

FOR A GLOBAL CONVENTION ON THE RIGHT TO WATER



ACCESS TO WATER IS NOT A PRIVILEGE... IT'S A RIGHT

August 11, 2005

Why do we need a Global Convention on the Right to Water

1.3 billion people lack access to clean drinking water.

2.2 billion people lack access to basic sanitation.

Millions of children die every year from preventable water-borne diseases.

Women, and girls in particular, are robbed of their dignity, health and personal safety by the daily struggle to fetch water and manage their hygiene.

The absence of clean water and basic sanitation traps people in poverty and threatens security in many regions of the world.

Wetlands, rivers and aquifers are being over-exploited, polluted and irreparably damaged.

The upstream countries of the 263 transboundary water courses can impose their control over this precious natural resources to the downstream countries.

Governments have declared water a priority, but little is being done, and investments are inadequate.

There is no international and legally binding tool dedicated to protecting people's right to the water they need to survive.

Elevating the Right to Water to the status of an international, legally-binding Convention would oblige governments – at all levels - to prioritise the water needed for the well-being of all people, and the health of natural ecosystems, in their economic policies and development agendas.

A Global Convention would give citizens of all signatory countries legal recourse in the event of their rights to water being neglected, denied or violated, and would constitute a legal framework for water related MDG implementation.

A Global Convention would ensure the asset of water as powerful source of cooperation and not a permanent potential cause of conflict. The Global Convention would reinforce the existing international and regional water related conventions.

Elaboration of the Main Principles of the Convention

In 2002, during the *Earth Dialogues* organised in Lyon with the presence of Prime Ministers, Ministers and more than 1000 participants, Green Cross International (GCI) launched the initiative for a *Global Convention on the Right to Water* with the International Secretariat for Water, the Maghreb Machreq Alliance for Water, and the Water Supply and Sanitation Collaborative Council.

During the third World Water Forum in March 2003, the World Assembly of Water Wisdom, a citizen-based initiative, decided to concentrate its effort on the negotiation and signing of a Global Framework Convention on the Right to Water. A group of experts - including lawyers, elected officials, civil society, opinion leaders, local, regional and national governments, representatives of public, para-public and private services providers working in network – drew up the first draft of the fundamental principles of the Framework Convention on the Right to Water.

The approach was to consider the usefulness of water in its various functions. To considered also, water as a common or public good but not treating water as a purely economic good because its various functions are not interchangeable values that can, therefore, be measured in monetary terms. However, the values linked to water are often complementary and, thus, cannot be replaced by money. However, it is important to distinguish different categories of values at stake and the ethical criteria of fairness and sustainability in order to establish an order of priority among user rights, as well as management criteria for each level.

Water for life, as regards its basic function of providing survival for both human beings (individually and collectively) and other living beings, must be recognized as the highest priority in order to guarantee the sustainability of ecosystems so that access for all to a minimum quantity of good quality water is recognized as one of the human rights.

Water for general interest purposes, as regards public health or the promotion of values of equity or social cohesion, must be ranked at the second level of priority, in connection with citizen's social rights and in the general interest of society as a whole. This is the role of public institutions. Water for development, which is an economic function relating to production activities and which in general concerns private interests, should occupy the third level of priority, in connection with the individual right of all to improve their standard of living. This function consumes the largest part of all water resources from rivers and aquifers, and is, therefore, largely responsible for the problems of scarcity and pollution arising in the world. This production-based demand must be managed in accordance with economic efficiency.

On 1 June 2004, within the framework of the Dialogue on Water for Life and Security, at the Universal Forum of Cultures in Barcelona, the World Assembly of Water Wisdom met for the second time and discussed, amended and adopted these fundamental principles of the Global Convention.

The draft of the Global Convention includes the following ten principles:

1. Principle of Sovereignty over Water
2. The Human Right to Water
3. The Right to Sufficient Quantity of Water
4. The Right to Clean Water
5. Principles of Sustainability and Precaution
6. Principles of Equity and Differentiation
7. Principle of Responsibility
8. Principles of Participation and Transparency
9. Financing the Water Sector
10. Right to Water in the event of Armed Conflicts

The document was reviewed by specialists, legal experts and it is now discussed by a broader audience through meetings, conferences, internet chats and dialogues.

The Initiative wishes to contribute to the protection of the right to water for life for each and every human being, to protect the resources by encouraging an eco-systemic approach to water management, to promote sustainable development by efficient uses of this precious

natural resource, to prevent national and international conflicts related to unfair and unwise uses of water, and to clarify the responsibilities of all stakeholders, local and national authorities, and operators and users.

International Recognition of the Right to Water

Many acts, declarations, conventions and constitutions foresee explicitly or implicitly the right to water. In the international legislation relating to the rights of the individual, water is protected as a human right. In the Universal Declaration of Human Rights of 1948 and in the two International Covenants of 1966 concerning economic, social and cultural rights (ICESCR) and civil and political rights (ICCPR) respectively, water is not mentioned explicitly, but it is considered an integral part of other recognized rights, such as the rights to life, to an adequate standard of living, to health, to housing and to food.

The Convention on the law of the non-navigational uses of international watercourses, adopted by the United Nations General Assembly on 2 May 1997 (Resolution 51/229), even though not yet in force, has contributed to heightening international awareness in this field. More recently, the 2000 Resolution of the United Nations General Assembly and particularly General Comment No. 15 of the Committee on Economic, Social and Cultural Rights of the Commission on Human Rights (November 2002) have become important.

The right to water is indiscriminately considered a common heritage of humanity, and as an integral part of the right to development, the right to the environment and the right to peace, which are the cornerstones of those rights that are sometimes called the “rights of the third generation”.

The proposed Global Convention on the Right to Water would allow the full recognition of the third generation rights.

Progress of the Initiative

Green Cross International and its partners has presented the Initiative to the general public, experts, scholars, unions, professionals, NGOs, local and regional authorities, governmental officials in many opportunities since 2002.

On August 2004 in Rabat M.Mohamed Elyazghi Minister of Territorial Management, Water and Environment said:” This convention, initiated by l'Alliance Maghreb-Machrek, the International Water Secretariat and Green Cross International, advocating the universal right to water, stands within this framework. It promotes the right to water as the fundamental right of access to water for life, entitling everyone to sufficient and adequate amounts of safe water to meet the essential individual needs. Water for life also includes sanitation and the sustainability of aquatic ecosystems. Governments, international organizations, non-governmental organizations, civil society and all the stakeholders in the field of water are invited to contribute and recommend improvements to this convention.”

An worldwide public campaign was launched on March 22, 2005 with the support of mass media (web site: www.watertreaty.org) and international personalities including President Gorbachev, Jean-Michel Cousteau, Leonardo Di Caprio.

Thousands of people have yet signed the petition asking governments to begin official negotiations on the International Convention on the Right to Water. The results of the world-wide signature campaign will be presented to the Secretary-General of the United Nations Organisation.

During the April 2005 United Nations Commission on Sustainable Development (CSD13), the Right to Water was intensively discussed between official delegates and presented by President Gorbachev during the plenary session of the high segment event. Some countries as Norway, France, Switzerland showed interest to the process.

Some countries have yet introduced the Right to water in their national constitution as South Africa, Uganda and Uruguay.