and directly, has allowed several nations to incorrectly deny that such an obligation exists – underscoring the need for a new instrument. Your study and recommendations must provide the impetus for moving toward such a new instrument.

We request that all states move beyond simple recognition of the HRTW and develop comprehensive national plans to implement the HRTW, including making this right justiciable through appropriate national legislation.

We support General Comment 15, approved by the UN Economic and Social Council (November 2002), in which water is seen as ‘indispensable for leading a life in human dignity’ and a ‘prerequisite for the realization of other human rights’. While General Comment 15 is a welcome and necessary step forward, it is not sufficient, in and of itself, to deal with the need for a new legally-binding instrument which will form the basis for moving towards implementation and full realization of the HRTW.

We urge the UN, through the Human Rights Council, to designate an appropriate UN administrative body to ensure, at all levels, adequate laws, policies, institutions, administrative procedures and practices and mechanisms of redress required realize the HRTW. These measures must be based on determined benchmarks to assess progress.

We understand that while governments remain the primary duty-bearers, non-state actors (including transnational corporations and international financial institutions) have been playing an increasingly powerful role in water; there have been resultant violations of the HRTW emanating from market-based approaches to water management. We therefore affirm that that all entities, public and private, must be held accountable to comply with the requirements of international law concerning the HRTW and subject to mechanisms providing appropriate redress and compensation to those harmed.

We assert that there can be no HRTW without comprehensive protection of the planet’s ecosystem and hydrological cycle; linked to the HRTW is the right of all living things, and the earth, to have access to sufficient water; water is part of the global commons and a public trust, any international agreements on the HRTW must address these issues of environmental protection, sustainability and public control.

Finally, we call upon the Human Rights Council, as steps towards achieving these goals, to appoint a Special Rapporteur on Water and to move rapidly towards adoption of strong guidelines for states to follow in the implementation of the HRTW; each of which is a necessary condition towards the necessary implementation of an International Convention on the Human Right to Water.

Signed:

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| <i>Organization</i> | <i>Country</i> |
|---|----------------|
| African Water Network | International |
| Blue Planet Project | International |
| Center on Housing Rights and Evictions COHRE | International |
| Diverse Women for Diversity | International |
| Ecumenical Water Network | International |
| International Forum on Globalization IFG | International |
| International Peoples Health Council (South Asian Focal Point) | International |
| Jubilee South-Asia/Pacific Movement on Debt and Development (JS-APMDD) | International |
| Public Services International | International |
| Jubilee South Americas | International |
| Friends of the Earth International - IFI program | International |
| Lake Victoria NGOs Advocacy Network - East Africa (LAVNET - EA) | International |
| Citizen News Service | International |
| Federacao dos Sindicatos da Administracao Publica Saude e Servicos (FSAPSS) | Angola |
| Sindicato Nacional Independente dos Trabalhadores de Funcao (SNITSSFP) | Angola |
| Instituto internacional de Medio Ambiente y Desarrollo- IIED | Argentina |
| BanglaPraxis | Bangladesh |
| Coordinadora de Defensa del Agua y de la Vida | Bolivia |
| Federacion de Trabajadores Fabriles de Cochabamba | Bolivia |
| Fundacion Abril | Bolivia |
| Fundacion Solon | Bolivia |
| Movimiento Boliviano por la Soberanía y la Integración Solidaria de los Pueblos | Bolivia |
| Botswana Cicil Servants Association (BCSA) | Botswana |
| Botswana Unified Local Government Services Association (BULGSA) | Botswana |
| National Amalgamated Local and Central Government & Parastatal Manual Workers Union (NALGCPMWU) | Botswana |
| ORCADE | Burkina Faso |
| Association Pour la Defense des Consommateurs (APDC) | Cameroon |
| Canadian Auto Workers Local 27 | Canada |
| Canadian Catholic Organization for Development and Peace. | Canada |
| Canadian Union of Public Employees | Canada |
| Common Frontiers | Canada |
| Council of Canadians | Canada |
| Friends of the Earth Canada | Canada |
| KAIROS - Canadian Ecumenical Justice Initiatives | Canada |
| Manitoba Wildlands | Canada |
| Niagara Chapter Council of Canadians | Canada |
| Parksville/Qualicum KAIROS | Canada |
| Planetary Association for Clean Energy | Canada |
| Polaris Institute | Canada |
| Public Service Alliance of Canada - Alliance de la Fonction publique du Canada | Canada |
| Waterlooians.ca | Canada |
| United Church of Canada | Canada |
| Campaña el Agua un bien Público | Colombia |
| CENSAT AGUA VIVA, Friends of The Earth Colombia | Colombia |

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| Ecofondo | Colombia |
| COECOCEIBA - FoE Costa Rica | Costa Rica |
| Movimiento Mi Cometa | Ecuador |
| Observatorio Ciudadano de Servicios Publicos | Ecuador |
| Frente Nacional Por La Salud De Los Pueblos Del Ecuador | Ecuador |
| EPSU European Federation of Public Service Unions | Europe |
| ATTAC Finland | Finland |
| Friends of the Earth Finland | Finland |
| France Libertés Fondation Danielle Mitterrand | France |
| Solidarité | France |
| GRÜNE LIGA e.V | Germany |
| Heinrich Boell Foundation | Germany |
| Initiative Colibri | Germany |
| FIAN Deutschland | Germany |
| National Coalition Against Privatisation | Ghana |
| People's Health Movement - Ghana | Ghana |
| CECIDE Centre du Commerce international pour le Developpement | Guinea |
| Focus on the Global South | India |
| Indian Social Action Forum - INSAF | India |
| Initiative for Health, Equity & Society | India |
| People's Coalition for the Right to Water/KruHA | Indonesia |
| All Africa Conference of Churches (AACC) | Kenya |
| Civil Servants Trade Union (CSTU) | Malawi |
| Malawi Municipal Workers' Union (MAMWU) | Malawi |
| Water Workers Union of Malawi (WETUM) | Malawi |
| Friends of the Earth Malta | Malta |
| Federation of Parastatal Bodies & Other Unions FPBOU | Mauritius |
| Government Servants Association (GSA) | Mauritius |
| Local Authoriries Employees Union (LAEU) | Mauritius |
| Alianza Mexicana por la Autodeterminación de los Pueblos | Mexico |
| Asociacion Nacional de Medicas Mexicanas A.C | Mexico |
| Centro de Derechos Humanos "Miguel Agustín Pro Juárez, A.C." | Mexico |
| Centro de Ecologia y Desarrollo | Mexico |
| Centro de Servicios Municipales "Heriberto Jara, A.C." | Mexico |
| Centro Derechos Humanos "Fray Francisco de Vitoria, O.P.", A.C. | Mexico |
| Centro Mexicano de Derecho Ambiental, A.C. | Mexico |
| Centro Operacional de Vivienda y Poblamiento, Copevi A.C. | Mexico |
| Coalición de Organizaciones Mexicanas por el Derecho al Agua | Mexico |
| Colectivo Radar | Mexico |
| Consejo de Ejidos y Comunidades Opositores a la Presa La Parota | Mexico |
| Desarrollo, Educación y Cultura Autogestionarios, Equipo Pueblo | Mexico |
| Educación para la Paz | Mexico |
| Enlace Rural Regional, A.C. | Mexico |
| Espacio DESC | Mexico |
| Food First Information and Action Network- México | Mexico |
| Grupo de Estudios Ambientales, AC | Mexico |
| Instituto Mexicano para el Desarrollo Comunitario, A.C. | Mexico |
| Movimiento Mexicano de Afectados por las Presas y en Defensa de los Ríos | Mexico |
| Movimiento Urbano Popular | Mexico |
| Mujer y Medio Ambiente, A.C. | Mexico |

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| Oficina para América Latina de la Coalición Internacional para el Hábitat (HIC-AL) | Mexico |
| Other Worlds, Mexico | Mexico |
| Red de Género y Economía | Mexico |
| Red de Género y Medio Ambiente | Mexico |
| Red de género y medio ambiente RGMA | Mexico |
| Red de género y medio ambiente RGMA | Mexico |
| Red Mexicana de Acción frente al Libre Comercio | Mexico |
| Sindicato Nacional da Funcav Publica (SINAFP) | Mozambique |
| Namibia Public Workers Union (NAPWU) | Namibia |
| Collective Initiative for Reserch and Action (CIRA) | Nepal |
| Rural Reconstruction Nepal | Nepal |
| Windward Islands Civil Servants Union WICSU | Neth. Antilles |
| Windward Islands Private Sector Union PSU | Neth. Antilles |
| Both Ends | Netherlands |
| Corporate Europe Observatory | Netherlands |
| Women's Global Network for Reproductive Rights | Netherlands |
| Grupo de Solidaridad-Arenal (GRUDESA) | Nicaragua |
| Campaign for the Welfare State | Norway |
| FIVAS Foreningen for Internasjonale Vannstudier - Association for International Water Studies | Norway |
| ACORN - PERU | Peru |
| Comunidades Andinas del Perú | Peru |
| Alliance of Government Workers in the Water Sector (AGWWAS) | Phillippines |
| Focus on the Global South | Phillippines |
| IBON Foundation | Phillippines |
| Freedom from Debt Coalition | Phillippines |
| WomanHealth | Phillippines |
| Public Interest Research Network Water Group | Scotland |
| Centre for Applied Legal Studies | South Africa |
| Centre for Civil Society Environmental Justice Project, University of KwaZulu-Natal | South Africa |
| Democratic Nursing Organization of South Africa (DENOSA) | South Africa |
| Hospital Personnel Trade Union of south Africa (HOSPERSA) | South Africa |
| Municipal, Education, State, Health and allied Workers Union (MESHAWU) | South Africa |
| National Education, Health and allied Workers Union (NEHAWU) | South Africa |
| National Public Service Workers Union (NPSWU) | South Africa |
| Other Worlds, South Africa | South Africa |
| Police and Prison civil Rights Union (POPCRU) | South Africa |
| South African Municipal Workers Union (SAMWU) | South Africa |
| The Coalition Against Water Privatisation | South Africa |
| People's Health Movement - South Africa | South Africa |
| Ecologistas en Acción | Spain |
| Ingeniería Sin Fronteras | Spain |
| Movement for National Land and Agricultural Reform (MONLAR) | Sri Lanka |
| National Farmers Assembly | Sri Lanka |
| Swaziland National Association of civil Servants (SNACS) | Swaziland |
| Swaziland Nurses Association (SNA) | Swaziland |
| Millenium Solidarity | Switzerland |
| Pro Natura - Friends of the Earth Switzerland | Switzerland |
| Irrigation Training and Economic Empowerment Organization - IRTECO | Tanzania |

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| Focus on the Global South | Thailand |
| Supolitik Calisma Grubu/Turkiye' (Working Group on Waterpolitics) | Turkey |
| Uganda Fisheries and Fish Conservation Association UFFCA | Uganda |
| Foundation for Gaia | UK |
| UNISON | UK |
| WaterAid | UK |
| World Development Movement | UK |
| Friends of the Earth, England, Wales and Northern Ireland | UK |
| The Trade Union of Public Service Workers of Ukraine | Ukraine |
| La Comision Nacional en Defensa el Agua y la Vida | Uruguay |
| La Federacion de Funcionarios de Ose -FFOSE- ISP | Uruguay |
| REDES-Amigos de la Tierra | Uruguay |
| Coalition for a Strong United Nations | USA |
| Corporate Accountability International | USA |
| Food and Water Watch | USA |
| Institute for Agriculture and Trade Policy | USA |
| Maryknoll Office for Global Concerns | USA |
| Other Worlds, USA | USA |
| PDHRE, People's Movement for Human Rights Learning | USA |
| People's Health Movement | USA |
| Sweetwater Alliance | USA |
| The Alliance for Democracy | USA |
| Unitarian Universalist Service Committee | USA |
| Women's International League for Peace and Freedom | USA |
| Alliance for Democracy Boston-Cambridge Chapter | USA |
| Gender Action | USA |
| Civil Servants Union Of Zambia (CASWUZ) | Zambia |
| National Energy Sector and Allied Workers Union (NESAWU) | Zambia |
| National Unionof Public Services Workers Union (NUPSWU) | Zambia |
| University of Zambia and Allied Workers Union (UNZAAWU) | Zambia |
| Zambia National Union of Health and Allied Workers (ZNUHAW) | Zambia |
| Zambia United Local Authorities Workers Union (ZULAWU) | Zambia |
| Public Service Association(PSA) | Zimbabwe |
| Zimbabwe Nurses Association (ZINA) | Zimbabwe |
| Zimbabwe Urban Councils Workers Union (ZUCWU) | Zimbabwe |

Signatories - 176 organizations from 47 countries – April 2007