

**Expo Zaragoza 2008**

Tribuna del Agua | Water Tribune

Week 8 – Water & Society

August 5th, 2008 – Water and Culture

Session 5 – Civil Society and Water

# The Right to Water and Sanitation Status Quaestionis

Viewpoints on the International Debate  
by Private Water Operators as components of Civil Society

Presentation by Thomas van Waeyenberge



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**AquaFed**

The International Federation  
of Private Water Operators



The 'right to water' is based on the dignity of the human person

Pope Benedict XVI – in his message to Zaragoza, July 2008

1.5 MILLION CHILDREN DIE EVERY YEAR FROM DRINKING POLLUTED WATER.  
www.unicef.org unicef

# Overview

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1. AquaFed: commitment to the RTWS debate
2. AquaFed's contributions
3. Status Quaestionis
4. RTW+S: steps to undertake
5. RTS: a new problem?
6. Beyond 2015? 2030?
7. Conclusions
8. What should be the Message from this discussion?

# 1. AquaFed + Rationale

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- AquaFed = the International Federation of Private Water operators, representing private companies of all sizes, from more than 40 countries in the world, that work through contracts with local authorities to deliver water and wastewater services to communities all over the world
- Our Members' missions: implement the RTWS in order to help communities worldwide advance towards the MDGs and beyond: the full mission should be 100% access!
- Why are we involved? Because we think that we can make a real difference with the other “Believers and doers”
  - Water operators, public and private, bring practical experience
    - Of the complexities of Water and Sanitation Provision
    - Of contact with citizens and local decision-makers
  - constructive debates with all stakeholders: *gender issues, role of local governments, integrity & anti-corruption, right to water, diversity of operators, calls for concrete action*

# 2. AquaFed's Contributions

- What have we done **recently** that makes a real impact?
  - Opens support since CSD13 where Business & Industry Major Group recognised RTWS explicitly (along with other Major Groups: the Gov'ts were not yet ready)
  - 2006 public support for RTWS: PR of March 19, 2006 :calling for more water and wastewater projects: calling to turn the RTWS into a reality for all:
  - Sustained and increasing advocacy work
  - 2007: Nairobi WSF: debate with civil society (<http://water.bridge-initiative.org/fr/book/export/html/310> )
  - 2007: landmark testimonials and reports to the UN: OHCHR/HRC lead to redefinition of RTWS + need to further study thr RTS
  - 2007: raised the issue of unclear conceptualizati (<http://www.aquafed.org/pdf/SanitationComponer>)
  - Succesfull partnerships and collobaration with civ COHRE (e.g. development of the "Sanitation Imp
  - 2008: development of the concept of **Integrated**
  - **Continued advocacy for IMPLEMENTATION**
  - **DELIVERY in the field (millions have see their**
- What can't we do
  - We cannot decide for Governments, we cannot f
- We are not politicians, decision-makers, nor law members turn the RTWS into a reality for all, e

*Managing freshwater better.  
Private operators contribute to public policies*

## Access to safe water & sanitation

### ▣ Achievements of private operators (PPPs)

Argentina - Aguas Argentinas - Buenos Aires : The private water operator provided access to water to **2.1 million people**.

Philippines – Manila Water and Maynilad – East and West parts of Manila : **3.4 million people** have gained access to water.

Gabon : **200,000 people** connected to water.

Indonesia – Palyja – West Jakarta : over **1 million** people gained access to water.

Senegal: over **1.6 million** people have been connected to drinking water networks



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# 3. Status Quaestionis

- What is the right to water: the “**RTW = RTsafedinkingW + RTS**”
  - The right to safe (drinking) water: GC15 (2002) on the ICESCR: **clear, practical and complete definitions** + Government obligations to respect, protect, fulfill: concept of “minimal levels”, progressive realisation. Criteria include: sufficient, safe, acceptable, physically accessible and affordable water
  - The right to sanitation: unclear, mixed concepts, not fully operational: in particular no guidance for public authorities on how to implement it
- The general debate so far
  - Huge interest by NGOs, academia and international institutions: e.g. reference lists of COHRE and UUSC (<http://www.righttowater.org.uk/pdfs/lawbibliography0607.pdf>)
  - Sometimes in the past, very ideological and false polemics: increasingly marginal Many treaties over the last decades (for reference and study material: French Water Academy)
  - Constitutions (20+, including the Holy See’s message to Zaragoza from last month)
  - Landmark comments that have been acknowledged by States
    - Guissé Guidelines & General Comment 15, alongside with various international and regional agreements establish a clear recognition
  - Groundbreaking research by COHRE, World Water Council (2006 publication at WWF4 in Mexico) shows that almost all 192 States in the world have recognised the RTWS in one way or another inexplicitly...
  - OHCHR Work (2007-2008): « Independent Expert on States’ human rights obligations related to access to safe drinking water and sanitation »

# 3. Status Quaestionis

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- Zaragoza contribution to the debate:
  - From thematic Week 5: excerpt from the conclusion: ***El derecho al agua y saneamiento es fundamental para asegurar el derecho primero a la vida.***
  - September 2008, various sessions
  - CARTA DE ZARAGOZA
  - A new forum for debate with newly engaged actors
- Beyond Zaragoza: our hopes?
  - New UN High Commissioner Ms.Navanethem PILLAY from South Africa
  - Appointment of the « Independent Expert »
  - Further detailing of the Content of the RTWS will include: recognition of the “practicalities” and complexities of WSS provision; consideration of the RTS as a means to protect the environment; a real debate on “allocation” and most importantly the real need for affirmative action towards the un and underserved. 60th anniversary of the Universal Declaration (Dec. 2008)
  - Istanbul World Water Forum V 2009
  - Implementation for all by 2015, 2020, 2050,...???

# 4. RTW+S –Implement it!

- To turn the right to water and sanitation into a reality for all: a 3 steps approach (PR of March 19, 2006)
  - Explicitly Recognize the content of the RTWS (within national legislations)
  - Identify the authority in charge, its powers and its obligations and identify each actor's rights and obligations (e.g. no waste, no polluting of neighbours' water)
    - Obligations for authorities must be clearly set out in law and the adequate means for their fulfilment (Respect, Protect, Fulfill)
    - E.g. Affordability must be guaranteed. this can be done through a wide variety of systems – Chilean special budget for the poor
  - Physically develop access to water and access to wastewater treatment by efficient (public or private) operators/agents of public policy (without dogma, ideology or vested interests)
- In 2007, we stated that 1/2 of all families in the world, i.e. 3 BILLION persons do not even have access to tapwater in their homes and is therefore subject to «daily water chores »: their human rights are thus violated on a daily basis

**Implementation is lagging.  
More projects are needed.  
The political will must be mobilised**

# 5. RTSanitation – a new issue?

...or an old one that has been ignored for too long

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WHAT IS THE GOVERNMENT'S RESPONSE  
TO THE SANITATION CRISIS?



the right  
their

C in June

gh

© The World Bank

## 6. Beyond 2015, beyond 2030 ...

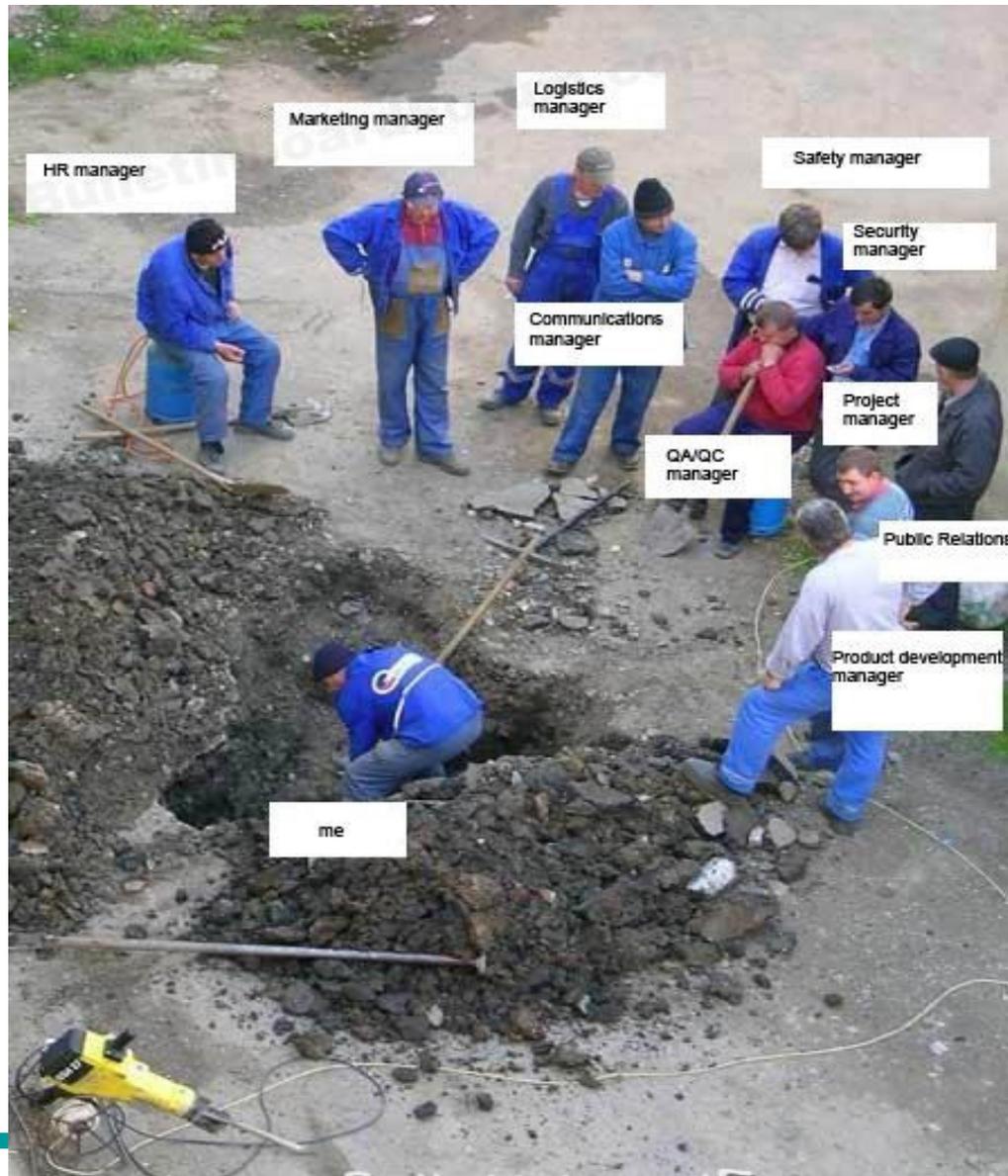
It is estimated that achieving universal access using lowest-cost sustainable technologies would require investments of approximately \$20 billion per year - allowing the current trend to continue would thus cost roughly nine times more than resolving it. The amount of \$20 billion equals less than one week of global military spending (at \$1.2 trillion in 2006). The annual cost of providing every human being with access to clean water and a decent toilet would be less than what Europeans and Americans spend on either ice-cream, household pets, or bird-watching every year.

**1 \$ for WSS  
9 \$ less for health and medical care**

Providing access to water and sanitation creates a virtuous circle of better health and rising wealth. Recent research by the World Health Organisation suggests that every \$1 spent on water and sanitation would bring an economic return of between \$3 and \$34. On average, every dollar invested in the sector is estimated to create \$8 in costs averted and productivity gained.

- Ashfaq Khalfan Quote: [http://www.cohre.org/store/attachments/RWP%20-%20Legal%20basis%20for%20RTWS\\_30.03.08\\_FINAL.pdf](http://www.cohre.org/store/attachments/RWP%20-%20Legal%20basis%20for%20RTWS_30.03.08_FINAL.pdf)

# 7. Conclusions



# 7. Conclusion:

## what has the RTWS debate achieved?

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- New-found Agreements and better understandings
  - Focus on Action – implementation:
    - by all means possible
    - More projects are needed
  - No ideology should be mixed with human rights, no ideology should hinder implementation of provision (UNDP HDR2006)
  - Those who are holding back progress on implementation should be examining their responsibilities: marginalisation of ideology
  - Partnerships and Trust between actors
- Increasingly high on political agenda's thanks to sustained and coordinated efforts by civil and institutional society
  - OHCHR
  - G8
  - eThikwini declaration, Message from Beppu, African Union
  - CSD16 / IYS2008 / ZARAGOZA ...
  - WWF5 2009

# 8. What Could be the Lessons from this Discussion

- A serious, wide debate on water issues can really be a catalyst for change within society
- People start noticing that a debate moves forward when actors that do not necessarily get along really well initially, start promoting a common view, and work towards a common goal
- You in this audience are all part of the solutions! We all have a responsibility!
- WHAT CAN YOU DO?



[www.wsscc.org](http://www.wsscc.org)

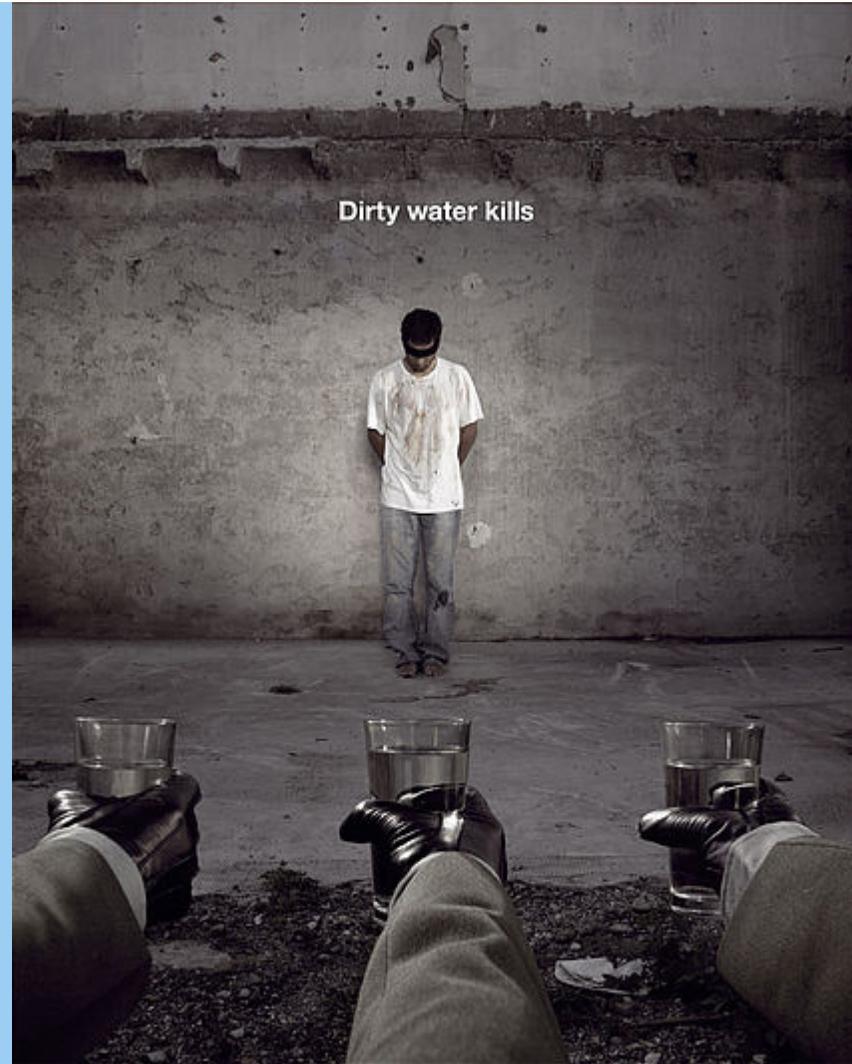
**WIN** – [www.waterintegritynetwork.org](http://www.waterintegritynetwork.org)



**Hurry up!**  
**2.6 billion people want to use the toilet**

Imagine a life without a clean, private place to defecate and urinate. Imagine every day using fields, streams, railway lines or smelly plastic bags. Millions of people dream about the privacy of walls.

Join the WASH campaign at [www.wssc.org](http://www.wssc.org)



**Dirty water kills**

The right to life is a fundamental human right. So is the right to water. Unfortunately, 1.2 billion people lack access to safe water. Don't be a witness to this violation.

Join the WASH campaign at [www.wssc.org](http://www.wssc.org)



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una Expo sin fecha de caducidad

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