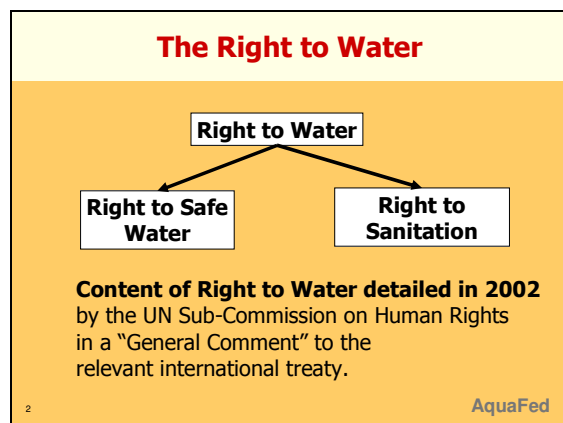


Presentation to UN Water Meeting by Jack Moss - Rome – 16Th. January 2008

As a friend of UN Water I am honoured to have this invitation to make a short presentation in the name of AquaFed. This came about because we noticed that the Right to Water did not feature on the agenda for this meeting.



As we understand it the Right to Water clearly exists and its content was defined in 2002 in a General Comment (No. 15), by the UN Sub-Commission on Human Rights.

It clearly has two components: the right to **safe water**; and the right to **sanitation**. The precision and definition of the right to safe water is complete, clear and practical. The right to sanitation however is very poorly defined and is not at an operational level today. It provides no guidance for implementation by public authorities.

We believe that to enable the Right to Water to be used to help drive the MDGs forward the definition of sanitation needs to be developed. You may remember that AquaFed tabled a tentative approach to defining sanitation at the UN Water meeting in Stockholm.¹

There are people who believe that the Right to Water is merely a distraction and that it does not help to get water and sanitation delivered to the people who need the services. There are others who believe that since the Right exists, it should be used to help development. This presents a dilemma that we should all be thinking about.

There is a real concern among some governments, who are fearful of recognising the existence of the Right to Water because they think that this would commit them to making the heavy expenditure necessary to ensure that water and sanitation is available to all their population.

¹ Clarifying Components of "Sanitation"
http://www.aquafed.org/pdf/SanitationComponents_IYS2008_AquaFed_Pd_2007-08-13.pdf

On the other hand the Right exists in international law and many country governments have incorporated it into their own national laws.

Does the Right to Water Hinder or Help?

- Some governments fear the commitment or cost implications.
However, the Right exists in international law and is embedded in many national laws
- Is RtW helpful in developing access to water & sanitation (MDGs)?
 - Some say yes and use it to push governments
 - Others push the RtW with different political agendas: Anti-globalisation, Anti-private, Anti-trade, Global public good

What counts is implementation in the field

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Those who think that the Right to Water is helpful in developing access to water and sanitation and meeting the MDGs in developing countries, use it to push governments to deliver better water and sanitation services to their populations. These people are interested in progress and getting things done.

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 anti-globalisation, 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.

Today, it is not for me to judge the merits of these arguments.

What counts is Implementation

- Having a "Right" but no water is useless
- Three steps to implementation
as suggested by AquaFed at the Mexico World Water Forum (see www.aquafed.org):
 - **Declaring the right**
 - **Identifying the authorities in charge and their obligations**
 - **Organising implementation by an operator (public or private)**

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What is important is real implementation of access to water and sanitation in the field. Having a Right on paper or in theory but no

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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.²

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.

The first of these steps suggests that despite official recognition of the Right to Water by more and more governments, there is still a blockage at the UN level. Can UN Water do anything to help resolve this?

The political issue at UN level

- The 2002 General Comment is legally binding but has not been endorsed politically.
- At the UN Level, many governments are reluctant to recognise the Right to Water
- The matter has been brought to the UN Human Rights Council for political endorsement

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This challenge has been brought to the UN Human Rights Council with the objective of obtaining political endorsement for the Right to Water.

The UN Office of the High Commission on Human Rights conducted a public consultation last year and submitted a good report to the UN HCR. As far as we are aware UN Water was not involved in this process. This seems somewhat surprising as you could have had an expert role to play.

² Private water operators call to turn the Right to Water into a reality for all people. http://www.aquafed.org/pdf/Operators_Right-to-Water_PR_Pc_2006-03-19.pdf

It is expected that Human Rights Council will deliberate on this matter during its meetings in March this year.

The UN Human Rights Council process

- UN-OHCHR submitted a good report to UN-HRC (*What input from UN Water?*)
- HRC will deliberate on the matter in March 2008
- Potential decisions:
 - Political endorsement of the 2002 General Comment 15
 - Appointment of a UN Special Rapporteur
- 60th anniversary of UN Human Rights Universal Declaration in December 2008

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Our understanding is that the potential decisions coming from this session of the HRC could be:

- ➔ Firstly that the General Comment of 2002 will be given full political endorsement. This will satisfy step one of the process I have just described. That will undoubtedly help implementation.
- ➔ Secondly an UN Special Rapporteur on water might be appointed.

As an aside it is also worth noting that this year will see the 60th anniversary of the Human Rights Universal Declaration, which might offer opportunities for UN Water to promote the Right to Water.

This leads us to believe that it would be useful for UN Water to reflect on its position and the potential role that it might play with regard to promoting the Right to Water as a means to accelerate progress.

Can I leave you with the following four questions?

What role for UN Water?

- Should UN Water have an official position supporting the Right to Water?
- Should UN Water contribute officially to the Human Rights Council debate?
- What could UN Water do to contribute to clarifying the Right to Sanitation?
- How could UN Water use the Right to accelerate implementation?

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