



Special Rapporteur on the human right to safe drinking water and sanitation

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Statement

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Excellencies, distinguished delegates, Ladies and Gentlemen,

I am pleased to update you on my work under the mandate on the rights to water and sanitation and to present my reports for 2011. Today I will be presenting 5 reports – my main thematic report on national planning, the good practices compilation, and 3 mission reports to Slovenia, Japan and the United States of America. I would also like to share with you some developments arising from the recognition by the General Assembly of the right to safe drinking water and sanitation in July 2010.

In considering potential topics for my 2011 report, I decided to begin with the vision for the realization of human rights. In the work I have done in the past 3 years, I have been confronted with various obstacles to the realization of the rights to water and sanitation – for instance, technical complexities, geographic considerations, or resource constraints. However, I am convinced that the biggest barrier to the enjoyment of these rights is lack of political will. Without political will to recognize and prioritize these rights, it is highly unlikely that they will be realized. National plans of action, when undertaken in a comprehensive and serious manner, can be an important manifestation of political commitment, and this is the focus of my report this year.

My report emphasizes the importance of integrating human rights requirements through all phases of planning. This begins with assessment and diagnosis – good planning depends firstly on a full understanding of the current situation. Mapping exercises to assess current levels of access, groups who may be excluded, gaps in monitoring, and responsible institutions will form the foundation upon which robust action plans can be built. Plans must set ambitious but realistic targets which provide the goals that the country is working towards. Target setting must take account of available resources in order to be realistic, but

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be ambitious enough to push the country towards greater enjoyment of these rights. Interim benchmarks will assist a State to know whether it is meeting its obligation to progressively realize the rights to water and sanitation. The plan must then lay out implementation measures for reaching the goals. States should aim at ensuring basic access for everyone before providing higher levels of service for particular groups. Continuous monitoring and evaluation is crucial for tracking progress towards these objectives.

The report goes on to identify common success factors relevant to national and local planning exercises. A first crucial step is anchoring the action plan in a strong legal framework.

Successful national and local plans will clearly allocate responsibilities among different actors. The water and sanitation sectors suffer from fragmentation both across Government Ministries, as well as through decentralized systems. Solid national planning will provide clear guidance on which roles each actor is to play in the realization of the rights to water and sanitation. Non-State actors such as utilities, NGOs and development partners may also have specific roles allocated to them. The plan should lay out a process for coordinating these different actors to ensure that initiatives are complementary rather than duplicative, or even worse, contradictory.

Frequently, beautiful plans are written but the money is never allocated for their implementation. Without adequate and predictable financing, planning and target setting is meaningless. The human rights to water and sanitation require that these are realized to the maximum of available resources. Governments must know how much money is available for funding access to water and sanitation – including money raised through tariffs, money available from the State budget, and funds flowing from development partners. Financing must take account of not only infrastructure needs, but also costs of operating and maintaining systems, raising awareness of populations particularly with regard to sanitation, and monitoring access and service levels.

Another common reason for the failure of plans is the lack of effective engagement with concerned individuals and communities. Plans for the realization of the human rights to water and sanitation must be elaborated, implemented and monitored through a participatory and transparent process. Besides being a human right unto itself, participation also ensures greater sustainability of interventions and relevance to the intended beneficiaries.

Finally, successful planning will require specific attention to eliminating discrimination in access to water and sanitation. Without explicit attention to disparities in access, and the structural reasons that lay behind these disparities which frequently amount to impermissible discrimination, these excluded and marginalized groups will continue to be neglected. States must track improvements in access specifically for these groups.

Excellencies, distinguished delegates,

Before you today is also a compilation of good practices concerning the rights to water and sanitation. This report was requested by this Council 2008 when my mandate was

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established, and is the product of extensive consultations. I received over 150 written submissions as well as additional contributions through 7 consultations which I organized over the course of a year. The practices contained in this compilation relate to all aspects of guaranteeing the rights to water and sanitation – from establishing a legislative framework to ensuring access to water and sanitation in emergency situations, from setting up a regulatory structure to guaranteeing access in rural areas and deprived urban zones, from ensuring that accountability works in practice to advocacy and capacity building measures. The wide diversity of practices contained in this report demonstrates the many different possible interventions, as well as the vastly different contexts in which the rights to water and sanitation must be ensured. A vision for the sectors, a commitment to ensuring access for all and the political will for implementation, as well as some imagination, contribute to the realization of these rights.

I was impressed by the number of contributions submitted to me coming from multiple organizations – these practices highlighted the fundamental role of partnership in implementing the rights to water and sanitation. Through partnership, we see the potential to amplify the impact of these important interventions for better enjoyment of the rights to water and sanitation. Ensuring access to water and sanitation for all which is safe, affordable, acceptable and sufficient requires multiple interventions from different stakeholders, leadership, an enabling environment for interventions to be effective and sustainable, and an engaged population willing and able to claim their rights.

Collecting good practices has been an extremely difficult task given the limited capacity to comprehensively verify the submissions, and the fact that practices will evolve over time – good one day and bad the next, or vice versa. Nevertheless, this compilation allows us to identify common success factors and provides evidence that using the human rights framework has a concrete impact on changing people's lives in relation to water and sanitation, and beyond. I am now in the process of preparing a book, which builds on this report, and will contain a more detailed description of a wider range of practices, which I intend to launch at the upcoming World Water Forum, to be held in Marseilles in March 2012.

Excellencies, distinguished delegates,

In 2010, and early in 2011, I have carried out three country missions and these reports are before you today -- Slovenia, Japan and the United States of America. While these three countries are in three different regions of the world, there are some similarities between them. Most importantly, in all three countries, the vast majority of the populations enjoy access to water and sanitation in sufficient quantities which is safe, affordable and acceptable. These States should be congratulated for this achievement, which has only been arrived after decades of investment in the water and sanitation systems to cover most of the population.

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The rights to water and sanitation belong to every single person, and they are rights which are subject to progressive realization. Thus, no matter how comprehensive the coverage in a given country, if there continue to be people who do not have access, or whose access is inadequate, there is a need to examine the reasons for their lack of access, and to address it. States should constantly be striving to reach those who they still have not reached, or to improve access for those whose access is not yet to the standard of that country. Thus, my reports on these three countries focus especially on groups of people who do not have the same levels of access to water and sanitation as the majority populations. While the numbers of these people might be small compared to the overall population, from a human rights perspective, these people matter and deserve the attention of the Government.

From 23-28 May 2010, I visited Slovenia on official country mission. I was pleased to be the first Special Rapporteur to visit the country, and I wish to thank the Government for the excellent cooperation demonstrated throughout the preparation, carrying out and follow up to the mission. The mission report covers the legal and institutional framework and some water pollution and wastewater treatment challenges among other aspects. It also specifically considers problems faced by “erased” people and people living in poverty.

The bulk of the report and the recommendations are devoted to the situation of Roma people in Slovenia. Official statistics estimate that there are about 3,000 Roma people in Slovenia, while other estimates place the number as high as 10,000 people. In certain parts of Slovenia, notably in the Northeast of the country, important steps have been taken to integrate Roma communities, and ensure their access to safe water and sanitation. Out of 95 Roma settlements, 21 reportedly do not have access to water. Many also do not have access to sanitation. The consequences for these families are serious – some have to walk long distances to obtain water -- one testimony reported walking 10 kilometers for water, others report health impacts, and others explained that taking care of personal hygiene becomes a luxury, which can lead to alienation at work or at school.

Access to water and sanitation is intimately linked with security of tenure, which many Roma communities do not have. Slovenia has positive experiences related to regularizing the status of Roma communities. Lessons must be drawn from these situations to urgently address the circumstances of those communities who still live without access to water and sanitation. These measures must fully involve community members in plans that will affect their lives.

Regularization of Roma settlements is a topic that can be controversial, and it requires a firm political commitment on the part of the authorities to improve the situation of these communities. In some municipalities, this political will is lacking, and in these cases the central Government must correct the situation. The Government is obliged to ensure that the Roma people are not discriminated against by private or public entities, and must ensure that all people in its territory have at least minimum access to safe water and sanitation.

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From 20 to 28 July 2010, I visited Japan on an official country mission. I would like to thank the Government for its exemplary organization of this visit and its cooperation throughout the visit. Firstly, I wish to express my deepest sympathies with the people of Japan for the tragic Tohoku earthquake, tsunami and nuclear disaster at Fukushima. The Japanese and international humanitarian response was swift and crucial for ensuring access to water and sanitation for affected populations, although there remain concerns about contaminated water which must be taken very seriously. Rebuilding after such a serious catastrophe will no doubt present challenges and I encourage the Government to adopt a human rights approach in implementing measures to address this massive disaster. I express my solidarity with the people of Japan as they embark on this journey towards recovery.

While I was in Japan, I met with specific groups of people who experience access to water and sanitation differently than the majority of the population. Importantly, I must note that I did not meet with any community who completely lacked access, which is to Japan's credit. Specifically, I note that Japan maintains a system of public toilets which are available to homeless people and I observed that the standards of cleanliness and hygiene in these facilities surpassed what I have seen in most developed countries of the world. However, access to showers remains a big problem for these communities. Homelessness is integrally linked with poverty in Japan, and finding solutions for these communities will depend on developing social protection systems for those most vulnerable to poverty.

In the report, I also address some special concerns of access to water and sanitation for persons with disabilities as well as for prisoners. Furthermore, during the mission, I visited the town of Utoro, where Koreans have been living for over 60 years. The access to water and sanitation in that community is below the standards of neighbouring communities, with none of the households being connected to the sewerage network, and only 47 per cent being connected to the water network. The fact that these residents are under-served is linked to an ongoing dispute over ownership of the land on which they live. While I acknowledge that the dispute may be complex, and that some plans are in place to address the situation of these people, I maintain that urgent measures are required to ensure that all people have access to sufficient and safe water and sanitation.

During the mission, I also examined Japanese development cooperation and held numerous meetings with the Japan International Cooperation Agency. As the largest donor in the areas of water and sanitation, Japan is particularly well placed to promote human rights through its development cooperation. I observe in the report that Japan's aid could be better targeted to reach the most vulnerable and marginalized segments of societies. Furthermore, human rights would require improved consultation and engagement with communities to empower them to claim their rights to water and sanitation.

Excellencies, distinguished delegates

From 22 February to 4 March 2011, I undertook a country mission to the United States of America. I am grateful to the Government for its cooperation in all stages of this visit. The vast majority of people living in the US have access to safe drinking water and sanitation, and

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the US has a robust legal framework for ensuring water quality, including pollution control. However, certain groups face problems in their levels of access and in the quality levels of their drinking water, and there are some gaps in the legal and policy framework. Many of the water and sanitation systems in the US are ageing and require upgrading if they are to continue to deliver safe water and safely dispose of wastewater. Upgrading these systems will require consideration of alternative technologies which may be more sustainable for the future.

In my report, I express concern about water quality issues emanating from various sources. I visited a community in California where pollution from agriculture makes their drinking water undrinkable and a threat to their health. They spend considerable amounts of money to buy safe water for their personal and domestic uses which puts significant strain on their already limited resources. Pollution caused by industrial activities such as hydraulic fracturing processes are also a serious matter of concern. Industrial activities, such as water bottling plants, also have the potential to threaten the right to water by over-extracting available water sources.

I also highlighted problems of affordability in the US, and in particular expressed concern about disconnections from water supply without adequate consideration of peoples' ability to pay. I see a need for a mandatory federal standard on affordability of water and sanitation, as the Government has already done for water quality.

Certain groups in the US experience particular challenges in access water and sanitation for personal and domestic uses. Homeless people, who number as many as 3.5 million per year, often have no option but to urinate or defecate in the open, a criminal offence in some cities, with public restrooms becoming less and less accessible. I met one man in a homeless community who has taken it upon himself to construct a makeshift toilet where community members can relieve themselves into a plastic bag. He collects all of the plastic bags, weighing up to 230 pounds, cycles to the nearest open public restroom which is a few miles away, and empties the bags down the toilet. The fact that he is compelled to provide this service to his community signals a failure on the part of the Government to ensure provision of the most fundamental of services.

Indigenous people in the United States also suffer from inadequate access to water and sanitation. Thirteen per cent of American Indian communities lack access to safe drinking and / or waste disposal – within the overall population of the US, this proportion is 0.6 per cent. Indigenous groups also often have a special relationship to water sources which should be protected according to their cultural rights.

Excellencies, distinguished delegates,

I was honoured to be the first special procedures mandate holder to visit Namibia in July 2011. I wish to thank the Government for its superb cooperation throughout the visit.

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Namibia is facing a serious challenge when it comes to sanitation – as I highlighted in my end of mission press conference. I was impressed with the vision and dedication of the Government to tackle this crisis and I am looking forward to continuing a dialogue with the government concerning the issue of sanitation as well as other issues under my mandate.

Excellencies, allow me to conclude by sharing with you some developments concerning the impact of recognition of the right to water and sanitation in 2010. This Council has adopted two resolutions by consensus affirming the right to water and sanitation as recognized by the General Assembly in July 2010 and specifying that it is derived from the right to an adequate standard of living. These developments are having a concrete impact on current discussions amongst water and sanitation professionals. The Joint Monitoring Programme, also called the JMP, run by UNICEF and WHO as the main mechanism for measuring progress towards the MDG targets on water and sanitation, is currently exploring how to incorporate human rights criteria into its monitoring efforts. This is a significant development because it means looking beyond whether people have access to an improved water source or sanitation facility, to issues such as water quality, reliability and affordability as well as specifically monitoring disparities in access. These discussions are also aiming at influencing new targets to be identified in the post 2015 development agenda. This will change the way that we look at access to water and sanitation – this is the move from charity to entitlement, a move towards a more holistic understanding of why certain people still lack access to water and sanitation.

Furthermore I was also honoured to participate at a plenary meeting of the United Nations General Assembly last July in New York devoted precisely to the “Human Right to Water and Sanitation”. The high-level participation at that meeting was another unquestionable sign of the consensus around and the support to these fundamental human rights.

I am encouraged by these developments and intend to stay fully engaged with Governments, UN agencies, NGOs and other stakeholders to work towards better implementation of the rights to water and sanitation. The first three years of this mandate have witnessed extraordinary developments, and I have high expectations for the next three years.

Thank you for your attention and I look forward to our dialogue.