

Brief report on the main results of the Roundtable on the Human Right to water and the Protocol Water and Health: making access to water a reality.

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The objectives of the round table were to

1. Create a common understanding on what “human right to water” means and what are the different aspects that need to be considered;
2. Discuss what are the obligations of governments to put this right into practice and share experience on steps taken in the different countries to realize this right;
3. Explore the links with the Protocol on Water and Health and how the Protocol can help countries put the right into practice.

1: Create a common understanding on what “human right to water” means and what are the different aspects that need to be considered

The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for the essential personal and domestic uses. Everybody is entitled to this without discrimination, men and women alike. Equally, everybody is entitled to access to sanitation in or near their homes as well as schools, hospitals, etc. The human right to water also entitles everybody to information on water and sanitation issues.

- **Non-Discrimination and equality:** Water and water facilities and services must be accessible to all without discrimination, and special consideration must be given to ensuring access for the most vulnerable and marginalized part of the population
- **“Safe and acceptable” water:** The water supply for each person for personal and domestic uses must be safe and free from any micro-organisms, parasites and substances which constitute a potential danger to human health
- **Adequate access:** Each person should have access to a sufficient quantity of water for personal and domestic uses, adequate for human dignity, life and health. As a minimum, each person must be guaranteed access to essential amounts of water to prevent disease. (While such minimum essential amounts varies between contexts, a minimum of 20 liters of safe water a person per day is currently used in assessing progress in global coverage (UNDP, WHO, UNICEF).)
- **Affordability:** Water and water facilities must be affordable to everyone. (Payment for water is unaffordable when it reduces the ability of a person to purchase other essential goods). Meaning that no one should be deprived of access to adequate and safe water because of an inability to pay.
- **Accessibility:** Water must be within safe physical reach for all sections of the population
- **Accessibility of information:** everyone should have the right to seek, receive and impart information concerning water issues.

The human right to water is not the right for free water services

The Human right framework does not dictate a particular form of service delivery or pricing policy but key principles.

States parties to the Covenant have obligations of three types in relation to economic, social and cultural rights which the Committee recognizes as applying in relation to the right to water. These three obligations are:

1. The obligation to respect – States parties must refrain from interfering directly or indirectly with an individual's right to water.
2. The obligation to protect – States parties must prevent third parties – such as business enterprises - from interfering with an individual's right to water – for example, through adopting appropriate regulatory frameworks of private entities.
3. The obligation to fulfil – States parties must adopt the necessary measures directed towards the full realization of the right to water, including the adoption of legislative measures and the provision of a remedy where the right is violated.

The 2006 UNDP Human Development Report and other studies have clearly demonstrated that the lack of access to safe drinking water and sanitation has more to do with poverty and marginalization of part of the society and with unsound water management policies than with an absolute shortage of water supply. Lack of access to safe drinking water and sanitation is thus a human right challenge.

The right to water and sanitation address indirectly issues such as water management, protection of ecosystems, water for agriculture and food production. Moreover the protection, restoration and sustainable use of the ecosystems which play a beneficial role in the water cycle by contributing to water quality and water quantity management, e.g. forest and wetlands, are very important to ensure sustainable water management.

2: Discuss what are the obligations of governments to put this right into practice and share experience on steps taken in the different countries to realize this right

The duties of governmental authorities to ensure access to safe drinking water and basic sanitation can be distinguished according to three types of duties:

The duty to respect: The government must ensure that the activities of its institutions, agencies and representatives do not interfere with a person's access to water.

The duty to protect: Regulating third parties. The government must diligently take all necessary and feasible steps to prevent others from interfering with the right to water.

The duty to fulfill: The government must take active steps to ensure that everyone can enjoy the right to water as soon as possible.

- This requires in particular to review the National (e.g. water laws) and/or municipal laws and often adopt some institutional reforms to have *effective laws and institutions*, including a public authority with a clear mandate and also the financial and human resources to implement the human right to water (recognizing the HR to water is not enough).
- To adopt water and sanitation strategy that ensure the application of the HR to water

These responsibilities may be discharged at the national, regional or local level depending on a country's institutional set-up.

The roundtable presentations have demonstrated that when countries have the willingness to put into practice the HR to water this is translated in concrete measures at national and/or local level: in particular the review of the tariff structure (including social tariff and often recuperation of the costs on the big consumers), design of smart forms of subsidies (reducing connection fees and/or on the

distribution and create social fund to assure the access for all even the poorest. Create mechanisms that assure that the excluded know their rights and can claim for their right to water

If the HR to water is a first responsibility of the public authorities, the challenges of the universal access to safe water and sanitation needs the mobilisation and joint efforts of all the pillars of the society:

Public sector: governments, municipalities

Private sector: local, national, international private sector

Civil society / NGOs/ consumers associations

Donors: bilateral, multilateral

NGOs have important roles to play with regard to the HR to water: in particular they have the capacity to design and put into practice innovative approaches which will serve as pilot to be scaling up by government and / or major financial agencies they have also an important role to play to inform and build capacities of marginalized part of the society to claim to their rights and fulfil to their obligations.

Professional operators both public and private are key to deliver day to day sustainable and affordable services without discrimination, through efficient technical know how, management skills and financial discipline. This requires, of course, a clear regulatory framework with clear responsibilities of public institutions.

3 Explore the links with the Protocol on Water and Health and how the Protocol can help countries put the right into practice

There are obvious synergies between the protocol and a human rights perspective, the Protocol cover many of the key dimensions of the HR to water and can be a tool to put it into practice.

An “instrument” of the Protocol which is particularly interesting from a Human Right point of view is the compliance procedure adopted in this first meeting of the parties

It has been agreed to have an activity within the work programme of the Protocol to exchange experience and best practice on concrete and positive experiences and measures taken to put into practice the HR to water, in particular the affordability aspects.