

Ms. Catarina de Albuquerque

Independent Expert on the human rights
obligations related to access to safe
drinking water and sanitation
ESCR Section
Special Procedures Division
UNOG-OHCHR
Palais des Nations
CH-1211 Geneva 10, Switzerland
Sent by e-mail to iewater@ohchr.org

March 23, 2010

Re: Stakeholders consultation on the private sector participation
to the human right to water

Dear Ms. de Albuquerque,

I am writing to you as manager of Borealis' *Water for the World* programme to contribute to your stakeholder's consultation on the private sector participation to the human right to water.

Borealis is a leading chemicals and plastics manufacturer that notably provides essential materials for water and sanitation network systems (www.borealisgroup.com). Building upon our business expertise, we have initiated with Borouge, our Middle-East – Asia joint venture, a joint CSR programme, *Water for the World*, to contribute improving access to fresh water and sanitation and ensuring sustainable management of water resources (www.waterfortheworld.net).

Water for the World runs social, environmental and business projects including community education programmes, research and best-practices development and philanthropic initiatives such as post-earthquake reconstruction of water network in L'Aquila, Italy, or 24/7 secured water supply in rural India. Our programme also funds partnerships and cooperations with not-for-profit organisations. For instance, Borealis and Borouge are members of Water and Sanitation for the Urban Poor - WSUP, a coalition of NGOs, corporations and academics that develops large scale projects in slum areas of cities like Bangalore, Bamako, Dhaka, Maputo, Naivasha, Nairobi or Antananarivo (www.wsup.com).

The human rights to water and sanitation are core to our CSR approach and Borealis fully supports the “General Comments 15”. Learning from our business and CSR activities we would like to share some insights as a private sector contribution for your report.

From our experience in developing or developed countries alike, the same policy, governance and management conditions apply to make water right a reality, irrespective of the private or public statute of service providers. The affordability and funding of water and sanitation services are central conditions we would like to focus our comments on.

The definition and implementation of “**pro-poor policies**” is probably one of the key prerequisite. The 2005 draft guidelines of the UN special rapporteur El Hadji Guissé broadly stressed this need. Nevertheless, pro-poor mechanisms are far from being common practices. Effective pro-poor policies are important to ensure the affordability of water services for lowest income population. They are also essential to set a framework for pro-actively addressing the needs of poor population, support community based organisations and integrate them in service development plans of local or national water authorities. We believe that the U.N. could be instrumental in further developing and promoting pro-poor water policies guidelines and best-practices, particularly towards public authorities and utilities in developing countries.

Sustainable funding is a second essential condition. From UN agencies to World Bank, EU water facility to Asian development programmes, many initiatives, schemes, programmes and structures exist. Yet their financial capabilities remain largely insufficient to meet investment needs whether for existing or new infrastructures. More fundamentally, the structural lack of funding is aggravated by – if not rooted in – deficient cost recovery practices that severely restrict investment and maintenance capacities of water utilities. Business investments and financial models are and will remain the most effective approach to ensure sustainable financing for the development of water services. An initiative of the UN accompanying and supporting the participation of private sector could also leverage significant resources for realising the right to water.

The rights to water and sanitation are broadly part of existing CSR frameworks or initiatives such as the Global Compact. They would probably benefit being further developed in code of conducts or guidelines. Yet, corporate social responsibility cannot substitute the responsibility of public authorities. Each country has the responsibility to determine sustainable water pricing policies that enable an equitable access by all its population and a realistic economic operating base for its water service providers, whether private or public.

I hope this contribution brings a useful perspective on the private sector participation to the human rights to water and look forward to reading your report and recommendations,

Sincerely,



Sylvain Lhôte
Director EU Affairs – Water for the World programme manager
Borealis Group