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Organización
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Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

**The Assistant Director-General
for Natural Sciences**

OHCHR REGISTRY

18 AVR. 2007

Recipients : *N.M.*.....
 I.S.K.N......

Ms Louise Arbour
High Commissioner for Human Rights
Office of the High Commissioner for
Human Rights
United Nations Office at Geneva
1211 Geneva 10
SWITZERLAND

10 April 2007

Ref. : SC/HYD/118

Dear Ms Arbour,

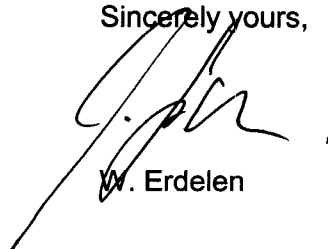
Thank you for drawing the attention of the Director General to the Human Rights Council decision 2/104 of 27 November 2006. We welcome the opportunity for UNESCO to contribute to the preparation of the study on the scope and content of the human rights obligations related to equitable access to safe drinking water and sanitation.

Water has always been an important component of UNESCO's science programmes and became the principle priority of the Natural Sciences Sector at the 31st General Conference of UNESCO in 2001. Through its water programmes, the Organization provides the necessary scientific and educational backbone upon which water professionals and politicians build the decisions they make in order to respect, protect and fulfil the right to equitable access to safe drinking water even in crisis situations.

The Organization has developed different programmes and implemented various activities relevant to the questions you have raised in your letter. A sample of these programmes and activities can be found in the Annex to this letter.

Please rest assured that the Division of Water Sciences remains at your disposal should you need further information or details concerning UNESCO's commitment to human rights related to equitable access to safe drinking water and sanitation.

Sincerely yours,



W. Erdelen

ANNEX

a- Views on international human rights obligations to be taken into account in relation to equitable access to safe drinking water

The right to equitable access to safe drinking water is regarded by UNESCO as a pre-requisite for the realisation of several other Human Rights, such as the right to life, dignity, health, food, standard of living and education, as written in the 1966 International Covenant on Civil and Political Rights (art.6, preamble) and the 1966 International Covenant on Economic, Social and Cultural Rights (art.12, art. 11, art. 13).

Furthermore, UNESCO's International Hydrology Programme (IHP) consider that the right to equitable access to safe drinking water is explicitly or implicitly provided in existing legal texts, such as the following ones, among others:

- The 1979 Declaration on the Elimination of All Forms of Discrimination against Women,
- The 1997 Convention on the Law of the Non-navigational Uses of International Watercourses,
- The resolution by the General Assembly of the United Nations (A/ RES/ 54/175 (15/2/2000)), which "Reaffirms that, in the full realization of the right to development, inter alia: (a) The rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative both for national Governments and for the international community", and
- The General Comment No. 15 of the Committee on Economic Social and Cultural Rights of November 2002.

UNESCO's IHP also refer to the Millennium Development Goals (MDGs) to underline the importance of the right to equitable access to safe drinking water and explicitly recognize it. For example, on the occasion of the 17th session of the Intergovernmental Council of IHP (3-7 July 2006) the Director-General noted that freshwater was an issue of global importance that links all eight Millennium Development Goals into a coherent interconnected system. He also noted that it was for this reason that he decided to elevate water as a principal priority for UNESCO five years ago and he was pleased to note that the General Conference, at its 33rd session, had decided to maintain water and associated ecosystems as one of UNESCO's five priority areas.

Mr. Koichiro Matsuura further declared on March 22nd 2006 on the occasion of World Water Day and the launch of the second edition of the *World Water Development Report* at the 4th World Water Forum in Mexico City (DG/2006/039):

'We need to recognize that access to clean water is a fundamental right. In 2002, the UN Committee on Economic, Social and Cultural Rights affirmed that 'sufficient, affordable, physically accessible, safe and acceptable water for personal and domestic uses' is a fundamental human right of all people and a pre-requisite to the realization of all other human rights. Although not legally binding for the more than 140 countries ratifying the International Covenant on Economic, Social and Cultural Rights, this decision carries the weight of a moral obligation on the signatories to progressively ensure that everyone has access to safe and secure drinking water and sanitation facilities, equitably and without discrimination.'

These ideas were also entertained in a joint UNESCO-Veolia Water publication entitled *Water Sanitation and Sustainable Development* as follows:

'Subsequent to the 3rd World Water Forum held in Kyoto in March 2003, the United Nations officially included the right to water among the essential rights of humankind. Water concerns

all aspects of our existence: health, wellbeing, human rights, the environment, the economy, politics and culture.'

Moreover, in one of its numerous contributions to the *United Nations World Water Development Report 2: Water – a Shared Responsibility* (Chapter on Sharing Water) UNESCO underlines that:

'The right to water is already recognized in several legal or political instruments. It guarantees access to water, without discrimination, in a permanent and sustainable manner – and at a socially and economically acceptable cost. It also addresses the issues of subsidiary, solidarity, and cooperation. Finally, it takes into account the interests of disadvantaged populations and the importance of decision-making at local levels.'

The current phase, IHP-VI (2002-2007), has been based on the fundamental principle that freshwater is as essential to sustainable development as it is to life, and that water, beyond its geophysical, chemical and biological functions in the hydrological cycle, has social, economic and environmental values that are inter-linked and mutually supportive. The launching of this effort coincides with what is seen by many water planners and managers to be a genuine shift in society's approach to water development and management.

b- How these human rights obligations related to equitable access to safe drinking water and sanitation have been integrated into UNESCO's programmes, plans, strategies or emergency interventions

Through its Water Programmes UNESCO develops and spreads the knowledge and information needed to provide an equitable access to safe drinking water and sanitation. The focus lays mainly on (a) training and educating current and future water managers, (b) providing decision makers with the data they need to provide their people with an access to safe drinking water, and (c) developing scientific knowledge that can be applied immediately.

Examples of these efforts include:

- The development of a set of course material for short courses addressed to professionals in transboundary water management. These courses are designed within the framework of UNESCO's PCCP project (from Potential Conflict to Co-operation Potential), and have been so far implemented in Southern Africa, Latin America and South East Europe between 2002 and 2006. The courses each contain a thorough lesson on the human right to water. These short courses are taken over by local universities and integrated in their regular relevant programmes.
- The design of an innovative Masters Degree Programme in Water Governance and Conflict Prevention in cooperation with UNESCO-IHE Institute for Water Education, Delft, The Netherlands and UNESCO Centre for Water Law, Policy and Science at the University of Dundee, Scotland. The degree will be targeted at young water resource experts from developing countries. The Master Degrees encompasses as well, a thorough lesson on the human right to water.
- The assessment of internationally shared aquifers and the development of a Global Groundwater Information System (GGIS). These exercises provide invaluable information and knowledge that can serve political and scientific leaders in their decision making processes.
- The "Quo Vadis Aquifers?" is a programme developed and managed jointly by UNU-Institute for Environment and Human Security and IHP. Through research, capacity development and networking the project links between human security and groundwater resources degradation worldwide. In many instances, groundwater resources are being

overexploited, with withdrawal rates exceeding recharge rates and are polluted by anthropogenic activities such as industrial wastes, urban wastewater, land use changes, and/or agricultural pollution. In some regions, the consequences of unsustainable groundwater use impact on human livelihoods, human health and food security.

c- The impact of the programmes, plans, strategies, emergency interventions or other measures in promoting or restricting equitable access to safe drinking water and sanitation

The PCCP course material has been used in various educational activities for both, students, mid and high-level professionals, since its first implementation in 2002. The University of Zimbabwe the University of the Western Cape integrated the PCCP course material in the course modules of their WaterNet Master in the Integrated Water Resources Management programme and M.SC. programme respectively. It was also used in training courses for professionals run by the Global Water Partnership Southern Africa and Cap-Net in 2005 and 2006. Furthermore, other courses on Integrated Water Resources Management have been inspired by UNESCO's PCCP material, such as in Bolivia, Argentina, Senegal, Kenya, Cape Verde, Ethiopia and Sudan. Courses are still being planned for Ghana, and Vietnam.

The most positive result of these initiatives is that there are now more trainers at the regional levels, feeling confident to deliver such trainings themselves. They can incorporate the importance of the access to safe drinking water in their teaching material, with little or no external assistance.

d- Examples of approaches considered to represent 'best practice' related to access to safe drinking water and sanitation

UNESCO-IHE Institute for Water Education in Delft has developed an arsenic removal technology which was presented in 2005. The filter, that removes arsenic from water, could save tens of millions of lives. Simple and ecologically sound, the filter uses an absorbent recycled by-product available at no cost almost everywhere in the world. Since February 2004, 14 "family filters" have been tested in rural areas in Bangladesh where groundwater is highly-contaminated groundwater with arsenic levels up to 0.5 mg per litre. After more than a year and a half of daily use, 12 of them are still producing arsenic-free water without needing replacement of the absorbent. Another 1,000 filters will be distributed in Bangladesh during the project's second phase.

The "Groundwater for Emergency Situations (GWES)" is an IHP initiative addressed to countries repeatedly affected by natural catastrophic events. It helps the concerned managers and decision makers in the setting up of emergency plans to secure drinking water supply to the affected population. The aim of the GWES project is to identify groundwater bodies resistant to natural and human impacts to be mobilized immediately after disasters events (floods, droughts, tsunamis, earthquakes, landslides, volcanic activities, hurricanes, pollution accidents) as a source of drinking water. A timely investigation and participation of local authorities and the community are essential in developing the emergency water infrastructure that will function in areas affected by and prone to natural hazards.

UNESCO and the World Commission on the Ethics of Scientific Knowledge and Technology, Sub-Commission on the Ethics of Freshwater Use published a booklet entitled "Some Examples of Best Ethical Practice in Water Use", in 2004. It provides four case studies from Japan, South Africa, Philippines and the Andes region. It also summarizes the fundamental ethical principles that should be applied in all fields of water use and which include:

- Human dignity
- Participation
- Solidarity
- Human equality
- Water as common good
- Stewardship
- Transparency and universal access to information
- Inclusiveness
- Empowerment
- Equity, fairness and access between and across generations.

e- Any other existing initiatives or standards relating to equitable access to safe drinking water and the scope and legal status of these initiatives

IHP has supported the writing process of the draft articles on the law of transboundary aquifers that in June 2006 were adopted at first reading by the UN International Law Commission. The draft articles are now in the hands of the governments for comments and observations to be submitted by 1st January 2008. The draft articles are guided among others by the principle of equitable and reasonable utilization of transboundary aquifers.

Article 5 § 2 is specifically relevant with regard to equitable access to safe drinking water:

Article 5 Factors relevant to equitable and reasonable utilization

2. The weight to be given to each factor is to be determined by its importance with regard to a specific transboundary aquifer or aquifer system in comparison with that of other relevant factors. In determining what is equitable and reasonable utilization, all relevant factors are to be considered together and a conclusion reached on the basis of all the factors. However, in weighing different utilizations of a transboundary aquifer or aquifer system, special regard shall be given to vital human needs.