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Advancing the Right to Sanitation

Human Rights Council

Independent Expert

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

AquaFed's submission

27 April 2009

Submission by AquaFed, the International Federation of Private Water Operators, as an initial contribution to the "Sanitation Consultation", organised by Ms. Catarina de Albuquerque, Independent Expert on the issue of human rights obligations related to safe drinking water and sanitation.

This document updates, complements and reinforces the Federation's public positions on the Right to Sanitation which are available for download on www.aquafed.org/documents.

We would be pleased to respond to any questions or clarifications that the Independent Expert may have regarding this submission, either in writing or verbally.

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2. Abbreviations

| | |
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| GC15 | General Comment n°15 to the International Covenant on Economic, Social and Cultural Rights |
| HDR2006 | Human Development Report released by the United Nations Development Program in 2006 |
| Gui2006 | Guidelines on the realization of the Right to Water prepared by Mr Guissé and adopted in 2006 by the Sub-Commission on the Protection and the Promotion of Human Rights |
| Gui2004 | Relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation. Final report of the Special Rapporteur to the Sub-Commission, El Hadji Guissé |
| HRC | UN - Human Rights Council |
| MDG | Millennium Development Goal |
| OHCHR | Office of the UN - High Commissioner on Human Rights |
| RTDW | Right to Drinking Water |
| RTS | Right to Sanitation |
| RTW | Right to Water = RTDW + RTS |

3. Executive summary

In 2007, further to the AquaFed's submission on the lack of content of the Right to Sanitation, the OHCHR concluded its report to the UN-HRC on the Right to Water by highlighting the need to clarify the content of the Right to Sanitation. Then, the UN-Human Rights Council appointed Ms Catarina de Albuquerque as an "*Independent Expert on the issue of human rights obligations related to access to safe drinking water*" and sanitation with in particular the task "*to undertake a study, in cooperation with ..., on the further clarification of the content of human rights obligations, including non-discrimination obligations, in relation to access to safe drinking water and sanitation.*"

Private Water Operators are practitioners that deliver water and sanitation services under the direction of responsible public authorities. In the current submission to the Independent Expert they highlight the key questions to be answered to get an unambiguous internationally-agreed definition of the Right to Sanitation.

The general context is not very supportive since:

- the meaning of the word "sanitation" is ambiguous in many international documents. There is a need to think of sanitation in an integrated way not forgetting that sanitation is about human waste, waste water and rainwater. Solid waste disposal is also a component of sanitation but is not commented in the present document.
- the different types of sanitation services are often described with imprecise words such as satisfactory, appropriate, etc

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:

- 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.

4. The main issue: lack of defined content for the Right to Sanitation

There is no doubt that the Right to Sanitation is included in the Right to Water. This has been clearly recognised in General Comment 15 (articles 29 & 37) as well as in other official documents.

It appears to practitioners that far more thought has been given to the Right to Drinking Water than to the Right to Sanitation, which still lacks clarity. To-day, while most official documents about the Right to Water include sanitation and use the expression “water and sanitation” repeatedly, very few of them provide clear operational guidance to assist public authorities in charge of sanitation services to understand their precise obligations.

In 2007 AquaFed, the International Federation of Private Water Operators, contributed to the enquiry of the UN-High Commissioner on Human Rights through two written submissions¹ and verbal complements.

These contributions relate to the Right to Water at large [RTWS], i.e. the Right to Drinking Water [RTDW] and the Right to Sanitation [RTS]. Regarding the RTS, AquaFed alerted the OHCHR and by extension the world community on the lack of operational guidance for authorities to help them understand their obligations under the RTS. The General Comment 15 (GC15) to the International Covenant on Economic, Social and Cultural rights is too vague on this issue. It defines attributes of the RTS but does not define its content which makes it unworkable by supposedly responsible public authorities (and their operator, public or private).

The High Commissioner’s 2007 report to the Human Rights Council [HRC] captured this alert on the RTS and noted that *‘Human rights instruments offer little guidance as to the scope and content of the term “sanitation”*. As a result, this OHCHR report concluded that *‘detailed practical advice is required on the following issues: ..., the normative content of human rights obligations in relation to access to sanitation;...’*

We are pleased that the Independent Expert on the Right to Water & Sanitation appointed by Resolution 7/22 of the HRC has been awarded the mission to clarify this issue. In the present document Private Water Operators provide their views as practitioners on the clarification needed to define the content of the Right to Sanitation.

5. Advocacy work by AquaFed

AquaFed continuously works with those who try to better implement the RTS and the RTDW with a special focus on Sanitation in the recent years

The members of our federation supply sanitation services to hundreds of millions of people daily, both in developing and in developed countries. As practitioners they know that an individual right to water and sanitation can only be implemented if the respective rights and obligations of both the individuals and the community are clearly identified and allocated.

Private Water Operators sustain an advocacy work on the RTWS since UN-CSD13 held in 2005 where they recognised explicitly the RTW&S with the business community and other Major Groups.

They continuously stress the need for people that their individual right is implemented by public authorities and not only proclaimed. This requests that rights and obligations of both public

¹ <http://www2.ohchr.org/english/issues/water/contributions/PrivateSector/AquaFedSubmission20070412.pdf>
<http://www2.ohchr.org/english/issues/water/contributions/PrivateSector/AquaFedadditionalcontribution20070531.pdf>

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authorities and individuals are defined and that appropriate operators are given the mission by the public authority to provide the necessary services.

List of contributions by AquaFed to the international work on the Right to Drinking Water and Sanitation:

- Press Release of March 19, 2006: public support for the implementation of the RTW&S, calling for more water and wastewater projects that turn the RTW&S into a reality for all ²
- 2007: Nairobi World Social Forum: debate on the RTWS with civil society participants to the WSF³
- 2007: Landmark testimonials and reports to the UN-OHCHR / HRC lead to redefinition of RTW&S and need to study the RTS further
- 2007: Participation to workshop organised by the German Institute for Human Rights
- 2007: Raised the issue of unclear conceptualisation around “sanitation” and published a clarification memo ⁴.
- 2007-2008: Partnerships and collaboration with civil society particularly with WWC, UN-Habitat and COHRE (e.g. development of the “Sanitation Imperative” 2008)
- 2008 – Presentation by AquaFed of the Right to Water and Sanitation to a UN-Water plenary meeting ⁵
- 2008: Development of the concept of Integrated Sanitation Management. Declarations to the UN-CSD
- 2008 - Conference on the RTWS in the water tribune of the Zaragoza Expo on Water⁶.
- 2008 - Oslo UNDP workshop on the Right to Water
- 2009 Istanbul World Water Forum: Private water operators supported the RTWS in many places including in thematic session 4.1, in the governmental closing plenary as well as in a press release⁷.

² http://www.aquafed.org/pdf/Operators_Right-to-Water_PR_Pc_2006-03-19.pdf

³ This debate was cancelled at the last minute by the anti-private debaters.
<http://water.bridgeinitiative.org/fr/book/export/html/310>

⁴ www.aquafed.org/pdf/SanitationComponents_IYS2008_AquaFed_Pd_2007-08-13.pdf

⁵ “The Right to Water”, Jan 2008 – Presentation by Jack Moss to UN-Water:
http://www.aquafed.org/pdf/UN%20Water%20Rome%20Right%20to%20Water%20text_JMM_V2-2008-02-04.pdf

⁶ “*The Right to Water and Sanitation; Status Quaestionis. Viewpoints on the International debate by Private Water Operators as components of civil society*” - Presentation by Thomas van Waeyenberge to Zaragoza 2008 Expo (Augustus 2008): http://www.aquafed.org/pdf/Tribunadelagua_20080805-Session5_AQUAFED_VanWaeyenberge_RighttoWater_final_light_TVW_2008-08-11.pdf

⁷ http://www.aquafed.org/pdf/AquaFed_PR2_WWF5_Pd_ENG_2009-03-24.pdf

6. Imprecise language around Sanitation

There is an obvious ambiguity in the understanding that members of the international community have of the meaning and scope of the 'sanitation' concept and of the contents of the different types of sanitation. The language they use about sanitation is unclear and imprecise.

6.1. ***Misunderstandings about 'sanitation' and its components. Sanitation is more than 'just toilets.'***

It is far from certain that all state officials share the same understanding of the word "sanitation".

Mr Guissé mentions these ambiguities in his 2004 report (Gui2004) to the Sub-Commission on the Protection and the Promotion of Human Rights:

§ 55. The terms of the Dublin Statement are not particularly precise and certainly lend themselves to interpretation. There are indeed many shades of meaning applicable to terms such as 'drinking water' and 'clean water' and between adequate sanitation and safe sanitation.

An interesting definition of "sanitation" is the one used in article 2 of the Water & Health Protocol to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes 1992⁸ that says:

'Sanitation' means the collection, transport, treatment and disposal or reuse of human excreta or domestic waste water, whether through collective systems or by installations serving a single household or undertaking.

However, even this definition is incomplete since it leaves out the drainage of stormwater which is necessary to avoid that dense habitat is flooded during heavy rains.

In order to clarify this situation, AquaFed published in August 2007 a simple document that explains the various components of sanitation⁹ (see annex1). It builds on the technical definition provided by the *UN Millennium Project 2005 Task Force on Water and Sanitation*¹⁰, Without mentioning solid waste, this document lists the 4 main components of sanitation. They are defined either by their technical component or by their policy goal (see Table 1 below).

Following this definition, sanitation encompasses management of human excreta, domestic waste water and storm water through both private and public facilities.

This was confirmed by the various works made during the 2008 International Year on Sanitation. The 6th objective of the related UN action plan¹¹ was:

'Develop and strengthen institutional and human capacity via recognition at all levels that progress in sanitation toward the MDGs involves interlinked programmes in hygiene, household and school facilities (such as toilets and washing facilities), and the collection, treatment and safe reuse or disposal of wastewater and human excreta.'

⁸ Convention on the Protection and Use of Transboundary Watercourses and International Lakes – 1992 http://www.unece.org/env/water/text/text_protocol.htm

⁹ http://www.aquafed.org/pdf/SanitationComponents_IYS2008_AquaFed_Pd_2007-08-13.pdf

¹⁰ Health, Dignity, and Development: What will it take? Page 30, Box 3.1.

¹¹ <http://esa.un.org/iys/ap.shtml>

| Technical definition | Policy goals |
|--|--|
| Safe collection, storage, treatment, and disposal, reuse, or recycling of human excreta (faeces and urine). | Provide access to toilets that permit defecation in dignified and salubrious conditions that protect public health and environment. |
| Drainage and disposal, reuse, or recycling of household wastewater (often referred to as sullage or grey water). | Remove used water, faecal matter and related waste from within households in safe and sustainable manner. |
| Drainage of storm water. | Collect and transport used water, related wastes and storm water away from habitations and settlements in a safe and sustainable manner. |
| Treatment and disposal, reuse, or recycling of sewage effluents. | Reclaim used and dirty water by removing pollution to protect ecosystems and subsequent uses. |

Table 1. The components of sanitation (AquaFed 2007)

During this 2008 year the concept of Integrated Sanitation Management was developed to shape public policies that should take care of all sanitation components in a sustainable way. This was promoted in particular by the business community in the UN Commission on Sustainable Development in May 2008 (CSD16).

*'People do not only need toilets. They also need their solid and liquid waste to be removed from their homes; they also need to be protected from contamination by neighbours. Their waste waters need to be collected. In many parts of the world, pollution needs to be removed from these waste waters to protect the environment and the people living downstream. These challenges are not well monitored by the world community. More ambitious goals are necessary to master all sanitation needs. Integrated Sanitation Management (ISM) is necessary to manage water all these challenges.'*¹²

Consequence for the RTS

By consequence, unless it is voluntarily restricted to one part of the sanitation field, the RTS is only effective when individuals know what they can expect from the community as far as human excreta, domestic waste water and storm water are concerned.

¹² 16th session of the UN-CSD, Plenary Meeting, Statement by MAJOR GROUP "Business and Industry", New York, 12 May 2008

http://www.aquafed.org/pdf/CSD16_Water%20&%20Sanitation%20PLENARY_MajorGroup_B&I_Speech_Pa_yen_2008-05-12.pdf See also http://www.un.org/esa/sustdev/csd/csd16/statements/business_15may_mg.pdf

6.2. ***Ambiguities about the various goals of ‘sanitation’ public policies***

The language about the various qualities of sanitation services offered by the community is not standardised. This is illustrated by the Guidelines for implementation that were proposed by the Sub-Commission on the Protection and the Promotion of Human Rights (Gui2006). These guidelines use the following 5 expressions: *adequate, basic, safe, acceptable, and appropriate sanitation* without explaining what they each mean nor the differences between them. This is not surprising since these various concepts are not clearly defined and differentiated in official international documents.

The term “*adequate sanitation*” is defined in principle but without precise details in the Water & Health Protocol to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes. In article 4 this says: *‘(b) Adequate sanitation of a standard which sufficiently protects human health and the environment. This shall in particular be done through the establishment, improvement and maintenance of collective systems.’*

The wording used in the 2002 Johannesburg Plan of Implementation (MDG) is “*basic sanitation*”, but its meaning and content is unclear to many. It probably includes both safe toilets and waste water removal from the household. However, progress towards its implementation is measured through another concept, that of “*improved sanitation*”. “*Improved sanitation*” is well-defined in WHO-UNICEF publications¹³. Without going into technical details, it can be described as access to private and healthy toilets.

The consequence of the Johannesburg Plan of Implementation is that more and more government officials tend to use the word “*sanitation*” instead of “*basic sanitation*”. This adds ambiguity to the declarations and leads them to forget components of sanitation that are essential to mankind even if they are not “basic”.

In March 2009, in the Istanbul World Water Forum, the governments decided in their Ministerial declaration to improve action in the waste water field:

‘We will strengthen the prevention of pollution from all sectors in surface and groundwater, appropriately applying the polluter pays principle, while further developing and implementing wastewater collection, treatment and reuse.’¹⁴

Consequence for the RTS

As the common language of the international community is ambiguous about the goals of public policies regarding sanitation, it is not surprising that the Right to Sanitation has not yet any defined goal and internationally-agreed content.

¹³ WHO-UNICEF Joint Monitoring Programme

¹⁴ Istanbul Ministerial Statement, 22 March 2009, paragraph 6

7. The lack of content of the Right to Sanitation

In the context of this unclear language, the content of the Right to Sanitation [RTS] needs to be clarified to avoid misunderstandings and give clear guidance for implementation by responsible authorities and their operators..

The fundamental reference document is General Comment 15. This provides detailed normative content for the Right to Drinking Water in chapter III but does not provide any content for the Right to Sanitation.

This has been highlighted by Mr Guissé in his 2004 final report to the Sub-Commission on the Protection and the Promotion of Human Rights (Gui2004):

'§ 44 ... The more difficult question remains the scope of the content of this right. Sanitation has both an individual and a collective dimension. The individual aspect would entail affordable access of each person to sanitation services, facilities and installations that are adequate for the promotion and protection of human dignity and the health of individuals. However, it is also important to recognize that the full protection of the health of the individual requires protection of the environment from human waste and this can only be done if everyone has, and utilizes, adequate sanitation.'

The international community is therefore in an ambiguous and unsatisfactory situation. It has recognised the Right to Sanitation. Through GC15 it has clarified many general characteristics of this Right such as availability, equity, affordability, etc... but, in the absence of a defined operational content, responsible governments and authorities have no practical guidance about their obligations.

A government that wants to implement the Right to Sanitation is faced with a number of unanswered questions and options including:

- Should it finance and build public latrines? This might meet the obligation, however shared sanitation facilities are "not improved sanitation facilities" and therefore do not seem to comply with the Johannesburg Plan of Implementation (MDG target).
- In a case like this, who is supposed to carry out the daily cleaning of the facilities (everybody knows that unclean toilets very quickly fall into disuse)?
- How does it differentiate the public service obligations from the individual obligations?
- Should it subsidise private toilets, i.e. toilets inside the households? If yes, that would mean that most people in developed countries have already been denied their Right to Sanitation!
- Should it forbid private latrines that are not isolated from the ground to prevent contamination of soil and water tables? Should it organise a public sludge removal service?
- Should it subsidise domestic pipes to collect domestic wastewater and convey it out of the household or should it make such investment compulsory to the inhabitants as it is usually the case in most developed countries?
- Should it build sewers to collect waste water and drains to collect rainwater in order to protect the health of the inhabitants and prevent flooding of their habitat? This is the case in urban areas in many developed countries. However this may not be the only technical solution to wastewater challenges. Individual wastewater treatment facilities are another one when they are well-maintained. They are particularly relevant in rural areas.
- Should it remove pollution from domestic waste water and the other waste waters (waste water treatment) in order to protect the environment and water resources and the Right to Water of the people who live downstream? The current guidelines (Gui2006) could be

said to justify this since they mention the right to 'safe sanitation that is conducive to the protection of public health and the environment'.

- What is the basis on which it should recover the costs of providing sanitation facilities and sanitation services?

This list is certainly incomplete.

As far as we know, existing international documents do not answer these questions. This illustrates the fact that the members of the international community have spent far more energy on drinking water than on sanitation. It also shows that providing sanitation on the ground is a much more complicated process and politically less attractive than drinking water. The dangers that arise from the lack of sanitation are too often ignored, especially when authorities are providing more people with water that automatically increases the need for proper collection, treatment and disposal.

Consequence for the RTS

The content of the Right to sanitation has no international definition, neither in terms of facilities nor in terms of goals to achieve. By consequence, governments have no rights-based international guideline to design or elaborate their sanitation policies. As long as these practical questions remain unanswered, the Right to Sanitation will continue to be a concept without real content.

8. Dissimilarities between the RTS and the RTDW

2008 was declared the International Year on Sanitation to enable decision-makers to make a difference between the drinking Water field and the Sanitation field.

However, to date the Right to Sanitation has been appended to the Right to Water in a way that is both vague and tends to assume that it is a similar problem to water distribution.

In 2007 in its contributions to the OHCHR report, AquaFed alerted the international community to the current imbalance between the two components of the Right to Water, i.e. the Right to Drinking Water [RTDW] and the Right to Sanitation [RTS]. Balancing all official documents by systematically using the term "water & sanitation" is unsatisfactory because it does not give coherent meaning to the content of the sanitation component.

Even worse, it gives the illusion that both Rights are of similar nature when, in practice, they exhibit several essential differences. For example:

- a) It is far easier for an individual to damage the Right to Sanitation of others than their Right to Drinking Water since his necessary discharge of pollution may harm the neighbourhood. For this reason, the Right to Sanitation should probably contain more individual obligations than the Right to Drinking Water.
- b) Sanitation and sanitation services are fundamentally different from water supply in that they are a 'downstream' problem. That is to say the service flows away from the user, it is not received by the user.
- c) Individual privacy and decency are essential in the Right to Sanitation, whereas public authorities can ensure the Right to Water through providing shared public standpipes.
- d) The notion of a "lifeline volume" has no meaning for sanitation.
- e) Ensuring the Right to Drinking Water immediately increases the need for sanitation since the additional water has to be evacuated after use in order to avoid degrading sanitary conditions.

- f) Individuals have a clear perception of the benefit of a drinking water service and accept to pay for it. In contrast they have a less clear understanding of the content and the value of public sanitation services.
- g) In general the costs of both installing and operating sanitation systems are greater than those for water supply systems.
- h) Implementing the Right to Sanitation in practice is far more dependant on conditions and density of habitation that implementing the Right to Drinking Water.

Consequence for the RTS

For all these reasons we believe that far more thinking is necessary to give clear meaning to the Right to Sanitation and to permit the practical realisation of this right. The RTS cannot be imagined as an easy duplication of the right to Drinking Water.

Whilst we stressed the need to look at sanitation as a separate problem, we also believe that it is essential to consider its role within the complete water cycle. There are aspects of sanitation that have a direct impact on the water quality in the environment and therefore the accessibility of water resources necessary to meet the Right to Safe Water. For this reason a total separation between the Right to Sanitation and the Right to Safe Water is not advisable. However the real differences need to be identified and taken account of in the Right and any accompanying guidelines.

9. Potential aims of the Right to Sanitation

The Right to Sanitation cannot be implemented as a right as long as public authorities and individuals do not know their respective rights and obligations under this right.

Identifying these rights and obligations is far more complex than for the RTDW since:

- There are several components in sanitation services. Rights and obligations must be defined for human waste, waste water and rainwater simultaneously.
- There are several technological solutions.
- Some solutions are individual when others are collective. The limit between individual and collective equipments is often an economical and technical choice made on a case-by-case basis and not the result of a law.
- Sanitation starts inside the private habitat, a place that is usually out of the scope of governments but that is essential to the efficiency of the other sanitation components.
- Individuals may harm a whole population which request more obligations to them than water supply and this is often politically sensitive.
- Although safe water is the same in urban and rural areas, the necessary sanitation facilities depend a lot on the density of the settlement.

To guide the work that is necessary to identify the respective rights and obligations of both individuals and governments with respect to the Right to Sanitation it may be useful to clarify why these obligations are created. In other terms, it may be useful to identify the aim of the RTS.

To date, no such aim has been clearly worded or set out by the international community. Several types of aim can be contemplated but no discussion has yet taken place in the international community to select one of them.

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As practitioners, we can imagine that the RTS could be designed to achieve one of the following aims:

- a) To practice hygienic defecation by using facilities that respect privacy and dignity.

This would mean building and operating hygienic toilets either inside the household or outside as shared public toilets. In developed countries, governments' obligations in this matter are limited to public buildings and facilities (schools, hospitals, etc). Should governments have a temporary duty to organise public toilets where and when private facilities are not available?

- b) To be protected against potential contamination by one's family (i.e. safely evacuating all domestic waste including human waste and waste water from the household)

- c) To be protected against potential contamination by one's neighbours

This would mean that the government:

- o collects wastewater and rainwater in the vicinity to avoid water stagnation and water flooding.
- o makes sure that no infiltration in the ground potentially pollutes aquifers and water resources that are used by the population for water supply or agriculture..

This implies controlling all sanitary facilities making sure that individual facilities are properly operated (for example: septic tanks to be safely emptied on a regular basis).

- d) To be protected against potential contamination by human activities.

This would mean the same as option c above plus a protection against human pollution created by people living upstream including industrial activities. In the reverse way, it would mean the obligation for any population not to pollute excessively the rivers in which they discharge water after use (waste water).

- e) To be protected against potential flooding of the living parts of the household

This is a part of the above-mentioned option c..

- f) To live and discharge human waste and waste water without harming others and the environment

This seems far too ambitious since this does not really exist today, even in developed countries.

Different other aims could be coined. This illustrates the vagueness of the current situation.

Consequence for the RTS

Different aims could be selected to guide the precise definition of the Right to Sanitation.

Building on "the right to be protected against potential contamination by oneself or by the neighbourhood" seems promising. Such ultimate aim should be further explored before discussing the respective rights and obligations of individuals and the community.

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10. Contribution of Private Water Operators to the Right to Sanitation

In many locations Private Operators have been requested by public authorities to improve the access of their populations to water and sanitation services. In the sanitation field this may be:

- by taking charge of a component of the sanitation chain such as sludge removal, waste water treatment, wastewater collection
- by creating new facilities (public toilets):
- by connecting households to wastewater networks

Example 1:

In Buenos Aires, more than 1 million people have been connected to waste water networks by Aguas Argentinas between 1993 and 2004.

Example 2:

Amanz' Abantu in South Africa creates and manages new toilets facilities on a regular basis.

Example 3:

In Manila (Philippines), Manila Water has greatly increased desludging of private latrines and septic tanks thereby preventing much potential contamination.

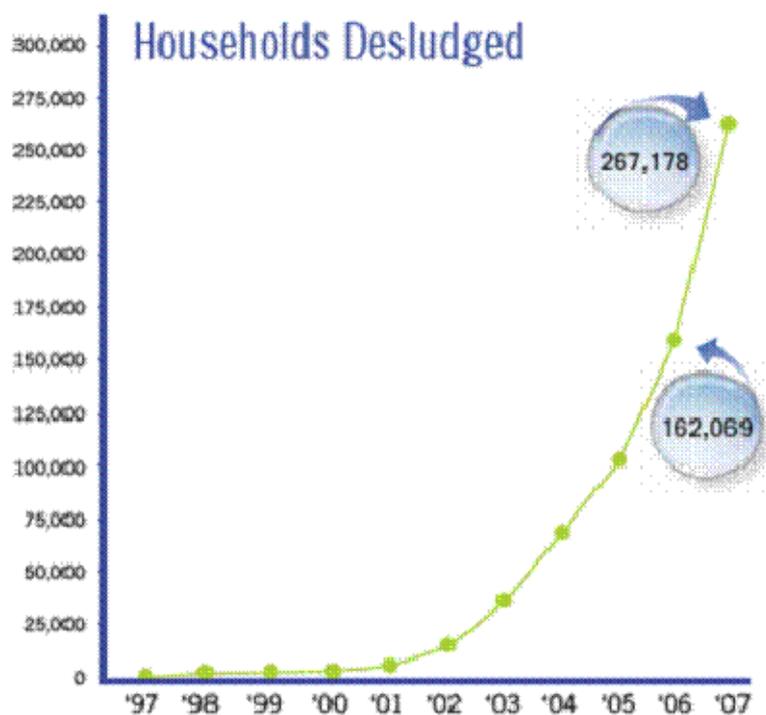


Figure 1. Number of households served through desludging of septic tanks by Manila Water (Philippines)¹⁵.

¹⁵ Source : Manila Water's 2007 report on Sustainable Development
<http://www.manilawater.com/files/MWCSusDev07.pdf>

Example 4

In Chile private water operators have contributed to the national policy to improve waste water treatment. In a decade from 1998 to 2008 the proportion of urban wastewater that is treated rocketed from 16% to more than 84%.

11. Synthesis: key fundamental questions

In order to allow progress in the development of the Right to Sanitation, its content and the content of the related public services should be identified and agreed upon by the international community. A number of key questions need clear answers. These key questions include:

- a) What is the aim of the Right to Sanitation?
An option could be "*the right to be protected against potential contamination by oneself or by the neighbourhood*". However, there are other options.
- b) To which component of sanitation is the RTS linked?
Should the rights bearers expect a service from the community for human excreta or for domestic waste water or for storm water or for all these components?
- c) How should the Right to Sanitation be distinguished from the Right to Drinking Water?
- d) What is the limit between individual action and action of public authorities in the implementation of the RTS?
- e) What are the respective rights and obligations of public authorities and individual parties under the Right to Sanitation?
- f) How is a satisfactory execution of the Right to Sanitation recognised?

This list is almost certainly incomplete and requires further development. Private Water operators are willing to work with the Human Rights Council, the Independent Expert and other stakeholders on these issues in order to contribute to the progress of the Right to Sanitation..