

Right to Water

① Background & origin of the programme

In 2002 water as a human right was internationally recognized through the United Nations Economic and Social Commission (General Comment No15) and, in 2004, a report on the right to water was issued by the UN Sub Commission on the Protection and Promotion of Human Rights. The UN General Comment 15 contributed to clarify the scope of the right to water and stimulated its legislative recognition in a small number of countries.

In practice, however, even though a legal framework may exist, the right to water is often not applied for a variety of reasons: lack of resources, absence of political will, or simply people and governments are not aware of the existence of the right or they don't know how to implement it. Therefore, the precise scope of the right to water and its implications for its application in social, cultural, economic and environmental terms still requires further investigation in light of international, national and local practices.

The consequences and implications of putting the right to water into practice must be fully understood and explained so as to promote its implementation. With this understanding, international agencies and national and local (urban and rural) governments will be in a position to take proper measures to integrate this right in their constitutions, legal frameworks and policies.

The debate will have to be fed with real action experience on approaches and experiences in introducing and implementing the right to water. Such stimulated and informed debate will lead to the necessary policy action. Only then, the water community can explain policy makers what putting the principle into action means in practice and assist them on how to best implement this right in a practical and affordable manner.

The World Water Council in partnership with NGOs and members, launched a program "Right to Water: What does it mean and how to implement" in 2004 to analyse the measure (policies, approaches, etc.) the right to water is implemented at the local level and in particular which measures allow to assure the effectiveness of the right. This program has been funded by the Swiss Agency for Development and Cooperation (SDC) and the Agence Française de Développement (AFD).

② Aim, scope & objectives

The main objectives of this program were:

- To clarify the meaning of the right to water and provide an overview of perception and interpretation of the right to water understood by different local, national and international stakeholder groups;

- To stimulate the effective implementation of the right to water in international, national and local policies and public and private water services by sharing experiences of concrete actions on approaches to introduction and implementation of this right. It includes the identification of key-factors but also problems encountered in countries that have implemented the right to water.

3 Activities undertaken

The World Water Council played a role of coordinator of the Right to Water program and facilitator of the debates within the partners in the core team and with the expert group which provided guidance on content and process.

About 30 case studies, following a format beforehand defined, were collected to illustrate the implementation of the right to water. These case studies, provided by partners and WWC's members, were synthesised by the core group in a final report, including recommendations and main messages extracted from this work. The report was released during the 4th World Water Forum and presented during a session¹ in Mexico. This session allowed to deliver main messages on the necessity, benefits and approaches of the introduction of the right to water, the presentation of local actions illustrating the implementation of the right to water.

After the Forum, a communication effort was done (through mailing, WWC website...) to disseminate the report and to enhance awareness on the right to water.

4 Present & foreseen partnerships

The work was organised in three groups: the core group, an expert panel and the case study teams.

The core group consisted of assigned staff from World Water Council, the International Secretariat for Water, ALMAE, Green Cross International and the French Water Academy. The core group was responsible for the development and management of the project, based on the interactions with the expert group.

The expert panel consisted of selected individuals or organisations actively involved in the issues relevant to the right of water. These organisations comprised but were not limited to: IWLR1 – Dundee, FAO, COHRE, Suez and Pacific Institute for Studies in Development, Environment and Security.

The contract was with the consortium of WWC, ISW, ALMAE and Green Cross International. The World Water Council was the lead partner in this consortium. The WWC was responsible for the administration, planning and management of all (support) activities necessary for the core group, the expert panel and the case study teams to function properly.

Other partners will be invited to join the follow-up program on the right to water: IUCN, UN-Habitat, WaterAid, DFID (the Department for International Development), UNDP-Dept of Human Rights, WHO, UNESCO, AFDB and IDB (Islamic Development Bank). The UN Special Rapporteur El Hadji Guisse also asked us to be involved in the continuation of our program Right to Water.

¹ The session FT3.36 chaired by Green Cross International and coordinated by the World Water Council.

5 Results obtained

This programme resulted in a synthesis of a set of case studies highlighting the approaches and experiences on introduction and implementation of the right to water; the different interpretations and perspectives from different local, national and international stakeholders on the concept. These results and associated recommendations have been presented in the final report entitled "*Right to Water: From Concept to Implementation*".

Main messages:

1. "*The human right to water entitles everyone to sufficient, safe, physically accessible and affordable water for personal and domestic uses.*" (General Comment N°15)
2. The right to water includes explicitly the right to sanitation
3. The right to water doesn't mean that water must be free !
It only means that the price of water must be affordable for even the most disadvantaged.
4. The right to water should be recognized in national legislation and policy
5. The implementation of right to water requires:
 - A clear definition of rights, obligations and responsibilities of each stakeholder
 - The identification of an authority to oversee the implementation of this right
 - A plan and allocation of adequate human and financial resources
 - Solidarity in costs-sharing between all
 - Consultation and participation of communities in decision-making processes.

6 Perspectives for the near future

The World Water Council continues the work of communication. A French version of the report is being finalised, and a Spanish translation is also foreseen. The report will be sent to all Ministries in charge of implementing access to water and sanitation.

A website (<http://www.worldwatercouncil.org/index.php?id=705>) and a database on the right to water are currently being developed, which will gather all case studies received from our partners during the program, legal documents (Treaties, Statements, Charter, etc.) dealing with the right to water issue. This database will also provide a list of experts working on this issue.

The World Water Council has prepared a draft proposal for a new program focused on implementation of the Right to Water. This program, through partnership with local organisations and WWC members, aims to (i) get a better understanding, on a case basis, of how to implement RTW by determining constraints or key factors to its realization and identifying local successful practices; (ii) facilitate implementation by sharing and disseminating these experiences through dialogues among National governments, local authorities, civil society and service providers; (iii) facilitate

processes to enhance implementation of the Right to Water in various developing countries. This project will focus on the Sub-Saharan Africa and will give a lot of coverage to rural areas.

7 Added value

The WWC has been able through its capacity to convene various actors, to bring clarity to a complex and much debated issue. The report has been well received by many actors of water issues and is recognized as an important contribution to the debate on the full recognition of the Right to Water at national and international level.

The programme has improved the image of the Council as an organisation able to bring together different stakeholders to discuss difficult issues.

8 Contact person

Céline Dubreuil, Programme Officer, World Water Council.

E-mail: c.dubreuil@worldwatercouncil.org Ph. : +33 4 91 99 41 00