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News and links of Water as a Human Right

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The Office of the High Commissioner for Human Rights (OHCHR) is preparing a report on Human Rights and Water which will be published in September this year. The FES Geneva Office therefore wants to give an overview on the current multilateral debate.

This fact sheet is structured in three parts:

The first part provides the overview of the multilateral debate on Water and Human Rights as mentioned above. In the second part, some links to other UN-Organizations dealing with human rights aspects on water are given while the third part includes a short list of the FES work on these issues.

The Debate on Water as a Human Right in the OHCHR

"The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights."

(General Comment No 15, ESCR)

Although regarded as a prerequisite, the international law does not know an explicit right to water still until today. Nevertheless, Human Rights obligations related to the right to water are expressed within the Human Rights covenants of 1966 in the Right to Health, the Right to Life and the Right to Food as well as in the Convention on the Rights of the Child and on the Elimination of Discrimination against Women.

The most elaborate definition of the right to water has been given by the Committee on Economic, Social and Culture Rights in its General Comment No 15: *"The human right to water entitles every-*

one to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses."

The OHCHR was requested by the Council on its session in December 2006 to conduct a detailed study *"on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments"*. One reason for this study is trying to put the right to water into international legislation.

Thus a consultation on May 11th 2007 took place at the OHCHR. Governments as well as NGOs had the opportunity to present their suggestions for aspects the report of the OHCHR should focus on. As this fact sheet cannot respond to the whole discussion in detail, some forward-looking aspects will be highlighted.

The question of convenience and inconvenience of privatization in the water sector is still argued in an emotional way. While one representative of an African NGO calls *"Privatisation, c'est un danger!"* the OHCHR promotes neither public nor private access to water as the official position. For the OHCHR as for other international organizations like the World Bank the access and supply of drinking-water has been guaranteed but not free.

Another aspect raised several times was the stronger recognition of the crosscutting influence water plays worldwide. Around 40 per cent of the world population is living in crosscutting river sheds. 30 per cent of the states cover their water supply from outside their own territory. To put it in the words of Udo Simonis who provided a far

reaching study in 2001, *“a stronger cooperation between riparian states in river sheds is more necessary than ever before”*.

Not surprisingly the poorest countries and most vulnerable people suffer the most from insufficient access to drinking water. Refugees and indigenous people who are in their majority women and children as well as others who rely on “natural” water like rivers, streams or even puddles are confronted with high sanitation and hygiene risks. Industries all over the world and not only the prominent example of China pollute vast areas of drinking-water sources with obviously dangerous consequences for the whole environment. To curb this pollution strong prevention and control is needed urgently. The multilateral system is therefore the best place to establish these regulations.

On the level of the European Union a Water Framework Directive setting out a strategy for dealing with chemical pollution of water exists since 2000. The European Parliament recently adopted (22.05.2007) a first-reading report on cleaning surface water by 2015 to strengthen environmental quality standards for pollutants and follows the directive of bathing water of 2005 and the directive on groundwater of 2006.

Furthermore, the participants paid strong attention to the role citizens themselves are playing.

Consciousness about the scarcity of water should not be taken for granted. In the United States the per capita consumption of drinking-water is estimated to be more than 380 liters per day, in Germany more than 120 liters while UNICEF points out that more than 125 million children under five years of age live in households without any access to an improved drinking-water source worldwide.

As Spain is one of the European Countries most infected by the decrease of rainfall, its representative spoke of the “dangerous situation” his country is faced with. Addressing the issue, the coming EXPO 2008 which will take place in Zaragoza (Spain) is titled “Water and Sustainable Development”.

What difference would it make if water is formally recognized as a human right? John Scanlan et al of the International Union for Conservation of Nature and Natural Resources declare in their study *“Water as a human right” from 2004*“(…) not only would the obligations arising from such a right become more clear-cut, but the violations of this right would also be evident”.

To judge whether the study of the OHCHR will be a further step to establish an explicit right to water on the multilateral level, the result has to be awaited.

Links of UN-Organizations and Agencies (Please keep in mind that this list is not exhaustive)

- OHCHR:
<http://www.ohchr.org/english/issues/water/index.htm>
(provides further information of the session from the 11th May 2007 and useful links)
- UNICEF: Joint Monitoring Programme with WHO <http://www.wssinfo.org/en/welcome.html>
(includes a large range of water and sanitation data)
- UNDP: Global Water Partnership (GWP)
<http://www.gwpforum.org/servlet/PSP> (provides information and links to ongoing events and relevant actors in Integrated Water Resources Management)
- UNEP: Freshwater Portal of Environment Network
<http://www.unep.org/themes/freshwater> (provides information of several issues like water quality, groundwater, urban water, irrigated agriculture etc.)
- FAO: Dialogue on Water, Food and Environment
<http://www.iwmi.cgiar.org/dialogue/index.asp>
(joint initiative with 10 international actors in the fields of water resources management, water resources research, environmental conservation and health)
- International Bank for Reconstruction and Development (World Bank Group):
Water Supply and Sanitation

- <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTWSS/0,,menuPK:337308~pagePK:149018~piPK:149093~theSitePK:337302,00.html> (International partnership of the world's leading development agencies concerned with water and sanitation services for the poor, administered by the World Bank)
- WHO: Water, Sanitation and Health Programme
http://www.who.int/water_sanitation_health/en
(provides extensive information and publications of water, sanitation and health related issues)
- UNESCO: Water Portal
<http://www.unesco.org/water/about.shtml> (includes a range of categories such as water links, water events, learning modules and other on-line resources)
- UN-Habitat: Water for Asian Cities
<http://www.unwac.org>
(programme managed by UN-HABITAT with funding from the Asian Development Bank)
- UN-Water
<http://www.unwater.org> (UN Water is made up of the UN agencies, programmes and funds that have a significant role in tackling global water concerns. It also includes major non-UN partners who cooperate with them in advancing progress towards the water-related goals of the Decade Water for Life and Millennium Declaration.)

Water as a Human Right in the work for the Friedrich-Ebert-Stiftung.

The Friedrich-Ebert-Stiftung is standing for the promotion of democracy, respect and dignity of all people around the world. Human Rights are a fundamental legal instrument to protect women and men, children and elderly people independent from race, religion, education and nationality against any abuse of power, governmental as well as non governmental. The Friedrich-Ebert-Stiftung furthers Human Rights and during the last years the issue of Human Rights and Water became more and more a crucial aspect of this work, too.

The following list provides information about publications and conferences of the FES on the issue of Water as a Human Right during the last years. For missing publications etc. please contact: fes.geneva@econophone.ch

Publications:

- Friedrich-Ebert Foundation (2007): Reicht uns das Wasser? Wasser ein primäres Menschenrecht, Publication of the conference in 2005 in Bonn, 64 pages <http://library.fes.de/pdf-files/iez/04371.pdf>
- Schubert, Regine/ Friedrich-Ebert-Foundation (2005): Konfliktprävention bei der Nutzung internationaler Gewässer am Fallbeispiel Niger, Bonn, 11 pages
<http://library.fes.de/pdf-files/iez/50058.pdf>
- Manuel Perló Cohén/ Arsenio E. Reynoso (2005)
¿Guerra por el Agua en el Valle de México?
Mexico, UNAM, Coordinación de Humanidades, PUEC, Friedrich-Ebert-Foundation, 143 pages
- Friedrich-Ebert-Foundation (2004): Menschenrecht und Trinkwasserversorgung
Publication of the conference in 2003 held in Bonn, Friedrich-Ebert-Foundation and Marie-Schleier-Association, Bonn, 88 pages <http://library.fes.de/pdf-files/netzquelle/a04-03877.pdf>
- Teo, Eric Chu Cheow/ Friedrich-Ebert-Foundation (2003): Privatisation of Water Supply, Geneva, 22 pages <http://www.fes-geneva.org/publications/OccasionalPapers/FES%20OccPapers%208.pdf>
- Rosemann, Nils/ Friedrich-Ebert-Foundation (2003): Menschenrecht auf Wasser unter den Bedingungen der Handelsliberalisierung und Privatisierung – Eine Untersuchung der Privatisierung der Wasserversorgung und Abwasserversorgung in Manila, Bonn, 123 pages
http://www.fes-geneva.org/reports/WaterIssues/Menschenrecht%20auf%20Wasser%20Rosemann%2011_03.pdf

Conferences:

- Überleben Sichern – Menschenrecht auf Nahrung und Wasser für Alle, 13. März 2007 in Bonn
- Reicht uns das Wasser? Wasser ein primäres Menschenrecht, 10. Dezember 2005 in Bonn
- Menschenrecht auf Wasser – Frauen und Trinkwasserversorgung, 10 November 2003 in Bonn

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