

March 23, 2010

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

**Advocacy work before the
recognition of the human right
2005-2010**

**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 Safe Drinking Water and Sanitation [RTWS] and that were released directly or indirectly by AquaFed, the International Federation of private water 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 member companies 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
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: <i>'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.'</i></p> <p><i>'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.'</i></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: <i>'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.'</i></p> <p><i>'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.'</i></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: <i>'Private and public operators contribute to making the Right to Water a reality every day. Supplying water to people is their "raison d'être".'</i></p> <p><i>'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.'</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>
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>

14	2008	AquaFed	<p>Detailed comments on a draft document by COHRE entitled 'Sanitation, a human rights imperative'</p> <p><i>Quotes: '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><i>Quotes: '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><i>Quote: '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.'</i></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</p> <p><i>Quote: '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</p> <p>AquaFed was part to this press release.</p> <p><i>Quote: 'Business has supported the individual right to access to water in CSD13. It is implementing this right in practice in many</i></p>

			<i>cities in the developing world'</i>
19	2008	Business & Industry major group	<p>Statement in UN-CSD16 plenary, May 13, 2008.</p> <p>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</p> <p><u>Quotes:</u></p> <p><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></p> <p><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></p> <p><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></p> <p><i>"More projects with more ambitious targets: Implement the Right to Water & Sanitation"</i> (excerpt from presentation)</p> <p><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> <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></p>
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 Botin 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 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></p>
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><u>Quote:</u> <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><u>Quote:</u> <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><u>Quote:</u> <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><u>Quote (Executive Summary):</u> <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 be useful:</i></p> <ul style="list-style-type: none"> - <i>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.</i> - <i>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.'</i>
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><u>Excerpt from 'Key messages':</u> <i>'We are not aware that any State</i></p>

			<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.'</i></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><u>Quotes:</u> '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 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.'</p> <p>'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.'</p> <p>'It would be unfortunate for the Right to Water - and for the billions</p>

			<p><i>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>
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