

AquaFed

Brussels Office

6, rond point Schuman box 5
B1040 Brussels – Belgium
Tel: +32 2 234 78 07
Fax: +32 2 234 79 11

THE INTERNATIONAL FEDERATION OF
PRIVATE WATER OPERATORS

www.aquafed.org

Paris Office

54, avenue Hoche
F75008 Paris – France
Tel: +33 1 56 60 50 07
Fax: +33 1 56 60 56 50

Human Rights Council

Independent Expert

on the issue of human rights obligations related to
access to safe drinking water and sanitation

Consultation on Private Sector Participation
in the delivery of water and sanitation services
and the Right to Water and Sanitation

**Private Water Operators
contribute to making the
Right to Water & Sanitation real
AquaFed's submission**

Part 1

Contribution of private water operators to the Right to Water and Sanitation

22 March 2010

Submission by AquaFed, the International Federation of Private Water Operators, as a contribution to the Consultation on *Human Rights to Water and Sanitation and Private Sector Participation in the provision of water and sanitation services*", organised by Ms. Catarina de Albuquerque, Independent Expert on the issue of human rights obligations related to safe drinking water and sanitation. http://www2.ohchr.org/english/issues/water/iexpert/private_sector_participation.htm

Contact details:

G rard PAYEN – President - (Gerard.Payen@aquafed.org |+33 1 56 60 50 07)

Jack MOSS – Senior Water Adviser (Jack.Moss@aquafed.org |+33 1 56 60 50 07)

Thomas VAN WAEYENBERGE – Brussels' representative (Thomas@aquafed.org | +32 2 234 78 08)

Contents

1. Acronyms
2. Key messages about the contribution of Private Water Operators to the Right to Water and Sanitation
3. Introducing AquaFed, Private Water Operators and this report
- 4.. The many ways Private water operators contribute to the Right to water and Sanitation.
- 5.. Advocacy in the international community. List of documents on the Right to Water and Sanitation released directly or indirectly by private water operators in the international community
- 6.. External information on regulated private water operators and their global contribution to the implementation of the Right to Water and Sanitation. List of documents issued by global institutions and others

Attachments

Documents listed in Chapters 5 and 6

Important note: the private sector is involved in delivering water and sanitation services directly or indirectly through a number of different mechanisms. This submission focuses on the formalised provision of water services by Private Water Operators. In this document the term "Private Water Operators" means private companies that deliver water supply or sanitation services through contracts or licenses under the direction of public authorities. Other private providers of water/sanitation are named differently.

1. Acronyms

GC15	General Comment 15 to the International Covenant on Economic, Social and Cultural Rights
HRC	UN Human Rights Council
ICESCR	International Covenant on Economic, Social and Cultural Rights
CESCR	UN Committee on Economic, Social and Cultural Rights
MDG	Millennium Development Goal
OHCHR	Office of the UN High Commissioner on Human Rights
PPP	Public-Private Partnership
PSP	Private Sector Participation to the delivery of water or sanitation services
PWO	Private Water Operator
RTWS	Right to Water, including Right to Safe Water and Right to Sanitation, as in GC15
SPSP	Small-Scale Private Water Operator

2. Key messages about the contribution of Private Water Operators to the Right to Water and Sanitation

Private Water Operators, those private companies (or individuals) that deliver water supply or sanitation services through contracts or licenses under the direction of public authorities, contribute significantly to the Right to Water and Sanitation. They do it by many ways:

- Private Water Operators contribute to the recognition of the Right to Water and Sanitation in the international community through research, advocacy and participation to the work of global institutions. Through AquaFed, they have supported the Right to Water and Sanitation publicly in the international community for many years.
- Private Water Operators implement the Right to Water in the field and are aware of the related challenges. In the past fifteen years they have provided sustainable access to affordable safe water to tens of millions people, mostly poor, in the areas designated by the responsible public authorities. They have increased the quality and the availability of the water used by hundreds of millions of people. They have provided connections to sewerage systems to tens of millions of people. Implementing the Right to Water and Sanitation is an integral part of their core business.

3. Introducing AquaFed, Private Water Operators and this report

AquaFed, the International Federation of Private Water Operators [PWOs], represents private companies that deliver water supply or sanitation services under the direction of public authorities.

Members of the Federation are water services providers of all sizes, operating in around 40 countries, as both locally and internationally owned businesses¹. The members of our Federation serve a majority of the people who get water from private companies that are mandated and regulated by governments. Some supply water/sanitation daily to thousands of people, others to hundred thousands of people, and others to millions or even tens of millions of people. Our members' business is to be the operators of public services entrusted to them by governments (central government, local government, water authority) through PPP contracts or licenses to supply drinking water and to provide sanitation services to their populations.

In this way they are used by governments as a tool to implement the Right to Water - that includes the Right to access to Drinking Water and the Right to Sanitation - as described in the General Comment 15 to the International Covenant on Economic, Social and Cultural Rights (GC15). Implementing the Right to Water is an integral part of their core business.

As practitioners of this Right they have contributed to, and are continuing to contribute in many ways, to the works of the Office of the UN High Commissioner on Human Rights

¹ www.aquafed.org

[OHCHR] and of the UN Human Rights Council [HRC] on the recognition, the definition and the implementation of this Right.

They appreciate that the UN Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation has been mandated to make a report on their activities with respect to the Human Right to Water and Sanitation.

The necessity for detailed contracts, strict monitoring and detailed regular reporting, means that knowledge of the work of private water operators mandated by governments is far more extensive than knowledge of any other type of water supply in both developing and developed countries. Private Sector Participation in water and sanitation services highlights the challenges that are faced by all water operators, public or private. We would be very proud that this experience with the Private Sector helps the United Nations to promote the Human Right to Water in a way which helps all operators to further the development of access to drinking water and sanitation to the billions of people who need these public services.

As the work of the Independent Expert focuses on our industry we believe that it is important to provide information on our activities, our contributions on the Right to Water and on misconceptions of our work. This is why our submission to the Independent Expert is structured in different parts. This Part 1 provides information on the many ways private water operators contribute to the Human Right to Water and Sanitation.

4. The many ways private water operators contribute to the Right to Water and Sanitation.

Private Water Operators are private companies that deliver water supply or sanitation services under the direction of public authorities.

Providing good quality water to populations is their job and their “raison d’être”. In developing countries they take part as practitioners in the efforts of governments to develop access to water and sanitation. They are used by public authorities to provide new access effectively to many water-users including to poor people in deprived areas and to operate, maintain and improve existing systems and services. Through these activities, they contribute to real and practical implementation of the Right to Water and Sanitation [RTWS].

As a result of this practical experience as implementers they see that the debates about the Right to Water and Sanitation are often made unnecessarily complex. This is partly due to the pressure from people who have interests that are far removed from the real needs of the right-owners. This realisation leads private water operators to take an active and constructive part in these debates and in the promotion of the Right.

They became public supporters of the Right to Water and Sanitation and have advocated for its recognition and its implementation for many years

To be able to bring constructive views to these debates they have conducted research on the relationship between water/sanitation delivery and human rights.

At the international level, they have brought their experience as practitioners to the UN work on the definition, the recognition and the implementation of the Right to Water and Sanitation.

At national level, they try to bring their experience where there is a debate on the RTWS.

Altogether, private water operators contribute to the Right to Water and Sanitation in many ways:

- *Implementation.* They implement the RTWS in the field by providing sustainable and effective access to safe and affordable services to populations
- *Research.* They make research and release documents about the RTWS. These are about the content, the misunderstandings, the challenges, the field processes and results.
- *Legal framework.* They contribute to the work of governments and the United Nations, including the Human Rights Council, with respect to the legal framework of the RTWS
- *Identification of the lack of defined content for the Right to Sanitation.* In 2007 AquaFed brought the attention of the UN High Commissioner on Human Rights on the lack of practical content for the Right to Sanitation.
- *Advocacy.* They advocate for the recognition and the implementation of the Right to Water.
- *Knowledgeable stakeholders.* They work with others and contribute to many public debates on the RTWS by bringing their experience and their knowledge of both the Water Sector and the Human Right to Water and Sanitation.

All this is performed by companies either individually or through national associations or through AquaFed, their international association. The present submission aims at providing information to the Independent Expert on these 6 ways of contributing to the RTWS. This is done through the presentation of

- many documents issued directly or indirectly by private operators that provide information on their contribution to the work of the international community with respect to the RTWS
- a few documents issued by researchers and institutions which provide information on the effective delivery of the RTWS in the field by private companies.

4.1. *Implementation.*

Private water companies operate in many countries under different business models and types of contracts. The size of these companies covers a wide range. Recently many new mid-size or large operators have been identified as described in documents E1 and E6 below (Chapter 6). Document E2 describes the work of small-scale private operators that serve fewer than 50,000 people each or 5,000 customers in small settlements, whether urban, peri-urban or rural.

Private water operators implement the RTWS in the field by providing effectively sustainable access to safe and affordable services to populations. Many (but not all) PPP contracts include an expansion of water/sanitation services to un-served areas. In many cases these are slums or deprived areas and private water operators have learnt to face the specific challenges related with these activities. In this submission we will not detail the numerous projects where private operators have improved access to water/sanitation. We will only provide light on the magnitude of the contribution of private water operators to the development of access to water, on the different impacts of their work and on the variety of organisations they use.

In Chapter 6 we have gathered a number of very relevant documents. The two reports by the World Bank- PPIAF (documents E5 and E6) are very important since

they report on the only global research that has been made seriously on the overall impact of PPP contracts in developing countries and that provide evidence which is statistically meaningful.

According to these 2 reports, private operators working under contract to public authorities:

- contribute significantly to the Millennium Development Goals to provide access to safe drinking water and to sewerage networks in the developing countries, particularly for poor people.
- improve the benefits of water supply services to the population, in particular by increasing the number of hours a day that water is available (an improvement of 41% on average in less than 10 years)
- improve the operating efficiency of water services
- do not cause price rises that are higher than for public management under the equivalent conditions
- act as a catalyst to progress in neighbouring districts.

The improvement in the access to safe drinking water that is quantified by the World Bank is particularly impressive. The study examines in detail 36 contracts in Africa, Latin America and Asia². Initially these contracts supplied 48 million people. Private company management over a period of a decade has permitted an additional 25 million people to gain access to reliable water networks. This represents an increase of 50% in the number of people benefiting from a good public water service.

The work of private water operators also has positive indirect social and economic impacts on the right-holders. The document E1 (see Chapter 6) shows an example of such important benefits. It describes the very positive impact of PPP contracts in Argentina on the reduction of child mortality. The authors conclude:

“In the 1990s Argentina embarked on one of the largest privatization campaigns in the world, including the privatization of local water companies covering approximately 30 percent of the country’s municipalities. Using the variation in ownership of water provision across time and space generated by the privatization process, we find that child mortality fell 8 percent in the areas that privatized their water services and that the effect was largest (26 percent) in the poorest areas.” The article E9 (see Chapter 6) shows the complete change in the life of the people in these neighbourhoods in India who are now supplied with water at home on a continuous basis. This is the result of a PPP contract with a private water operator.

The table 1 below lists examples of actions by PWOs that contribute to water quality, availability, accessibility and affordability which are key components of the RTWS. Our 2007 submission³ to the OHCHR mentions many other examples of contributions of PWOs to the RTWS.

² These PPP contracts are listed in the document E6b presented in Chapter 6.

³ *Practitioners’ Views on the Right to Water*, AquaFed, 2007, pages 23 to 27. This 2007 submission is referenced as document E11 in Chapter 5 and in the appendix to this submission.

Table 1. Examples of contributions to the Right to Water and Sanitation

Contribution to			Examples of improvements in service delivery on the ground by private water operators
Availability Accessibility	Quality / safety	Affordability	
Infrastructure management			
√	√	√	Reduction of leakage in piped networks⁴ : Restoring the pressure (through leakage reduction) in drinking water supply network contributes to the continuity of supply. It also reduces the risk of contamination entering the drinking water supply network when it is not under pressure. This increases the quality of the water supplied to users. When more water is available from the public network, there is less need to get water from other more expensive sources so customers are better off in terms of affordability.
√	√		Long-term contracts imply long-term commitments with sanctions in case of non achievement. This contributes significantly to the long-term sustainability and effectiveness of water/services
√	√	√	Connections to piped networks : Private water operators have been instrumental in developing a wide range of social connection programmes to the water networks in their areas of operation ⁵ : Numerous innovative solutions have been proposed and implemented to alleviate the cost of the connection to the household and users: payments instalments, cross-subsidies, OBA grants, self-lay using local labour or in-kind contribution ⁶
Relationship with users			
		√	Social Tariffs Private Water Operators are used to implement tariffs and cross-subsidisation mechanisms set by public authorities which aim at being pro-poor ⁷ .

⁴ See numerous examples of such achievements (up to 24/7 supply) in *Public-Private Partnerships for Urban Water Utilities, A Review of Experiences in Developing Countries*, World Bank 2009, pages 68 to 88, ref E5 in this submission,.

⁵ see for example the social connection programme developed in Tangiers – Morocco.

⁶ see the examples of cross-subsidies to reduce the price of new connection in Buenos Aires or La Paz-El Alto. Other evidences of such approaches, for instance in South America, Senegal and Cote d'Ivoire, are well documented in *Public-Private Partnerships for Urban Water Utilities, A Review of Experiences in Developing Countries*, World Bank 2009, page 45 to 68, ref E5 in this submission,.

⁷ For example, in Morocco the majority of urban water-users served by private operators pay water at a price that is inferior to the price paid by the PWO to the publicly-controlled bulk supplier.

√	√	√	<p>Billing collection: in many countries private water operator have managed to dramatically improve the recovery rate of water bills from customers, making as a consequence, the cost of the service more equitably shared between users, contributing to its financial sustainability and to its sustainable provision in quantity and quality at an affordable price⁸</p>
√	√		<p>Customer charters and incentives: Private water operators have been instrumental in certain countries in implementing “customer charters” guaranteeing certain levels of services on key customer orientated performance indicators even if not requested by their contracts/licenses.</p>

4.2. Research.

Private water operators make their own research about the content, the implications and the implementation of the Right to Water and Sanitation. Some of them have made specific research on solutions and field processes to develop access successfully in slums and poor areas. Individually or through their international federation, AquaFed, they have released several documents that make explicit the challenges in the field and potential misconceptions related to the right to water.

See for example documents 2b, 2c, 3en, 7a, 11, 13, 14, 21, 28, 29, 31 below which are reports on specific topics or comments on draft documents:

In particular, this research work has resulted in:

- Improving the knowledge of companies and of the whole water community on solutions in slums and deprived areas
- Identifying a gap in the international definition of the Right to Sanitation which made it impractical. See para 1.4 below.

4.3. Legal framework.

Private Water Operators contribute to the work of governments and the United Nations, including the Human Rights Council, with respect to the legal framework of the RTWS.

The documents 2a, 2b, 2c, 2d, 2e (listed in chapter 5) show that one operator contributed to the General Comment 15 to the ICESCR⁹ in 2002.

The document 3EN (see chapter 5) shows that one private practitioner interacted with international lawyers in 2003

In 2007 (document 11) AquaFed drew the attention of the UN OHCHR on the lack of content of the Right to Sanitation (See para 4.4 below)

⁸ See more detail in *Public-Private Partnerships for Urban Water Utilities, A Review of Experiences in Developing Countries*, World Bank 2009, ref E5 in this submission, pages 88 to 95.

⁹ International Covenant on Economical, Social and Cultural Rights

In 2009 (document 29) AquaFed showed that governments are able to comply simultaneously with their international obligations and with their obligations under the Human Right to Water.

4.4. *Identification of the lack of defined content for the Right to Sanitation.*

In 2007 AquaFed brought the attention of the UN High Commissioner on Human Rights on the lack of practical content for the Right to Sanitation [RTS] in the General Comment 15 to the ICESCR despite the formal recognition of this Right in the General Comment¹⁰. Without defined content of the RTS local decision-makers are unable to know what they should do to comply with the Right to Sanitation. This lack of definition made the RTS impractical and it was not identified until AquaFed drew attention to it. This was received seriously by the OHCHR which highlighted this gap in its report to the UN Human Rights Council¹¹. As a result, the Independent Expert who was appointed in by the Human Rights Council was requested to clarify the content of the Right to Sanitation. She did it in her 2009 report¹². This report was well received by the Human Rights Council and led to a useful resolution¹³ of the Council on October 1, 2009. Article 5 of this resolution “Recognizes the important contribution of the private sector when addressing the issue of access to sanitation;”.

4.5. *Advocacy.*

Some private operators have advocated for the Right to water since the beginning of the XXIst century. In 2001 one company wrote to all Heads of States stating that ‘*the universal right of access to water must be recognised and we should get down to work to turn that right into a reality every day*’ [see document 1].

In March 2006, during the 4th World Water Forum in Mexico City, AquaFed, the International Federation of Private Operators, made a publicly call for the Right to Water to be recognised and implemented [See document 6 ‘*Private Water Operators call to turn the Right to Water into a reality for all people*’].

In January 2008, AquaFed presented the Right to Water and related challenges to UN-Water, the coalition of UN agencies interacting with water [see document 15].

In May 2008, in the UN CSD AquaFed and its partners of the Business & Industry Major Group promoted ‘*strong and clear recognition of the Right to Water and Sanitation*’ in plenary meeting with CSD member States [see document 19].

¹⁰ See document 11 in Chapter 5 below.

¹¹ Paragraph 67 of the OHCHR report: “*The High Commissioner notes that there is a need for further elaboration of certain aspects of human rights obligations attached to access to safe drinking water and sanitation. Existing human rights instruments have provided the basis for expert human rights bodies to elaborate on States’ obligations, but the study has highlighted the fact that detailed practical advice is required on the following issues: the normative content of human rights obligations in relation to access to sanitation*”; The OHCHR report is available on:
<http://daccessdds.un.org/doc/UNDOC/GEN/G07/136/55/PDF/G0713655.pdf?OpenElement>

¹² IE report on Right to Sanitation available on
http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-24_E.pdf

¹³ HRC resolution on the Right to Sanitation <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G09/165/71/PDF/G0916571.pdf?OpenElement>

In March 2007 on the Women's Day, in UN-CSD16, and at the Istanbul World Water Forum in 2009, AquaFed has consistently advocated for more ambitious water policies aiming at improving the lives of population.

Private Water Operators advocate for both the recognition and the implementation of the Right to Water.

4.6. *Knowledgeable stakeholders.*

Private Water Operators work with others and contribute to many public debates on the RTWS by bringing their experience and their knowledge of both the Water Sector and the Human Right to Water and Sanitation. AquaFed has acted as a broker between water experts and human rights experts.

AquaFed has sought to bridge the visions of these two groups. This has been very useful to overcome misunderstandings. For example, on the one hand, AquaFed has promoted the Right to Water and Sanitation to the 23 UN agencies that are members of UN-Water (see document 15 below) and on the other, its various contributions to the work of the OHCHR and the UN Human Rights Council have helped these bodies to take account of the challenges related to the practical implementation of the Right to Water.

5. Advocacy in the international community

List of documents on the Right to Water and Sanitation released directly or indirectly by private water operators in the international community

The documents listed below are documents that mention the Right to Water and Sanitation and that were released directly or indirectly by private operators in the international community. Their list is long enough to show the international contribution of private water operators with respect to the RTWS.

This list includes neither the documents on the RTWS released by PWOs in specific countries nor any documentation about the contribution of PWOs to developing access to water and sanitation which does not mention explicitly the RTWS.

These documents are listed in chronological order. When an electronic version is available on the Web, the number is underlined and includes the weblink.

For each document, useful quotes are copied under the description of the document

	Year	Issuer	Topic
1	2001	Suez	<p>Nov 2001 Letter to all Heads of State entitled 'The Water Truce', extract from 'Bridging the Water Divide', Suez 2002.</p> <p>Quote: "... <i>the universal right of access to water must be recognised and we should get down to work to turn that right into a reality every day</i>".</p>
2a	2002	Suez Contribution to General Comment 15	<p>30 Oct 2002 Email to the organiser of a preparatory debate in Geneva (Friedrich Ebert Stiftung)</p> <p>Quote: '<i>In 2002, we contributed actively to a document which has been approved by all French Water actors including NGOs and which is called Charter for Access to Water (see appendix). This document is the first that I know which defines a "duty" to implement the "Right to water". Obviously, this "duty" is to be borne by the local governments.</i>'</p> <p>Quotes from the appendix: '<i>The task of the authorities organizing the services is to guarantee access to water and sanitation for all. They finalize the programmes and timetables for improving water and sanitation services put forward in participative meetings; they then publish these decisions.</i>'</p> <p><i>'While respecting the pre-eminence of the public authorities, private and public sector operators implement the resources required to achieve the objectives set by the organizing authority.'</i></p>
2b			<p>14 Nov 2002 Speech in a preparatory meeting in Geneva</p> <p>Quotes: '<i>For a right to become a reality we also need to be clear on responsibilities and on means. It is essential that someone has the responsibility to ensure that the right is accessible to those who need to enjoy it. In most cases, having the right to access to water (and sanitation) also depends on having the means to deliver. The means to deliver requires an appropriate organisation and adequate resources.</i>'</p>

			<p><i>'In a sustainable system, the reality is that a free supply is just the ultimate stage of a cross-subsidy. In a system where there is no effective cost recovery system it is a route to system failure.'</i></p> <p><i>'Are the poor given sufficient priority by private water service providers? It is not my place to speak for others, but in Suez we make huge efforts to make sure that our work is fully inclusive of the poor. Bridging the Water Divide and our Water for All programme are focussed on this objective. Every day we supply water services to 9 million people living below the poverty line through a variety of Public Private Partnership contracts.'</i></p>
2c			<p>19 Nov 2002 letter to CESCR Secretary with comments on the draft GC15</p>
2d			<p>19 Nov 2002 letter to CESCR Chairperson c/o OHCHR</p> <p>Quotes: <i>'As a private company that has been active in the operation and provision of water and sanitation services for 150 years, we are strongly in favour of the clarification of the right to water. For many years, we have considered that this right exists, even if it has not been formalised in many states' legislation. For this reason, we are very interested in and encouraged by the work you have accomplished in drafting General Comment n° 15</i></p> <p><i>As I see it the right to water has two major aspects. The first is the work that you are doing to define what the right means. The second part is the work that must be done "on the ground" to ensure that the right becomes a reality for all people. It is vital that the first part is conceived in a way that gives the fullest flexibility and freedom to act possible to the states and local authorities who must conduct the second. Under the right conditions the use of the private sector has proved to be very effective in providing water and sanitation services to those who are inadequately supplied. In many occasions it has been used to overcome patent failure by the public sector'.</i></p>
2e			<p>22 Nov 2002 press release by the UN Committee on Economic, Social and Cultural Rights – Suez mentioned</p> <p>Quote: <i>'Jack Moss, of SUEZ, United Kingdom, said his company subscribed to the Committee's efforts in alleviating poverty. It was essential that the General Comment should be practical in order to achieve the right to water. The right to water was not fully enjoyed by people not because of lack of good management but due to lack of commitment and mismanagement. One could not escape the economic reality of water, whose delivery incurred costs. Overseas Development Assistance (ODA) could help in the realizing the right to water in developing countries. Measures to privatize water services could be considered a "mass salvation against want of water". Water was life-giving but it would be unforgiving if it was not managed well.'</i></p>
3EN 3FR	2003	Gerard Payen (current AquaFed President)	<p>'The right to have access to drinking water, economic, institutional and practical factors' (English & French), 9-page article printed in IDEF, Institut de Droit d'Expression et d'inspiration Françaises, Lausanne Conference, September 29, 2005</p> <p>Abstract: <i>'Defining the right to access to drinking water requires</i></p>

			<p>identifying the public authority that is responsible for its realisation. This paper argues that in reality it means even more than that. It is also necessary to precisely define the obligations of this public authority and the legal and financial means that it can mobilize. Furthermore, there are numerous practical questions that have to be resolved to ensure the “delivery” of the right. These questions cover legal, institutional, technical, economic, social and other issues, which can vary widely within a community. Conflicts and inconsistencies between these issues and between people in different circumstances can lead to unintended consequences. In particular, tariff design and the conception and application of subsidy systems need careful attention. They require practical understanding that takes account of the need to ensure that water really reaches all the people.’</p>
4	2005	Business & Industry major group (Lennon)	<p>Declaration to the UN Commission on Sustainable Development, 13th Session, April 21, 2002</p> <p>This declaration was made in full agreement with the private water companies that were present in New York</p> <p>Quotes: ‘We also note that the 2002 International Covenant relating to Economic, Social and Cultural Rights includes the right to access to water, which is consistent with these other commitments.’</p> <p>‘We hope that, while supporting a rights-based approach, that follow-up from CSD13 will stress the priority need of the poorest populations to have access to potable water, sanitation and other water services. Business does not support privatization of water resources. Public versus private delivery of services is not the issue.’</p>
5	2006	AquaFed	<p>Statement on the Right to Water in the opening plenary of the 4th World Water Forum in Mexico City, March 16, 2006</p> <p>Quotes: ‘In the recent past, the Right to Water has been highly debated in controversial ways in international conferences. Polemics have arisen from ignorance of the real meaning of the Right to Water. The lack of consensus has mainly resulted from a lack of knowledge.’</p> <p>‘The implementation of the Right to Water is a challenge for which water operators, public and private, have much experience. Their duty, as instruments of public water policies is to make the Right to Water effective. And they do it by connecting millions of people to public water systems’.</p>
6a	2006	AquaFed	<p>‘Private Water Operators call to turn the Right to Water into a reality for all people’, Press release during WWF4 in Mexico, March 19, 2006</p> <p>Quotes: ‘Private and public operators contribute to making the Right to Water a reality every day. Supplying water to people is their “raison d’être”.’</p> <p>‘The implementation of the Right to Water is a challenge for which water operators, public and private, have significant experience. Their mission, as instruments of public water policies, is to make the Right to Water a reality for people.’</p>

6b	2006	Antoine Frerot (current CEO of the Veolia group)	<p>‘Proclamer le droit à l’eau potable ne suffit pas’, Antoine Frerot, OpEd in Le Monde (France) during the 4th World Water Forum in Mexico City, March 17, 2006</p> <p>Quotes: <i>‘ce droit est fondamental, il doit devenir effectif pour le milliard d’hommes aujourd’hui privés d’eau potable et les 2,5 milliards dépourvus d’assainissement. Or qui dit instauration d’un droit dit instauration d’une créance avec un débiteur en charge de l’honorer. Sinon, ce droit ne serait qu’une incantation dont certains se sont faits les spécialistes. Un droit à l’eau sans débiteur solvable ne serait rien d’autre qu’un chèque sans provision, ou, en d’autres termes, « un droit sans provision ».’</i></p> <p><i>‘On connaît les pistes prometteuses pour mettre en oeuvre concrètement le droit à l’eau : définir des politiques nationales, confier aux autorités locales la responsabilité et le financement de ce service de proximité, associer les populations concernées, pratiquer des tarifs socialement acceptables, créer les conditions de la confiance pour financer les investissements, choisir un opérateur efficace, transférer les savoir-faire, combattre la corruption.’</i></p> <p><i>‘il nous semble que le temps est venu de proposer la création d’un organisme international indépendant chargé de repérer, sur la base d’indicateurs de réussite objectifs, les démarches et les systèmes de gouvernance qui favorisent l’accès du plus grand nombre à l’eau. Ce « Conseil des bonnes pratiques pour le droit à l’eau » serait un lieu de rencontre et de partage d’expériences, ouvert à tous ceux qui veulent sincèrement dialoguer pour progresser.’</i></p> <p><i>‘Le droit à l’eau mérite mieux que les affrontements stériles qui détournent les énergies de l’action.’</i></p>
7a	2007	AquaFed	<p>‘Water and Sanitation for Women, Private operators contribute’, Brochure launched on World Women’s Day, March 8, 2007</p> <p>Quotes: <i>‘People need water every day. Without an affordable and reliable supply of water and effective sanitation, basic human rights are infringed.’</i></p> <p><i>‘Private water operators are committed to using their expertise to improving the quality of life of more women, implementing their right to access to good quality water and to sanitation.’</i></p>
7b	2007	AquaFed	<p>‘All Women need Water and Sanitation, more access-to-water and sanitation projects must be launched’, Press release on the World Women’s Day, March 8, 2007</p> <p>Quotes: <i>‘Private water operators are used to making the right to access to water and to sanitation a tangible reality for people. That is their job all over the globe. They have improved water access and sanitation to tens of millions of families in the developing world.’</i></p> <p><i>‘In rural areas, efforts must be stepped up to develop access to water and cut down the distances that women have to carry water.’</i></p>
8	2007	WBCSD World Business Council for Sustainable	<p>Written submission to OHCHR’s enquiry on the Right to Water, April 13, 2007</p>

		Development	<p>This WBCSD submission was made in full agreement with the private water companies that are members of the WBCSD</p> <p>Quotes: <i>'The WBCSD considers that the right to water entitles everyone to a sufficient amount of accessible and clean water, including sanitation, to cover basic human needs.'</i></p> <p><i>'It is incumbent on the public authorities in each country to determine sustainable water pricing policies that take account of the requirements of equitable access by all its population and a realistic economic operating base for its water service providers.'</i></p>
9	2007	Veolia Water	<p>Written submission to OHCHR's enquiry on the Right to Water, April 13, 2007</p> <p><u>Quotes:</u> <i>'No one can deny that the right to water is a basic human right. But it must be associated with the right to sanitation, which is fundamental to public health. If supplying drinking water is an extremely effective weapon against diarrheic illnesses, developing sanitation services is even more so.'</i></p> <p><i>'A right to water without a solvent debtor is like a rubber cheque —a "rubber right," in other words. So the question is not just to establish the right to water, but to identify who pays, what kind of solidarity mechanisms and concrete actions should be implemented.'</i></p> <p><i>'In developing countries, the notion of "full cost recovery" must give way to "acceptable cost recovery." The right to water does not mean that water must be free but that its price must be socially affordable.'</i></p> <p><i>'What is the point of a socially affordable price for m3 if the cost of connecting to the network is not socially affordable?'</i></p> <p><i>'We agree with the UNDP 2006 report when it says "the criterion for assessing policy should not be public or private but performance or non-performance for the poor".'</i></p> <p><i>'In Gabon, for example, 3 types of solidarity have been combined to turn the right to water into a reality: solidarity between customers, who lessen the price of a basic water consumption block; solidarity between major urban centres, which finance isolated areas; and solidarity between activities, as the electricity service finances the investment needs of the water service. In this country, during the 8 years since the introduction of private-sector management, the number of people connected to modern water supply systems has risen from 40% of the population to almost 70%.'</i></p> <p><i>'Beyond its normal duties in the service areas defined by the contracts signed with the public authorities, Veolia Water has committed itself to be proactive towards other stakeholders for finding adapted solutions allowing implementing effective right to water.'</i></p>
10	2007	Suez Environnement	<p>Written submission to OHCHR's enquiry on the Right to Water, April 2007</p> <p><u>Quotes:</u> <i>'Through our portfolio of contracts, we have been serving water during the last decade to millions of low income households, but we have also seen millions of un-served people living at the periphery of our service areas, and the effect on their daily life. As water professionals we are challenged by this inequity; we see</i></p>

			<p><i>progress towards universal access to water and sanitation as one of the raisons d'être of a private water operator.</i></p> <p><i>'In developing countries , Suez' contribution to the Right to Water can be assessed through the number of additional people who have gained access to the public network in the cities where we have been working. These achievements are not the pride of Suez alone , they are shared with the public authority that has been our local partner, since a water access programme can only be successful if a public authority and an operator work together, each of them bringing their specific competence and legitimacy.'</i></p> <p><i>'Private water service providers are very diverse ; they fall into two categories :</i></p> <ul style="list-style-type: none"> <i>· operators that manage the public water systems under a contract (or a licence) with a public authority . They may be large or small, local or international. They serve less than 10% of the world's population, whereas the rest live in areas that depend on public operators . Focusing the consultation on the Right to Water on private operators' involvement would be a distraction from the main issues.</i> <i>· formal or informal providers that serve the people who are left without access to the public systems, or who are poorly served by a malfunctioning public utility, in drinking water or in sanitation services . Those providers often work in a legal vacuum but respond to a vital need.'</i>
11	2007	AquaFed	<p>'Practitioners' Views on the Right to Water' 28-page written submission to OHCHR's enquiry on the Right to Water, April 12, 2007</p> <p>Quotes: <i>'Water operators, both public and private have significant practical experience of the implementation of the Right to Water. Their mission as instruments of public water policies is to make the Right to Water a daily reality for people.'</i></p> <p><i>'Right to Water obligations also requires clear powers and instructions to be given to all operators, public or private.'</i></p> <p><i>'The needs are so enormous (more than half the population of developing countries have to carry water every day) that providing water services to all requires all available energies, expertise and abilities to be mobilised. Ideologies, dogma and vested interests should not interfere with the implementation of this basic human right.'</i></p>
12	2007	AquaFed (G.Payen)	<p>'Practitioners' Views on the Right to Water', presentation to OHCHR's hearing in Geneva, May 11, 2007</p> <p>Quotes: <i>'To allow their operator to deliver public services in new areas, responsible authorities must give clear powers, instructions and means to their operators, public or private. For example, the operator must know what to do to supply water into slums where poor people live without any right to settle there.'</i></p> <p><i>'In many countries more work is needed to allow the Right to Water to become effective. This includes the recognition of the Right to Water, the identification of the responsible authorities, the definition of their rights and duties, the allocation of adequate means to them and by them to their operators, public or private.'</i></p>

13	2007	AquaFed	<p>Additional submission to OHCHR's enquiry on the Right to Water, May 31, 2007</p> <p>Quotes: <i>'The legal framework of the Rights to Safe Water and Sanitation must take into consideration the practical aspects of the realisation of these rights.'</i></p> <p><i>'The priority action challenge is not to pump more water into existing water pipes (although that can be useful or necessary) since that would not bring one single drop of water to those who most need their Right to Water to be satisfied. This is because they have no access to any public water network or service. The necessary first action is to build the infrastructure and/or to organise the water services in a way that they reach every individual.'</i></p>
13b	2007	Veolia Eau	<p>'Pour un droit effectif à l'eau', Antoine Frerot, Nicolas Renard, Veolia Eau in <i>'L'eau: la guerre aura-t-elle lieu'</i>, Revue politique et parlementaire, n°1043, p51, April/June 2007</p>
14	2008	AquaFed	<p>Detailed comments on a draft document by COHRE entitled <i>'Sanitation, a human rights imperative'</i></p> <p><u>Quotes:</u> <i>'We explained ... the many reasons for which restricting the Right to Sanitation to toilets is not appropriate'...</i></p> <p><i>'It would seem more coherent to propose a Right to Sanitation that is defined as the "right to be protected from contamination by others (and by oneself).'</i></p>
15	2008	AquaFed	<p>Presentation of the Right to Water to UN Water, Rome, January 16, 2008</p> <p><u>Quotes:</u> <i>'Having a Right on paper or in theory but no water is a useless position. You can't drink either paper or theory. Our Federation has identified three essential steps that are necessary for implementation of the right to water. The first step is for politicians and governments to close the debate on the Right to Water and to confirm clearly that it exists. Then it is necessary to identify the public authorities in each country that are in charge of overseeing the delivery of the Right to Water and to define the scope and limits of their respective obligations and responsibilities. Once this has been done, the practical aspects of organising the implementation of the Right by an operator, who can be public sector, private sector or a community organisation, can be completed.'</i></p> <p><i>'Others take a different view and push the Right to Water with alternative political agendas. Unfortunately they are often trying to stop things happening. There are groups pushing the Right to Water with agendas that are antiglobalisation, anti-private sector, anti-trade and so forth. There are others who are trying to establish the recognition of drinking water as a global public good despite its local characteristics.'</i></p>
16	2008	AquaFed	<p>'UN-CSD16 review of CSD13 decisions on Water & Sanitation, Key messages of private water operators', issued during UN-CSD16,</p> <p>Quote: <i>'It is urgent to extend drinking water and sanitation networks in all urbanized areas in order to turn the human right to</i></p>

			<p>water into a reality for all (at an affordable price). In rural areas, efforts must be stepped up to develop access to water and cut down the distances that people, often women or girls, have to carry water every day.'</p>
17	2008	AquaFed	<p>'Population, Business and Environment need more ambitious Water and Sanitation policies', Press release in New-York UN-CSD16, New York, May 12, 2008 Quote: <i>'It is urgent to extend drinking water and sanitation networks in all urbanized areas in order to turn the human right to water into a reality for all (at an affordable price)'</i></p>
18	2008	Business & Industry major group	<p>Press release of the Business & Industry major group during UN CSD16, May 13, 2008 AquaFed was part to this press release. Quote: <i>'Business has supported the individual right to access to water in CSD13. It is implementing this right in practice in many cities in the developing world'</i></p>
19	2008	Business & Industry major group	<p>Statement in UN-CSD16 plenary, May 13, 2008. Quote: <i>'Suggestions that go in the direction of acceleration and ambition: strong and clear recognition of the Right to Water and Sanitation'</i></p>
20	2008	AquaFed	<p>'Managing freshwater better. Private operators contribute to public policies' Presentation in Expo Zaragoza, July 15, 2008 <u>Quotes:</u> <i>'Knowing that the 2015 target is only to meet half of the need and that it aims at providing only one of the sanitation components that people require, much more must be done. To overcome this, governments need to create more projects.'</i> <i>'It is in this context that private operators join with many other stakeholders to stress the importance of implementation of the Right to Water and Sanitation. Acknowledging the right to water and sanitation, as the Asian Heads of State did recently at the Beppu Summit, is an important step in governments recognising that they must organise the delivery of these essential services to their populations.'</i> <i>'It is urgent to extend drinking water and sanitation networks in all urbanized areas in order to turn the human right to water into a reality for all (at an affordable price). In rural areas, efforts must be stepped up to develop access to water and cut down the distances that people, often women or girls, have to carry water every day. The number of drinking water and sanitation projects worldwide is totally insufficient to meet the needs: a renewed effort is needed urgently.'</i> <i>'More projects with more ambitious targets: Implement the Right to Water & Sanitation'</i> (excerpt from presentation) <i>'much more ambitious goals are necessary to make sure that all humans' sanitation needs are met. People need more than just toilets. They also need their solid and liquid waste to be removed from their homes and they need to be protected from contamination by their neighbours.'</i></p>

			<i>'it is important that governments have policies to ensure quality, availability, reliability, and continuity of the water and sanitation services that are provided to their people. Delivering these policy objectives requires committed competent and properly resourced operators.'</i>
21	2008	AquaFed	<p>'The Right to Water and Sanitation, Status Quaestionis' Presentation in ExpoZaragoza</p> <p><u>Quotes:</u> <i>'To turn the Right to water and sanitation into a reality for all: a 3 steps approach:</i></p> <ul style="list-style-type: none"> <i>– Explicitly recognize the content of the Right to water and sanitation (within national legislations)</i> <i>– Identify the authority in charge, its means and its obligations and identify each actor's rights and obligations ...</i> <i>– 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)'</i> <p><i>'In 2007, we stated that ½ of all families in the world, i.e. 3 billion people do not even have access to tapwater in their homes and are therefore subject to «daily water chores; their human rights are thus violated on a daily basis.'</i></p> <p><i>'Right to Sanitation: a new issue...or an old one that has been ignored for too long? AquaFed was the first to identify the problem: what is the content of the right to sanitation? No operational guidance for public authorities to help them understand their obligations. Internationally, sanitation concepts are not clearly defined. What are the respective meanings of adequate, basic, safe, acceptable and appropriate sanitation? Sanitation should be more than an add-on to drinking water.'</i></p>
22	2008	AquaFed	<p>'Delivering the Right to Water and Sanitation', Presentation in UNDP workshop in Oslo, November 28, 2008</p> <p><u>Quote:</u> <i>'The Right to water and sanitation of any individual can only be assured by a full-fledged, sustainable public service and not by individual action.'</i></p>
23	2009	Jack Moss (AquaFed)	<p>'Water ethics and Business' article in 'Water ethics, Marcelino Botín Water Forum 2007', CRC Press / Taylor & Francis</p> <p><u>Quote:</u> <i>'Private operators have consistently supported the Human Right to Water and work actively to realise implementation of this right in due places where they operate. Operators played an active role in deliberations to clarify this right in UN-ECOSOC General Comment 15 on the Right to Water. They have given the right to Safe Water and Sanitation prominence (AquaFed, 2006) and have provided input and evidence to the UN bodies working on this (AquaFed, 2007).'</i></p>
24	2009	Business & Industry Major Group	<p>'Business Action for Water' comments on draft Ministerial Statement at WWF5, Rome, January 23, 2009</p> <p>This declaration was made by Business Action for Water, a business coalition with 3 members including ICC, WBCSD and AquaFed</p> <p><u>Quote:</u> <i>'we believe the statement can be strengthened to</i></p>

			<i>emphasise the fact that currently the coverage provided by water systems in many countries is still gravely inadequate. In this context the right to water is important, but what is even more important is its practical implementation in the field.'</i>
25	2009	Business & Industry Major Group	<p>'Business Action for Water' statement in plenary in the Ministerial Conference at Istanbul WWF5, March 22, 2009</p> <p>This declaration was made by Business Action for Water, a business coalition with 3 members including ICC, WBCSD and AquaFed</p> <p>Quote: <i>'The Right to Water and Sanitation: Business is pleased with the rich debate on these important and complex issues. These discussions must go on, so that the real issues are resolved and the false ones removed.'</i></p>
26	2009	AquaFed	<p>Press release before the World Water Forum 5 in Istanbul, March 17, 2009</p> <p>Quote: <i>'The Federation and its members are used by governments to implement the Right to access to Water. They have provided access to safe water to more than 25 million people in the past 15 years.'</i></p>
27	2009	AquaFed	<p>Press release after the World Water Forum 5 in Istanbul, March 24, 2009.</p> <p>Quote: <i>'Implementing the Right to safe water and sanitation. Forum participants discussed progress on the Right to Safe Water and Sanitation in several sessions. Some interest groups unsuccessfully tried to take advantage of the discussions on the right to water to pursue other political goals. A Ministerial Roundtable was specifically dedicated to this matter. It highlighted progress in the world where rights-based approaches have gained a high degree of support since the Mexico World Water Forum. More and more countries are supporting this right and some have started to focus on its implementation. This fits with Aquafed's call in March 2006 for targeting implementation of the Right to Water and Sanitation. The Ministerial Statement, adopted unanimously, does not reflect this growing support from countries and stakeholders. "There is no contradiction between private sector participation in the delivery of an efficient public service and the implementation of the human right to water and sanitation. Governments acknowledge that all energies must be mobilized to make access to water and sanitation a reality for all people", said Payen.'</i></p>
28	2009	AquaFed	<p>'Advancing the Right to Sanitation', 14-page written submission to the UNHRC Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, April 27, 2009.</p> <p>Quote (Executive Summary): <i>'The lack of defined content of the RTS makes it impossible for a public authority to know what to do in terms of obligations to implement this Right. A lot of practical questions are detailed in this document and remain to be answered by the international community. To ensure progress on the definition and the scope of the RTS a two-step process might</i></p>

			<p>be useful:</p> <ul style="list-style-type: none"> - firstly, the aim of the Right to Sanitation could be debated and identified. Several options are detailed. A promising one is “the right to be protected against potential contamination by oneself or by the neighbourhood”. There are others. General agreement on this aim would help knowing which components of sanitation are concerned: human waste, waste water collection, rainwater collection, waste water treatment, etc. - secondly, the respective rights and obligations of public authorities and individual parties should be identified and allocated. This seems more complex than for the Right to Drinking Water.’
29	2009	AquaFed	<p>‘Bilateral Investment Treaties and the Right to Water. The case of the provision of public water supply and sanitation services’, 16-page submission by AquaFed to the OHCHR consultation on Business and Human Rights, October 1, 2009.</p> <p><i>Excerpt from ‘Key messages’:</i> ‘We are not aware that any State has ever been prevented by a contract or a license with a private water operator, be it a national, a foreign or a combined ownership company, or by a Bilateral Investment Treaty from respecting, protecting and fulfilling the Right to Water in its national territory.</p> <p>The BIT obligations of a State to protect the investment of foreign shareholders of a local water operator, are compatible with and beneficial to the needs of this State to respect, protect and fulfill the Right to Water in its national territory.</p> <p>BITs contribute to implementing the Right to Water, by opening the option for populations to benefit from additional knowledge, good practice, technology and investment coming from international sources.</p> <p>Those who allege that there are difficulties for States to comply simultaneously with their obligations resulting from BITs and with their obligations regarding the Right to Water, largely use cases of public-private partnership contracts (PPP) for water supply where the central government has specific contractual obligations. Our experience is that their arguments are not valid or convincing in assessing the existence of conflicts between States obligations regarding BITs and the Right to Water when delivering water and sanitation services. These arguments are more theoretical than real and often more ideological than practical.’</p>
30	2010	AquaFed	<p>The need to define the Right to sanitation in order to promote its implementation, Gérard Payen and Thomas Van Waeyenberge, AquaFed , in “L’accès à l’assainissement, un droit fondamental; The right to sanitation in national laws; sous la direction de Henri Smets”, Editions Johanet, p57-72</p> <p>This publication replicates the AquaFed’s submission to the Independent Expert on the Right to Water (see ref 28 above).</p>
31	2010	AquaFed	<p>Introductory remarks by AquaFed president in public hearing organised by the UNHRC Independent Expert on the Right to Water and Sanitation, Geneva, January 27, 2010</p> <p><i>Quotes:</i> ‘Members of our Federation have intimate knowledge of what it means to deliver the Right to Water and sanitation on the ground, often in very difficult circumstances. One of their main</p>

			<p><i>jobs - under the direction of public authorities - is to supply good quality water through public networks or other means and to contribute to developing access to safe water and dignified and effective sanitation to deprived communities in the developing countries. Private companies are proud to be implementers of the human Right to Water and they have supported this right for many years.'</i></p> <p><i>'Public and private regulated operators face the same types of issues as far as the Right to Water is concerned. These operators, public or private, are implementers of public policies. It is in these policies that the main decisions regarding the implementation of the Right to Water must be made (targets, geographical priorities, types of service, tariffs structure, pro-poor mechanisms, etc) by governments. Operators, no matter from what background, have no legitimacy to make these decisions and make no claim to do so.'</i></p> <p><i>'It would be unfortunate for the Right to Water - and for the billions of Rights-owners - if the current focus on the private sector delays decisions on the Right to Water to the satisfaction of the anti-private lobbies that seem to be more interested in preventing private companies from doing their job than in the effective implementation of the Right to Water.'</i></p> <p><i>'I am confident that the Human Rights Council will understand that all the so-called "Right to Water problems attributed by these lobbies to private companies" are not linked to the identity of the operator's owners but are the result of decisions which are clearly governments' responsibility.'</i></p>
--	--	--	--

6. External information on regulated private water operators and their global contribution to the implementation of the Right to Water and Sanitation.

List of documents issued by global institutions and others

These documents are listed in chronological order. For each document, useful quotes are copied under the description of the document.

	Year	Issuer	Topic
E1a E1b	2002 then 2005	Various universities	<p>'Water for Life: The Impact of the Privatization of Water Services on Child Mortality' by Sebastián Galiani, Paul Gertler, Ernesto Schargrodsky First version, August 31, 2002 Available on http://www.iadb.org/res/publications/pubfiles/pubS-233.pdf Second version, February 2005, published in Journal of Political Economy, Vol. 113, pp. 83-120, February 2005. © University of Chicago Available on http://www.journals.uchicago.edu/toc/jpe/2005/113/1 (art 83)</p> <p>This research analyses child mortality due to water borne diseases in Argentina and compares the distribution between areas supplied by publicly and those supplied by privately operated services, It shows that in areas served by private operators, child mortality fell faster than in the other areas with the largest effect (26 percent) in the poorest areas.</p> <p><u>Abstract</u> available on http://www.journals.uchicago.edu/doi/abs/10.1086/426041 <i>"While most countries are committed to increasing access to safe water and thereby reducing child mortality, there is little consensus on how to actually improve water services. One important proposal under discussion is whether to privatize water provision. In the 1990s Argentina embarked on one of the largest privatization campaigns in the world, including the privatization of local water companies covering approximately 30 percent of the country's municipalities. Using the variation in ownership of water provision across time and space generated by the privatization process, we find that child mortality fell 8 percent in the areas that privatized their water services and that the effect was largest (26 percent) in the poorest areas. We check the robustness of these estimates using cause-specific mortality. While privatization is associated with significant reductions in deaths from infectious and parasitic diseases, it is uncorrelated with deaths from causes unrelated to water conditions."</i></p> <p><u>Quote of the conclusion (2002 version)</u>: <i>"In spite of the concerns about inducing negative health effects or worsening health inequality, our evidence suggests that the privatization of water systems in Argentina reduced child mortality. While the regulated private sector may be providing suboptimal services, it seems to be doing a better job than the public sector."</i></p>
E2	2005	World Bank	<p>'Small-Scale Private Service Providers of Water Supply and Electricity - A Review of Incidence, Structure, Pricing and Operating Characteristics', Mukami Kariuki, Jordan Schwartz, World Bank Policy Research Working Paper 3727, October 2005 On: siteresources.worldbank.org/INTWSS/Resources/SPSPsReportWorldBank.pdf</p>

			<p>This report describes the many Small-Scale Water Service Providers [SPSPs]. It defines them as serving fewer than 50,000 people each or 5,000 customers in small settlements, whether urban, peri-urban or rural. The authors identified 10,000 Small-Scale Water Service Providers in 49 countries. They classify them as 'dependent' or 'independent' according to the source of the water they sell. This technical classification is not the same as the one used in the AquaFed's submission.</p> <p>The Annex 5. Describes a typology of Small-Scale Private Water Operators in Categories and Subcategories. For each subcategory it provides useful geographical references.</p> <p><u>Quotes</u></p> <p><i>'Overall, it is estimated that up to a quarter of the urban population in Latin America and nearly half of urban dwellers in Africa rely on SPSPs for at least a portion of their water supply.'</i></p> <p><i>'In the water sector, literature from 44 countries with SPSPs was identified and reviewed. Half the examples cited were in cities or towns, with the remainder in rural villages or other communities. Tens of thousands of providers, mostly "point source" systems or vendors, had been documented. The nature of water SPSPs varies regionally, but corresponds closely to the level of coverage and quality of service in a given country. In Latin America and the Caribbean, where urban coverage is high, SPSPs more frequently take the form of piped water systems, mainly peri-urban, small town and rural; in South Asia, SPSPs seem to focus on gap-filling activities with many tankers operating in various cities.'</i></p>
E3	2006	OECD	<p>Opportunities and challenges arising from the increasing role of new private water operators in developing and emerging economies, Background Issues Paper for OECD Global Forum on Sustainable Development "Public-Private Partnerships in Water Supply and Sanitation - Recent Trends and New Opportunities", J.Winpenny, OECD, Nov 21, 2006</p> <p>Available on http://www.oecd.org/dataoecd/62/9/37696492.pdf</p> <p>This report shows the variety of "formal" private water operators in developing countries</p>
E4	2006	World Bank	<p>'Small Private Sector Providers in Water Supply and Sanitation - an overview and some experiences from the World Bank and WSP', Meike van Ginneken,, World Bank, Presentation to OECD Global Forum on Sustainable Development, Paris - November 2006</p> <p>Available on http://siteresources.worldbank.org/INTWSS/Resources/SmallPrivateSectorMvGforOECDmeeting.ppt</p> <p>This presentation summarizes several cases of small-scale operators.</p>

E5	2009	World Bank	<p><i>‘Does Private Sector Participation Improve Performance in Electricity and Water Distribution?’</i></p> <p>Katharina Gassner, Alexander Popov, Nataliya Pushak, The World Bank PPIAF, Trends and policy options 6, 2009</p> <p>Available on http://www.ppiaf.org/documents/e-book_PSP_Impact_Electricity_Water_Distribution.pdf</p> <p>This report examines the impact of private sector participation (PSP) in water and electricity distribution using a dataset of 978 water utilities in 71 developing and transition economies. The database covers all water and sanitation companies that experienced PSP between the beginning of the 1990s and 2002 in developing countries. In the water sector the sample includes 141 utilities with PSP and 837 state-owned enterprises over more than a decade of operation. The study compares these PSP firms with a set of sufficiently similar state-owned utilities to establish meaningful—“like with like”—comparisons.</p> <p><u>Performance Gains</u></p> <p>Comparing average annual values for performance indicators from the pre and post-PSP periods shows that PSP delivers in average with the following:</p> <ul style="list-style-type: none"> • 12 % increase in residential connections for water utilities • 19 % increase in residential coverage for sanitation services • 41 % increase in the number of hours of daily water service. <p>All of these changes, occurring over a period of five years or more, are over and above those recorded for the state-owned companies.</p>
E6	2009	World Bank	<p><i>‘Public-Private Partnerships for Urban Water Utilities, A Review of Experiences in Developing Countries’</i>,</p> <p>Philippe Marin, The World Bank – PPIAF, Trends and policy options 8, 2009</p> <p>Available on www.ppiaf.org/documents/trends_and_policy/PPPsforUrbanWaterUtilities-PhMarin.pdf</p> <p>This report is a worldwide research on the impact of PPP contracts for water services in developing countries. It builds on the above report E5 and analyses in details the most important PPP contracts to provide a meaningful global overview¹⁴.</p> <p>According to the report, private operators working under contract to public authorities:</p> <ul style="list-style-type: none"> • contribute significantly to the Millennium Development Goals to provide access to safe drinking water in the developing countries,⁴ particularly for poor people. • improve the performance of water supply, in particular the continuity of service by increasing the number of hours a day that water is available • improve the quality of the water supplied

¹⁴ See AquaFed’s press release dated 30 Sept 2009 available on http://www.aquafed.org/pdf/WBreport%20on%20PPPs_AquaFedPressRelease_EN_Pd_2009-09-30.pdf

			<ul style="list-style-type: none"> • improve the operating efficiency of water services: reduction of leaks from the system, improvement of cash collection, increase in productivity, etc • do not cause price rises that are higher than for public management under the equivalent conditions • act as a catalyst to progress in neighbouring districts. <p><u>Quotes:</u></p> <p><i>“the analysis of the four dimensions of performance (access, quality of service, operational efficiency, and tariff levels) suggests that the overall performance of water PPP projects has been generally quite satisfactory.”</i> (World Bank report p.6)</p> <p><i>“Still, many PPP projects did achieve significant improvements in water and sewer coverage. This study found that since 1991, PPP projects in developing countries have provided access to piped water for more than 24 million people (see appendix B).”</i> (World Bank report p.64)</p> <p><i>“There is circumstantial evidence that poor households significantly benefited from the increased access and reduced water rationing that was achieved by a significant number of PPP projects. This was notably the case in cities with high poverty rates, and where access was improved significantly by expanding the water network to poor neighborhoods that were previously unserved, as in Côte d’Ivoire; Senegal; Cartagena, Barranquilla, and Monteria (Colombia); Guayaquil (Ecuador); Manila (the Philippines); and even La Paz–El Alto and Buenos Aires (Argentina).”</i> (World Bank report p.134)</p> <p><i>“Improved Compliance with Drinking Water Standards... Reliable baseline data are typically not available, because many of the utilities had not been previously conducting proper sampling and analysis. Meaningful project-specific data on the evolution of water potability in PPP projects are, therefore, hard to come by. The few econometric studies that have looked at the impact of PPP projects on the quality of water delivered to customers all point to a clear positive impact”.</i>(pages 73-74)</p>
E6b			<p>Table detailing expansion of access to piped water to 25 million people through 36 important PPP contracts (Table B.1 in appendix B to the above WB report)</p>
E7	2009	GPOBA	<p>Publication on development of access connections in urban Morocco by public and private operators through the Output-Based Aid mechanism, OBA Approaches 25, GPOBA, June 2009</p> <p>Available on http://www.gpoba.org/gpoba/sites/gpoba.org/files/GPOBA%20morroco%20urban%20-%20Final_0.pdf</p> <p>This article shows that the OBA mechanism that aims at developing connections to water networks in peri-urban areas works successfully in Morocco with 2 private operators and 1 public operator.</p> <p><u>Quotes:</u> <i>‘In an effort to facilitate affordable connection to water and sanitation services and to support water utilities in their efforts to improve access in low-income communities, the government and the operators of water utilities in Casablanca, Meknès, and Tangiers requested a grant from GPOBA to pilot the introduction of performance-based subsidies to encourage service expansion under an innovative output-based aid (OBA) approach.’</i></p> <p><i>‘The pilots are funded through a US\$7 million grant from GPOBA and are implemented by the incumbent service providers in each city. Amendis in</i></p>

			<p>Tangiers and LYDEC in Casablanca are international private concessionaires. The Régie Autonome de Distribution d'Eau et d'Électricité de Meknès (RADEM) is a public utility. While the details of the schemes vary by operator, they have a common objective: to test an OBA subsidy mechanism, specifically targeted to households in designated predominantly poor peri-urban neighborhoods, with a recognized right to access services through the INDH program.'</p> <p>Nota : INDH is the National Initiative for Human Development</p>
E8	2009	Water and Sanitation Program (World Bank)	<p>Improving Water Utility Services through Delegated management Lessons from the utility and small-scale providers in Kisumu, Kenya WSP, Field Note, May 2009 Available on www.wsp.org/UserFiles/file/Af-imp_through_delegated_mgmt.pdf</p> <p>This report describes the organisation of water supply in Nyalenda, a slum with 50,000 inhabitants in the city of Kisumu, Kenya. The public water utility brings drinking water to 5 points at the boundary of the slum. In each point it is sold to a regulated operator, named Master Operator, who manages water distribution through networks and kiosks to the population. The Master Operators are 3 Community-based organisations and 2 Private Water Operators. The results are excellent.</p> <p>According to the report:</p> <p><i>"The MOs have been able to run a viable business while at the same time making water more affordable. Poor residents in Nyalenda now pay less for their water, compared to the high and middle-income earners in Kisumu, a path-breaking achievement and in sharp contrast with Nyalenda residents' previous situation. Table 5 shows that MOs' connection costs are 63 percent cheaper than KIWASCO's price."</i> (page10)</p> <p><i>"Approximately 25,000 people benefited from improved water services in the pilot phase. Clearly, this model is commercially viable for the utilities and MOs [Master Operators], and enables low-income consumers to spend less on water."</i> (page12)</p> <p><i>"Experience therefore shows that whether the MO is a CBO or an individual, it is not as important as having an entrepreneurial spirit, business acumen, strong community relations, and remuneration of personnel (since volunteerism is not sustainable)."</i> (page 12)</p>
E9	2009	Business Standard India	<p>'Clean water to the doorsteps of parched throats' Article on the first 24x7 water supply in India (in demonstration zones in Karnataka, Business Standard, July 24, 2009 Available on http://www.business-standard.com/india/news/clean-water-todoorstepsparched-throats/364769/</p> <p>This article shows the complete change in the life of Indians who are now supplied with water at home on a continuous basis. This is the result of a PPP contract with a private water operator.</p> <p><u>Quotes:</u> <i>'The corporation has completed five demonstration projects in select wards of these three cities and made water available round the clock. KUWASIP has not just enabled households to earn more, it has also lifted their standard of living.'</i></p> <p><i>'The continuous water supply has enticed people living in rented accommodation to shift to the demo zones.'</i></p> <p><i>'There is no need any more to spend on building an extra large storage tank, and electricity bills have come down now that there is no need to pump water from an underground tank to an overhead tank.'</i></p>

Attachments

- Documents 1 to 31 listed in chapter 4
- Documents E1 to E9 listed in chapter 5 (except ref E1b)