

**Additional contribution for the  
UN High Commission For Human Rights'  
Consultation on the human right to water**

**By**

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This additional contribution to the material already provided to the UNCHR has been prepared on my being advised that the consultation's remit includes the role of the private sector in water supply and the mandatory provision of free water.

**[1] The role of the private sector in water provision**

I believe that this falls outside the UN's remit. If we agree that there is a right to access to water, we should also agree that for example there is a right to access to food. The UN will need therefore to rule that all food supplies should be provided by the state and that no services relating to any aspect of making, processing, preparing, serving or selling food or beverages to people ought to be provided by any non state entities.

**What would banning the private sector mean?**

When it comes to service extension, the private sector ought to be regarded as part of the solution, not the problem. It is not a replacement for municipal services, but is one of the tools that must be mobilised in the great struggle towards genuine universal access to water and sanitation.

This raises some important points about the logic underpinning such an approach:

Firstly, to ban the private sector would be to ignore the tens of millions (24.7 million people in 36 examples examined by the World Bank alone in a 2009 study) connected for the first time to affordable potable water supplies by the private sector. It would also preclude tens or hundreds of millions of people from even having the chance of being connected in the future.

Secondly, this would end the role of many NGOs such as Water Aid since these are in essence private entities operating under charitable status. Water Aid alone has connected at least eight million people since its inception.

Thirdly, this would mean that people who are not served by a state enterprise should not be allowed access to water. This is evidently absurd in rural areas.

Finally, those unserved by municipal services would be banned from receiving water from vendors even in the absence of any other form of access to water.

Creating a series of loopholes to cover these omissions only serves to highlight the lack of internal logic behind such a proposition.

## **[2] Free water provision obligations**

To paraphrase Professor Mike Young (Adelaide University) "it is the poorest or the poor who pay the most for water. They pay full cost recovery plus whatever profits the water vendors wish to add because they are unserved by the utilities".

Any threat of a free universal service obligation will see many utilities simply walking away from serving informal urban settlements (1 billion people today, rising to 3 billion in the coming decades) since they cannot afford to meet such a service obligation.

Climate and demographic change makes it imperative that demand management (encouraging the efficient beneficial use of water) is encouraged. Free water provision does not encourage rational water use, let alone its conservation.

The poorest of the poor are willing to pay an affordable amount for access to water. This is materially less than they pay today. Please refer to case studies in Manila, Philippines (Manila Water) and a wide number of similar examples (Jakarta, Indonesia, La Paz & El Alto, Bolivia and Casablanca, Morocco for example) to show how this willingness to pay and sensitive policy implementation by utilities delivers what is really needed - reliable supplies of potable water at an affordable price.

### **The UN's remit - human welfare ought to prevail above ideology**

While every target is unlikely to be met, it is already evident that the water and sanitation Millennium Development Goals have been a power for good. The shortfalls have highlighted the need for a broad range of approaches especially when considering longer term issues such as universal access to safe water and sanitation (the 2000 World Water Vision's targets) and measures needed to sustain the integrity of the water cycle such as sewage treatment and demand management.

The UN is meant to promote human welfare. Actions under consideration such as above would place ideology above human welfare. They would be directly responsible for denying people access to safe water and sanitation. Doubtless they would be overturned in time, but how many millions of people would have to suffer or indeed die before realism would be allowed to prevail?

On the other hand, if the UN was seen to consider these proposals and to place them within their human welfare context and to commit itself towards universal access towards affordable water and sanitation over ideology, it would represent a great step towards the promotion of universal human rights.

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