



**PERMANENT MISSION OF THE REPUBLIC OF TRINIDAD AND TOBAGO  
TO THE OFFICE OF THE UNITED NATIONS, GENEVA**

**OHCHR REGISTRY**

**19 APR 2010**

Recipients : SPD

**Note No. 65/2010**

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office in Geneva and its Specialized Agencies in Europe presents its compliments to the Office of the High Commissioner for Human Rights and to the Office of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation and has the honour to refer to the latter's communication dated 19 November 2009 on the subject of Human Rights Council Resolution 7/22.

The Permanent Mission notes that the deadline date of 26 March 2010 has passed and in apologizing for the delay in submitting a response, wishes to nevertheless forward for your attention the response of the relevant capital-based authorities.

The Permanent Mission of the Republic of Trinidad and Tobago to the Office of the United Nations in Geneva and its Specialized Agencies in Europe, avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights and to the Office of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, the assurances of its highest consideration.

**Geneva – 15 April 2010**





## **Comment for the independent expert at the Office of the High Commissioner of Human Rights on the issue of access to safe drinking water**

Matter for consideration

Access for safe drinking water in Trinidad and Tobago

Relevant legislation and convention which governs safe drinking water:

- ***The International Convention on Economic Social and Cultural Rights***<sup>1</sup>
- ***The Water and Sewerage Authority Act 1965***<sup>2</sup>

The Committee for the Convention Economic, Social and Cultural Rights started by recognizing that the right to water was a fundamental human right protected by the covenant. According to the Committee, “The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights”. The Committee also insisted that “Water should be treated as a social and cultural good, and not primarily as an economic good. The manner of the realization of the right to water must also be sustainable, ensuring that the right can be realized for present and future generations”.

The Committee then defined the right to water as it is currently enshrined in international law. According to this definition, the right to water “entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses”.<sup>3</sup> According to the definition given by the CESCR, all people have the right to water that is safe and of an acceptable quality, available on a continuous basis, in sufficient quantities, accessible physically, at an affordable price and without discrimination.

Article 11 of the *International Convention of Economic Social and Cultural Rights*, states:

‘1. The states parties to the present covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The state parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The state parties to the present covenant, recognizing the fundamental rights of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

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“1”- <http://www.un.org>

“2”- Laws of the Republic of Trinidad and Tobago

“3”- <http://baes.d-p-h.info/en/fiches/dph/fiche-dph-8111.html>



- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food importing and food exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

**The Water and Sewerage Authority Act 1965**(as amended) details the provisions which place the Water and Sewerage Authority (referred to as WASA) in charge of water resources and water supplies within Trinidad and Tobago. Any provisions referred to below relate to this Act unless otherwise stated.

With regards to **s.42-46** of the afore mentioned Act, WASA has control of all water supplies, ranging from private bottle water companies to any other purveyors. Thus the duty of fulfilling the rights to access safe drinking water lies with WASA. WASA must ensure that water resources are properly maintained. Therefore any person who interferes with underground water works or the construction of a well of any sort without permission shall be deemed guilty of an offence under **s. 47**. A further interpretation maybe taken from **s. 53** where a person is guilty if they pollute or their actions are likely to pollute any water source.

By virtue of Part V of the Act, WASA maintains all sewerage systems in Trinidad and Tobago. In this regard the authority works with other local authorities for the administration of the Health ordinance. Thus the construction and operations of sewerage work must operate under the best possible circumstance to maintain safe drinking water.

To attain a full understanding of the relation between the water for human consumption and sanitation of waste water a fine analysis must be drawn. The main water resources in Trinidad and Tobago are ground water, surface water, precipitation, biological and sea.<sup>5</sup> Surface water if not properly channeled will be adversely affected by sewerage which would make the process for drinkable water quite difficult to produce. The same maybe stated about ground water.

In Trinidad and Tobago WASA is the governing authority for access to safe drinking water and sanitation

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<sup>4</sup>"- <http://en.wikipedia.org>

<sup>5</sup>"- <http://www.answers.com>