



Via E-mail Only – [iewater@ohchr.org](mailto:iewater@ohchr.org)

March 26, 2010

Independent Expert on the issue of 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

**Re: Human Rights to Water and Sanitation and Private Sector Participation in the  
Provision of Water and sanitation Services**

Dear Ms. De Albuquerque:

The National Association of Water Companies (NAWC) appreciates the opportunity to submit our perspective regarding the important role of the private sector in contributing to the realization of access to water as a human right. [NAWC](#) represents all aspects of the private water service industry in the United States. The range of our members' business includes ownership of regulated drinking water and wastewater utilities and the many forms of public-private partnerships and management contract arrangements. Our mission is to promote the value of the private sector as a provider of quality, sustainable, water services and innovative solutions to meet the nation's water infrastructure and management needs.

We are very proud that private water service providers efficiently and reliably deliver affordable drinking water and wastewater services every day to 73 million Americans, nearly a quarter of the country's population. Many of the thousands of communities we serve are low-income areas and within nearly all of our service areas there are low-income households. Working with our public sector partners at all levels of government, as well as our customers who are pleased to help their less fortunate neighbors, our companies have established numerous programs and financial mechanisms to ensure access for all, regardless of economic, social, or political standing.

NAWC also strongly believes that the various private water service models provide a very sustainable regulatory and management framework for drinking water and wastewater (hereinafter collectively referred to as “water”) systems. No individual will have access to a sufficient amount of safe drinking water for personal and domestic uses, nor will the businesses that provide the economic vitality of households and communities function, if utilities do not invest sufficient capital to maintain the system and operate it optimally. There are many public utilities that run sustainable water systems just as most private systems do so. This is a critical point as the Independent Expert assesses the context of private sector participation in the provision of water services. There is no inherent virtue or value in either public or private operation; in fact, the greatest value to communities and their citizens derives from the two sectors working together to leverage their particular strengths. For examples of this, please refer to two resources from the Water Partnership Council, which in 2009 was merged into NAWC: [Establishing Public-Private Partnerships for Water and Wastewater Systems: A Blueprint for Success](#) and [An Evaluation of Public-Private Partnerships for Water and Wastewater Systems](#).

These examples of partnerships emphasize that both private and public water service providers are no more and no less than agents of public policy. National governments, and in the U.S. state governments, establish the environmental, public health, and economic policy and regulatory framework within which all water providers have the responsibility to serve the people in their respective communities. It is the managerial, operational, and financial capabilities of the system that are paramount to its ability to provide access to water, rather than its ownership structure. The U.S. government officially recognizes this, and we refer the Independent Expert to a recent publication by the U.S. Environmental Protection Agency, [Gaining Operational and Managerial Efficiencies Through Water System Partnerships](#). This document highlights successful case studies covering a spectrum of solutions for small systems serving 3,300 or fewer customers, which often face particular challenges in providing safe, reliable drinking water to their customers. The solutions include informal cooperation to public-public partnerships to transfer of ownership from public to private. In publicizing these success stories, the U.S. Environmental Protection Agency is showing that private water providers are an important part of implementing the nation’s public policy and priorities.

This recognition of the increasingly important role of the private sector in helping communities throughout the country provide access to water services to their citizens resulted this week, on March 24, in the U.S. House of Representatives passing legislation, the Small Business and Infrastructure Jobs Tax Act, that facilitates greater private investment to address the nation’s gap in water infrastructure spending as well as help systems run more sustainably.

While acknowledging the robust private sector participation in domestic water services, the U.S. government also is advocating for a greater role for public-private partnerships in meeting global water challenges and leveraging development assistance to provide reliable access to clean water throughout the world. In her [World Water Day Speech](#), March 22, 2010, in Washington, D.C., Secretary of State Hillary Rodham Clinton expressed:

*"We want to identify strategic opportunities for working with private firms, and bring their technical skills and capital to bear in addressing the challenges facing the water sector. At the State Department, we are going to elevate water issues within our Global Partnership Initiatives, and on March 23<sup>rd</sup>, which is tomorrow, we will be holding the first of what I expect will be many meetings with corporations and foundations to examine how better to address water challenges through public-private partnerships and work together toward long-term collaboration."*

NAWC, its member companies, and their tens of thousands of employees are water management professionals committed to serving the public interest by providing reliable and affordable water to the people we serve, while protecting public health as well as the ecological health and economic vitality of the communities in which we live as well as work. We know better than our critics that water is essential to life. We know the hard work and capital investment required to sustainably deliver it. Far from being incompatible with the right to water, private sector participation in the provision of water service is an essential element globally to protect and realize this right.

The key issue for all of us who strive to ensure that every individual has equal and nondiscriminatory access to safe water and sanitation is not "public or private", but how to work together to establish transparent and accountable regulatory and governance structures for providing this precious, life-sustaining natural resource. We look forward to the support of the Human Rights Council in this endeavor.

Thank you for considering NAWC's comments in your assessment of this critical issue.

Sincerely yours,



Michael Deane  
Executive Director  
National Association of Water Companies

2001 L Street, NW  
Suite 850  
Washington, DC 20036  
[www.nawc.org](http://www.nawc.org)