

**OFFICE  
OF THE HIGH COMMISSIONER FOR HUMAN  
RIGHTS**



**CONSULTATION ON HUMAN RIGHTS  
AND ACCESS TO SAFE-DRINKING  
WATER AND SANITATION**

**Geneva, 11 May 2007  
United Nations Office Geneva**

**SUMMARY OF DISCUSSIONS**

## INTRODUCTION

The Office of the High Commissioner for Human Rights (OHCHR) held a consultation on “Human Rights and Access to Safe-Drinking Water and Sanitation” on 11 May 2007.

The consultation took place in the context of the Human Rights Council Decision 2/104 requesting OHCHR to present a study on "the scope and content of the relevant human rights obligations related to equitable access to safe-drinking water and sanitation under international human rights instruments". The Human Rights Council's request is as follows:

*“...the Office of the High Commissioner for Human Rights, taking into account the views of States and other stakeholders, to conduct, within existing resources, a detailed study on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, which includes relevant conclusions and recommendations thereon, to be submitted prior to the sixth session of the Council.”*

OHCHR will submit this study to the sixth session of the Human Rights Council (September 2007). Through this meeting, OHCHR aimed:

- a) To consult with a wide range of stakeholders on issues relevant to the study;
- b) To gather inputs for the study from a range of different actors;
- c) To discuss the scope and content of human rights obligations related to equitable access to safe-drinking water and sanitation under international human rights instruments.

The agenda of the consultation is attached as annexure one. Ms. Maria-Francisca Ize-Charrin chaired the Consultation. Five panellists assisted the Chairperson, namely: Mr. Simon Walker, Ms. Mara Bustelo, Mr. Bart Ouvry, Mr. Ashfaq Khalfan and Mr. Gérard Payen. Participants in the meeting included States, Intergovernmental Organisations (IGOs), National Human Rights Institutions (NHRIs), academics, NGOs and business representatives.

The following summary of discussions sets out the main themes raised at the consultation as a mean of: first, providing a record of discussions to OHCHR in the drafting of the study; and, second, ensuring a summary of the debates which could be useful for the continuing consideration of this question by the Human Rights Council.

This summary seeks to capture the main points raised by participants but does not attempt to give a full record of the meeting. For this reason, with the exception of panellists, the summary does not attribute ideas and comments to specific participants. As various issues were addressed throughout the course of the day, the summary does not present a chronological record of the discussions but groups them under specific themes.

## **OPENING STATEMENTS**

The Deputy High Commissioner, Ms. K.-W. Kang, opened the Consultation by highlighting that as the scale, nature and causes of the world water and sanitation crisis become apparent, a rights-based approach to these issues is gaining momentum. The deputy-High Commissioner highlighted that a number of international declarations and plans of action adopted at international summits include specific commitments to provide access to safe-drinking water and sanitation for all, the Millennium Development Goals (MDGs) being a case in point. The Deputy High Commissioner also recalled that access to safe-drinking water and sanitation have been explicitly included in a number of core human rights treaties and are fundamental for the realisation of a number of human rights, including the right to health and the right to life.

The Deputy High Commissioner underlined that OHCHR's mandate to submit a report on the scope and content of human rights obligations related to equitable access to safe-drinking water and sanitation marks an important stage in clarifying access to water and sanitation as a human rights issue. She also noted that OHCHR has been receiving an important number of written submissions from a wide range of actors in relation to the study. These submissions span views and arguments from a wide spectrum of actors, including States, IGOs, local governments, NHRIs, civil society and the business sector.

The Chairperson, Ms. Maria-Francisca Ize-Charrin, reiterated that the consultation is an important event for OHCHR, which attaches a great importance to the study mandated by the Human Rights Council. The Chairperson noted that the consultation was a unique moment to gather participants' views on the scope and content of human rights obligations to provide access to safe-drinking water and sanitation and discuss these. She also thanked the panellists who made themselves available, and at their own expenses, to enrich and guide the discussion.

### **SESSION 1: SCOPE AND CONTENT OF HUMAN RIGHTS OBLIGATIONS RELATED TO EQUITABLE ACCESS TO SAFE-DRINKING WATER AND SANITATION**

Mr. Simon Walker made a presentation on "human rights obligations related to access to safe-drinking water and sanitation" and started by highlighting the following parameters of the Human Rights Council Decision 2/104 "*Human Rights and Access to Water*" to guide the discussion:

- The Human Rights Council does not refer to a stand-alone right to water and sanitation but talks about human rights obligations related to safe-drinking water and sanitation. Sanitation is added as a stand alone issue in the Human Rights Council Decision, which departs from the approach taken in General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights (CESCR).
- The Human Rights Council refers to human rights and water rather than to water rights, which are licenses to use water for industrial or farming purposes or to access water resources.

- The Human Rights Council refers to human rights instruments, underscoring the focus on the inherent dignity of human beings, as opposed to the rights of individuals versus corporations' rights.

Mr. Walker then briefly outlined four different categories of instruments entailing specific references to water and sanitation, as presented in the Guide to Discussion<sup>1</sup>: treaties entailing explicit or implicit references, non-binding instruments (plans of action, policy guidelines, directives, etc.) identifying access to water and sanitation in specific contexts (example of prisoners); humanitarian and environmental law instruments; as well as General Comment No. 15 and the draft Guidelines for the Realization of the Right to Drinking Water and Sanitation that have been adopted by Sub-Commission for the Promotion and Protection of Human Rights. Mr. Walker pointed that while both documents are not legally binding upon States, they are important to inform the discussion.

Mr. Walker then discussed what is meant by access to safe-drinking water in General Comment No. 15 and pointed to the water uses and quality requirements covered by human right obligations, including the obligations of non-discrimination, physical accessibility and affordability. Mr. Walker highlighted that while the right to water entails an obligation to provide a minimum amount of water, it does not entitles individuals to an unlimited quantity of water. Mr. Walker also underlined that the requirement of economic access – or affordability – does not necessarily implies that water has to be provided for free. However, he stressed that for the extremely poor, affordable might mean free under certain circumstances. Regarding sanitation, Mr. Walker emphasized that the human rights framework was less developed on this question.

In term of obligations, Mr. Walker referred to the typology of respect, protect and fulfil and highlighted their particular meaning when looking at water and sanitation:

- *The obligation to protect* demands that governments refrain from unjustly interfering with individuals' access to safe-drinking water and sanitation
- *The obligation to respect* demands that governments ensure that third parties, including individuals, groups, corporations and other entities under their authority do not interfere with individuals' access to safe-drinking water and sanitation.
- *The obligation to fulfil* demands that States adopt the necessary measures directed towards universal access to safe-drinking water and sanitation.

Mr. Walker further pointed that while States remain the primary duty bearers, other actors have a responsibility to provide access to safe-drinking water and sanitation and that discussions on the nature of companies' obligations are ongoing at the UN Human Rights Council. Mr. Walker also briefly discussed the possibility of individual criminal responsibility under the Rome Status, as well as the responsibility of the international community under the ICESCR.

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<sup>1</sup> The Guide to discussion is available on OHCHR website at: <http://www.ohchr.org/english/issues/water/consultations.htm>

Mr. Walker also showed that a preliminary review of UN treaty bodies' practice reveals that many committees have been addressing issues related to access to water and sanitation, especially in relation to lack of water in slums areas, low standards for minorities, restrictions regarding access, the situation of internally displaced persons (IDPs), water pollution, environmental problems and their impact on access to water. Recommendations formulated by various UN treaty bodies include the adoption of water strategies or programmes and the development of ecologically dry sanitation solutions in rural areas.

Ms. Mara Bustelo then made a presentation on the Special Procedures' approach to water and sanitation. She discussed how several mandate holders established by the former UN Commission on Human Rights (hereafter the Commission) have looked at the relevance of access to water and sanitation in relation to their mandates. Ms. Bustelo highlighted how the Special Rapporteur on the right to education has considered the problem of schools lacking adequate sanitation facilities as a genuine impediment of the right to education. She also pointed how the Special Rapporteur on toxic wastes has been drawing repeated attention to the pollution of water by the dumping of toxic products.

Ms. Bustelo also pointed to the fact that the mandates on food, housing and health have dedicated specific attention to the issue of water and sanitation. The Commission's 2001 resolution on the right to food included the issue of drinking water as part of the mandate of the Special Rapporteur on the right to food, who devoted a section of his 2001 report to the General Assembly on the relevance of drinking water to the enjoyment of the right to food. After the adoption of General Comment No. 15, the Special Rapporteur on the right to food also dedicated a section of his 2003 report to this issue, along with the question of access to water for agriculture and food production.

The Special Rapporteur on adequate housing highlighted the importance of access to water and sanitation in both his thematic reports and country missions. The Special Rapporteur raised, in this respect, concerns about the impact of privatization on access to safe-drinking water and sanitation. While he concluded that human rights obligations do not prevent the private provision of water services, States have to ensure that privatisation does not impede the enjoyment of human rights and that access by vulnerable groups is prioritized over cost recovery requirements.

Ms. Bustelo also recalled that the Special Rapporteur on the right to health systematically addressed the issue of access to water and sanitation as an underlying determinant of the right to health and that he is currently undertaking an in-depth examination of the relevance of water and sanitation for the right to health.

## **SESSION 2: STAKEHOLDERS VIEWS**

Mr. Bart Ouvry presented the Belgian legal framework that ensures access to safe-drinking water as a human right. While Belgium as a whole fully recognizes "water as a human right", the competence to implement this right is shared by the Federal Government and the three Regions. All three Regions have decided on

different ways to promote the right to water, highlighting different avenues to put this right into practice.

- *At the federal level*, article 23 of the Belgian Constitution states that all citizens should be able to live in a dignified manner and have therefore the right to the protection of a safe environment and health. On the basis of this article, the Belgian Constitutional Court ruled in 1996 that every person has a right to a minimum supply of drinking water. The Federal parliament is currently examining a proposal to complete the constitution with a mention of the right to water, rendering therefore explicit the Constitutional Court's decision.
- *In Flanders*, the legislation recognizes a right to a minimum supply of water, implying that every person is entitled to receive a minimum amount drinking water free of charge per year (15m<sup>3</sup>), an amount based on the World Health Organization's recommendations. The water unit price above this amount is constant. All persons have to pay sanitation taxes except the poorest ones.
- *In Wallonia*, the legislation states that each person has the right to dispose of a drinking water of quality and in sufficient quantity for its nutrition, household needs and health. Progressive water pricing is used for water supply and sanitation, with a first block of 30m<sup>3</sup> per household and per year at a lower rate. A social fund for water provides financial support to protect access to water for those having difficulties to pay their water bill. The fund is financed by a tax of 0.0125 EURO per m<sup>3</sup> of billed public water supply. In 2006, the principle of extending water solidarity to the international level was announced by the Walloon Minister of Environment during the fourth World Water Forum in Mexico. The Walloon Region is now in the process of adopting a legislation which creates a tax of 0.0125 EURO per m<sup>3</sup> to provide assistance for water projects in selected developing countries.
- *In Brussels-Capital Region*, the legislation recognizes the right to the distribution of drinking water for household's consumption. A progressive water pricing is based on three blocks of water consumption per person, followed by a fourth open block (above 60m<sup>3</sup> per person per year) at a much higher price. In addition, there is a sanitation tax per m<sup>3</sup>, which is reimbursed to poor people. Brussels has also created a social fund for water, financed by a tax of 0.01 EURO per m<sup>3</sup>. Water disconnection in case of non-payment is subject to proper information from welfare centres and prior approval by a court. Schools receive a free allocation of water (one litre per day and per pupil).

These different approaches highlight different ways of implementing human rights obligations to provide access to safe-drinking water. While following different methods, all three Regions have differentiated between essential consumption, which is free or at a low price, and luxury consumption which is at a higher price.

Mr. Ashfaq Khalfan addressed in his presentation the legal basis for a self-standing right to water and sanitation, the practical necessity for this right, as well as specific recommendations on the way forward.

Regarding the legal basis of a self-standing right to water and sanitation, Mr. Khalfan highlighted that States are obliged to ensure access to water and sanitation

within their jurisdiction. This being said, Mr. Khalfan referred to the debate on whether there is a self-standing right to water and sanitation and argued, on the following grounds, that there is a strong legal basis for a self standing right to water and sanitation:

- *Treaty-basis*: the ICESCR recognizes the right to an adequate standard of living, including adequate food, clothing and housing. The word “including” means that the right to an adequate standard of living is broader than food, housing and clothing. Nobody can argue that someone enjoys an adequate standard of living without access to safe-drinking water or a toilet. In the 1994 Programme of Action of the International Conference on Population and Development, States affirmed that all people have a right to an adequate standard of living, including adequate food, clothing, housing, water and sanitation, indicating that States defined the right to an adequate standard of living as including water and sanitation.
- *Political declaration*: all States have recognized water and sanitation as a human right in at least one political declaration.
- *General Comment No. 15*: confirms that the right to water is contained in the ICESCR.

Mr. Khalfan then discussed the practical rationale for a self-standing right to water and sanitation, highlighting that:

- Water and sanitation are a primary need, as recognized in the MDGs.
- It is important for the water sector to adopt a rights-based approach.
- It is necessary to ensure that governments give a high priority to water and sanitation.
- It is important that the human rights system redresses the world-wide neglect of water and sanitation.

In discussing the way forward, Mr. Khalfan, highlighted six avenues that the UN human rights system could pursue to promote the right to water and sanitation:

- The Human Rights Council should adopt a resolution specifically stating that the right to water and sanitation is comprised within the right to an adequate standard of living under the ICESCR.
- The Human Rights Council should appoint a Special Rapporteur to assist States to understand their legal obligations, identify and disseminate best practices and to monitor the progressive realization of the right to water.
- The CESCR should adopt a General Comment on the right to sanitation.
- The Human Rights Council should consider the Sub-Commission draft Guidelines for the Realization of the Right to Drinking Water and Sanitation and negotiate them, on the model of the inter-governmental guidelines on the right to food.
- UN treaty bodies should update their reporting guidelines to include water and sanitation.
- OHCHR should work with other UN agencies and the World Bank, IMF and the WTO to mainstream General Comment No. 15 and the Sub-Commission draft Guidelines for the Realization of the Right to Drinking Water and Sanitation into their operations.

Mr. Gérard Payen highlighted how private water operators input international discussions on human rights obligations to provide access to safe-drinking water and

sanitation and how they are contributing constructively to the work of OHCHR and to the Human Rights Council on water and sanitation. Mr. Payen also underlined how private water operators deliver access to safe-drinking water and therefore contribute to the realization of the right to water.

He highlighted that there are three steps to make the right to water effective: (1) recognition of the right to water at the national level; (2) identification of responsible public authorities and their related powers and obligations; (3) delivery in the field by an operator.

Mr. Payen also underlined that the right to water is widely recognized at the international level and that the main route for progress is its inclusion in national legislation and in the design of national frameworks. He also stressed that the question of public versus private delivery was outdated and detrimental for the poor: the criterion for assessing policies should not be public or private but performance or non-performance for the poor.

Regarding sanitation, Mr. Payen highlighted that while the right to sanitation was included in many documents, additional work is necessary to define and clarify its content and application. Mr. Payen underscored that the international community uses many sanitation concepts that are not clearly defined. As such, he suggested that more work is needed to define the content of the right to sanitation, in order to clarify what is meant by sanitation (for instance does it mean toilet facilities, waste water removal, non-contamination by other) and the corresponding obligations of public authorities.

## **DISCUSSION**

This part refers to the main issues that were discussed by participants throughout the consultation. It does not present a chronological record of the discussions but groups them under specific themes.

### **Focus of the study and the mandate given by the Human Rights Council**

An important part of the discussion focussed on the mandate given by the Council and what the study should focus on, clarify or address.

Several participants discussed the relationship between human rights obligations to provide equitable access to safe-drinking water and the allocation of water resources among riparian countries and in particular the following points: (1) whether human rights obligations have some implications for the allocation of water resources among riparian countries; and (2) whether the allocation of water resources among riparian States has some relevance for the study.

Some participants pointed to the fact that the allocation of transboundary watercourse law is one of the most developed areas of international law and that this issue does not form part of the study's focus. One participant also highlighted that General Comment No. 15 and human rights obligations to provide access to safe-drinking water do not create additional obligations than those already agreed upon by



States under international transboundary watercourse law. This participant stressed that paragraph 31 of General Comment No. 15 is in line with the non-significant harm principle recognized in transboundary watercourse law. This participant also pointed to the fact that transboundary watercourse law encompasses a rights-based approach, as one of its key principles stresses the reasonable and equitable use of water resources and the need to take basic needs into account.

Several participants stressed that human rights obligations to provide access to safe-drinking water do not change what is recognized in transboundary watercourse law and that the human rights framework has very limited implications for transboundary water management. Some participants argued that the study should look at the issue of transboundary water uses while other stated that it falls outside of the mandate entrusted by the Human Rights Council to OHCHR.

Regarding the study's focus, one participant highlighted that it should not only outline different human rights that include specific obligations to provide access to safe-drinking water and sanitation, but also provide conceptual clarification regarding the scope and content of these obligations. Among others, the study should look at the priorities human rights obligations to provide access to safe-drinking water set to States' choices regarding their water policy. This participant also stressed that as water is often provided by quasi-monopolies (public or private), the study should provide additional conceptual clarity regarding the regulations States have to put in place to monitor water services providers, the requirements regarding a minimum provision of safe-drinking water, as well as the procedural guarantees that are needed in case of water disconnections.

Participants also highlighted the need for the study to consider instruments pertaining to humanitarian and environmental law, with one participant stressing that human rights and humanitarian law are complementary and that human rights do apply in conflict situations, as highlighted by the International Court of Justice and the quasi-jurisprudence of the CESCR on house demolitions during conflicts.

Participants also discussed the exact meaning of the term "equitable", as entailed in the Council Decision 2/104, as the human rights framework generally focuses on equality and non-discrimination rather than on equitability. One participant highlighted the difficulty that the term "equitable" can raise in relation to the requirements of equality and non-discrimination. This participant gave the example of inheritance laws that allow women to inherit half of the men's share and that are considered equitable in certain contexts. Another participant highlighted that the term "equitable access" should be understood as ensuring the social inclusion of marginalised groups and the need to adopt positive measures to ensure access by the most marginalised. Several participants stressed that the term "equitable" should be understood in the traditional human rights meaning of equal and non-discriminatory.

### **Access to safe-drinking water and sanitation and related human rights obligations**

Several participants highlighted that access to safe-drinking water and sanitation has been recognized in various human rights treaties, including the Convention on the Rights of the Child (CRC), the Convention on the Elimination of

Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD). Participants also highlighted the legal foundations of human rights obligations to provide access to safe-drinking water and sanitation under article 11 and 12 of the ICESCR.

The relationship between access to safe-drinking water and sanitation and the enjoyment of the right to life or health has also been underscored by several participants, stressing that access to water is indispensable for a life in dignity and a prerequisite for the enjoyment of other human rights.

Another participant underscored the need to develop greater conceptual clarity on the international dimension of human rights obligations to provide access to safe-drinking water and sanitation, notably in relation to bilateral development agreements and bilateral cooperation. Accordingly, the study should consider and elaborate upon extra-territorial obligations in relation to access to safe-drinking water and sanitation. Another participant highlighted in this respect that the ICESCR has no territorial limits and therefore contemplates States' extra-territorial obligations. This participant recommended that the study looks at this issue through the lens of article 2.1 of the ICESCR on international assistance and cooperation to determine the scope of extra-territorial obligations. Another participant highlighted that while international cooperation is a crucial element to realize access to safe-drinking water, States themselves must guarantee a non-discriminatory access.

One participant also asked the extent to which the study could and should identify a basic minimum definition of the right to water that everyone could agree upon and then identify other layers of complexity that need further discussions. In responding to this question, one participant underscored that the study should not outline a certain number of litres of water a person is entitled per day to as this can change depending on the context and a number of factors.

Several participants also stressed the link with the Millennium MDGs, with one participant underscoring that this link highlights that the goal of access to safe-drinking water and sanitation has to be realized progressively.

Other participants pointed to the fact that there is no international treaty explicitly recognizes the right to water and that the Human Rights Council (or the former UN Commission on Human Rights) did not recognize it either. Another participant stressed that this lack of international recognition shows that there is no universally legally binding instrument on the right to water, as General Comment No. 15 is a soft law instrument. In responding to this, another participant stressed that the right to water is found within a treaty, i.e. the ICESCR, under article 11 securing the right to an adequate standard of living.

Some participants also pointed that the right to water has been recognized in some constitution. Another participant added that several countries have specific regulations, case law or legislations regulating the provision of safe-drinking water, entailing specific safeguards in relation to disconnections, as well as specific requirements for minimum provision, even if these are not framed under the umbrella of the human right to water. In this respect, several participants presented their national regulations, legislations or programmes to provide access to safe-drinking

water and sanitation, highlighting different ways to implement human rights obligations to provide access to safe-drinking water and sanitation.

In discussing human rights obligations to provide access to safe-drinking water and sanitation, one participant highlighted that the provision of access to safe-drinking water is one of the biggest challenges of this century. Recent developments in international law, with the adoption of a rights-based approach, have marked a shift in looking at this issue from a question of charity to a question of entitlement.

### **Duty Bearers**

The discussion around duty-bearers was brought by some participants stressing the impact that the privatisation of water services can have on individuals' access safe-drinking water.

Several participants highlighted that international human right law does not mandate the public provision of water and that States remain the primary duty-bearers of human rights obligations to provide access to safe-drinking water and sanitation. As part of their obligations, States have to regulate and monitor water and sanitation services providers, be they public or private. In this respect, several participants underscored that there is a need for greater conceptual clarity regarding this regulatory framework. One participant noted that in most developing countries, the State's capacity to regulate big private sector companies or safeguard their citizens' access to sufficient water is very weak and that, in these circumstances, the role of the State should be strengthened through social policies.

Some participants also highlighted the importance for the study to point for the need of new international mechanisms to protect peoples' access to safe-drinking water from corporations and International Financial Institutions (IFIs).

The responsibility of occupying powers to provide access to safe-drinking water, along with the question of distribution of water among the occupied population and settlers, was also raised by one participant as an important issue for the study.

### **Participation and access to information**

Several participants highlighted the importance of access to information and participation in decision-making processes affecting individuals' access to safe-drinking water and sanitation. One participant stressed that the participation of affected people in decision-making processes was the best way to fulfil the right to water.

Another participant highlighted several instruments pertaining to environmental law that entail specific provisions to guarantee access to information and participation in decision-making processes related to water and sanitation, notably the UNECE Protocol on Water and Health to the 1992 Convention on the Protection of Transboundary Water sources and International Lakes and the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).

## **Determinants of water and sanitation**

Several participants pointed that some determinants had to be taken into account in order to ensure individual's access safe-drinking water and sanitation, underscoring the need to look at access to water and sanitation in close connexion with the following issues:

- Sustainable development;
- Security;
- Water management;
- Poverty;
- Protection of ecosystems;
- Sustainable use of water resources and future generations;
- Guarantee that access to water is provided in a way that does not create human rights violations;
- Control over land for indigenous peoples as a crucial element to guarantee their access to safe-drinking water.

## **Water uses and the question of water scarcity**

Participants also discussed the question of water scarcity and its relevance for human rights obligations to provide access to safe-drinking water. One participant highlighted - referring to the 2006 UNDP Human Development Report- that from a human rights perspective the crucial question might not be one of scarcity but rather one of poverty, discrimination and resources allocation. One participant also stressed that the link between water scarcity and peoples' lack of to access water is very weak. For this participant, the problem of access to water is a problem of public services to be delivered to people.

Another participant highlighted that the problem is not the degree of scarcity but the fact that water is a limited resource subject to competing uses. Accordingly, human rights obligations, by prioritising the domestic uses of water, impose some limitation on States' allocation of water resources, as well as certain priorities for water management. In relation to the issue of prioritization among various water uses, another participant highlighted that human rights obligation require that safe-drinking water for essential needs take precedence over other uses.

The relationship between water and agriculture was also discussed by participants, with one participant highlighting that the individual human right to water should be distinguished from farmers' rights or water rights that can be licensed and are not inalienable. Another participant stressed that the use of water must prioritize human consumption, agriculture protection and sustainability, with personal uses having priority over industrial uses.

## **Recommendations**

Besides the recommendations outlined by Mr. Khalfan in his presentation, other participants highlighted some avenues to promote human rights obligations to provide access to safe-drinking water and sanitation. One participant recommended an inter-agency consultation between OHCHR, WTO, ILO and UNHCR to discuss the promotion and protection of access to safe-drinking water as a human right. Another

participant stressed the need for the Human Rights Council to clearly recognize the right to water, with one participant highlighting the need to think about additional institutional mechanisms at the international level and supported the idea of a Special Rapporteur.

Another participant stressed that regardless of the approach taken, the work of other instances on this issue, like the WHO and UNECE, should always be taken into account. This participant also highlighted the need to cooperate with IFIs.

## **ANNEX I**

### **OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

#### **CONSULTATION ON HUMAN RIGHTS AND EQUITABLE ACCESS TO SAFE-DRINKING WATER AND SANITATION – 11 MAY 2007 AGENDA**

##### **SESSION ONE - INTRODUCTION**

**10:00-10:10** - Welcoming address– Deputy High Commissioner for Human Rights

**10:10-10:15** - Introduction by the chairperson – Maria-Francisca Ize-Charrin, OHCHR

##### **SESSION TWO – SCOPE AND CONTENT OF HUMAN RIGHTS OBLIGATIONS RELATED TO EQUITABLE ACCESS TO SAFE-DRINKING WATER AND SANITATION**

**10:15-10:45** - Human rights obligations related to access to safe-drinking water and sanitation– Simon Walker, OHCHR

**10:45-11:00** – Special procedures’ approach – Mara Bustelo, OHCHR

**11:00-13:00** – Discussion

##### **LUNCH**

##### **SESSION THREE – STAKEHOLDERS’ VIEWS**

**15:00-15:15** – National experience in implementing human rights obligations related to equitable access to safe-drinking water and sanitation– Bart Ouvry, Permanent Mission of Belgium in Geneva

**15:15-15:30** –NGOs’ experience and views, Ashfaq Khalfan, Centre on Housing Rights and Evictions (COHRE)

**15:30-15:45** – Private sector’s experience and views–Gérard Payen, Aquafed

**15:45-17:45** – Discussion

##### **SESSION FOUR – CONCLUSIONS AND RECOMMENDATIONS**

**17:45-18:00** - Presentation of Chairperson's summary of discussions and closing remarks

## **ANNEX II**

### **STAKEHOLDERS ATTENDING THE OHCHR/ CONSULTATION ON HUMAN RIGHTS OBLIGATIONS RELATED TO ACCESS TO SAFE-DRINKING WATER AND SANITATION ON 11 May 2007**

#### **Pannelists**

Simon Walker (OHHR), Mara Bustelo (OHCHR), Bart Ouvry (Permanent Mission of Belgium in Geneva), Ashfaq Khalfan (Centre on Housing Rights and Evictions (COHRE)) and Gérard Payen (Aquafed)

#### **States**

Argentina, Bangladesh, Belgium, Bolivia, Colombia, Finland, Germany, Haiti, India, Lebanon, Morocco, Netherlands, Portugal, Spain, Switzerland, Syrian Arab Republic and Turkey

#### **Intergovernmental organizations and united organizations and bodies**

United Nations Convention to Combat Desertification (UNCCD), United Nations Development Programme (UNDP), United Nations Research Institute for Social Development (UNRISD) and World Health Organization (WHO).

#### **National Human Rights Institution**

German Institute for Human Rights

#### **Non-governmental organizations, consultancies and other organizations**

ACME-Suisse, *Association Suisse pour le Contrat Mondial de l'Eau*, Amnesty International, Center for Applied Studies in International Negotiations (CASIN), Centre on Housing Rights and Evictions (COHRE), Church of Sweden, Commission Africaine des promotions de la santé et des droits de l'homme (CAPSDH), Conseil Mondial de L'Eau, Corporate Accountability International, Earthjustice, Ecumenical Water Network/World Council of Churches, FIAN, Franciscans International, Friedrich Ebert Stiftung Geneva, Human Rights Centre - University of Essex, Indian Council of South America Indigenous Peoples and Nations Coalition, Interfaith, International Commission of Jurists (ICJ), International Council of Women, International Environmental Law Research Centre, Norwegian Church Aid, Rights and Democracy, Stockholm International Water Institute and Wateraid.

#### **Private Sector**

Aquafed – International Federation of Private Water Operators and World Business Council for Sustainable Development (WBCSD)