

Women's International League for Peace and Freedom (WILPF)

Submission for OHCHR Water Consultation, May 2007

Introduction

The Women's International League for Peace and Freedom (WILPF), an ECOSOC accredited NGO, has compiled the following information on equitable access to safe drinking water and sanitation. We appreciate the opportunity to submit our views on this human rights issue. We have collected the following facts, views and perspectives on privatization, gender impact, discriminatory practices in water distribution, and health and sanitation issues, as relevant to the consultations held on 11 May 2007 by the OHCHR. The main source of authority on these issues is General Comment No. 15 of the Committee on Economic, Social, and Cultural Rights, as suggested by the OHCHR.

Gender impact

It is necessary to consider a gender perspective when discussing the right to safe drinking water and sanitation because in many cultures women are the primary managers for water-related domestic and community responsibilities. Furthermore, Item 16 of General Comment 15 specifically states:

“Whereas the right to water applies to everyone, State parties should give special attention to those individuals and groups who have traditionally faced difficulties in expressing this right, including women, children, minority groups, indigenous peoples, refugees, asylum seekers, internally displaced persons, migrant workers, prisoners, and detainees.”

Women are uniquely impacted by the lack of water related rights and it is imperative to incorporate a gender perspective and women's participation in water management, resource planning and development planning.

Women and girls are impacted by a lack of access to drinking water and proper sanitation in a variety of ways, including: preventing them from employment; political participation; access to education, and; cultural activities. Traditional gender roles in many cultures allocate women the responsibility for a range of domestic and community

activities that rely heavily on the use of water (agriculture, health, and hygiene)¹. When water is not easily accessible, and its sources are not maintained and kept sanitary, acquiring and managing water usage for the family is time consuming and often dangerous, and transporting heavy containers of water supplies long distances causes acute physical problems for women and girls².

Lack of adequate sanitation also disproportionately affects women and girls, by burdening them with responsibilities they would not have if international standards for basic water rights were met in their communities. Women and girls often have to dedicate their time to providing care for those sick with water-borne illnesses that result from a lack of adequate sanitation. Adolescent girls are often unable to attend school during menstruation because of lack of sanitation facilities in villages in developing countries of Africa (Birchem 5; Pankule). These factors of limited access to drinking water and adequate sanitation facilities prevent women from participating in activities that would otherwise contribute to gender equality, such as education and work in the public sector.

These circumstances situate women in a position of expertise on water management, making their insight on the topic a valuable and necessary part of local decision-making on water management. Item 16 (a) of General Comment 15 specifically claims that states must “ensure that women are not excluded from decision-making processes concerning water resources and entitlements. The disproportionate burden women bear in the collection of water should be alleviated.” The presence of women at the policy-making level would ameliorate the gaps in current water distribution systems. This situation is paradoxical and cyclic: the obstructions of these rights prevent many women from being in a social position to have the influence to incorporate the local knowledge and insight necessary to address these human rights violations.

¹ Water, Women, War and 21st Century Globalization – Regina Birchem, Peace & Freedom Magazine 2003

² Water as a Source of International Conflict – Regina Birchem WILPF Water, Women, Peace 2004
WILPF International Congress in Sweden (p.155) ; Dr Sushma Pankule, WILPF Indian Section Special Report for OCHCR 2007 Water Consultation

Discrimination in terms of equitable access to safe drinking water and sanitation does not just affect women, but other minority groups as well. Companies whose actions are unregulated by state legislation often overlook the vulnerable status of people living in rural areas in developing countries, resulting in the violation of the right to water. For instance, “people living in the Kibera slum of Nairobi, Kenya pay up to five times more for a liter of water than the average American citizen”³. Item 27 c. of General Comment 15 emphasizes State obligation “to ensure that water is affordable...Any payment of water services has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, as affordable for all, including socially disadvantaged groups.” The question of accountability as pertains to this issue is complex, and surely international financial and trade institution policies as well as states and other third parties such as multi-national corporations have a responsibility to facilitate the realization of the right to water. WILPF believes that privatization of natural resources that have been thought of as collective property needs to be examined with a critical eye.

Privatization

The instances where privatization threatens the realization and promotion of the right to safe drinking water and sanitation are innumerable, and the ethics of profiting from this life source must be considered. According to item 11 of General Comment No. 15, “Water should be treated as a social and cultural good, and not primarily as an economic good.” WILPF underlines the importance of this particular view, and assert that water “is not a good or service to be privatized, but a common good to be protected. Its management must be rights-based”⁴. Privatization of public goods tends to undermine human rights through prioritization of profits.

The article “Who Governs Water?” in WILPF Magazine Peace & Freedom 2003 refers to Bechtel, a US corporation whose business practices hinder people globally from having

³ UFORJE: Building a Beloved Community – Evelyn Spears, Peace & Freedom – Magazine of the Women’s International League for Peace and Freedom. Vol. 63 No 2 Fall 2003

⁴ Water as a Source of International Conflict – Regina Birchem WILPF Water, Women, Peace 2004 WILPF International Congress in Sweden

equitable access to safe drinking water and sanitation. A specific case is mentioned in this article in which this company seized control of local water management facilities and the results violated international human rights standards. “Even individuals who pumped water from their own wells or collected rainwater were required to pay a fee to Bechtel to use their own water. The rates were raised to the point that many people were paying one third of their income for water.”⁵ Item 16 c. of General Comment No. 15 states:

“Rural and deprived urban areas have access to properly maintained water facilities. Access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution. Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status...”

In this particular instance, civil society was able to organize at a local level to draw attention to these violations and regain control, but this case is exceptional.⁶

The responsibility of protecting the human right to water is clearly expressed in the UN document General Comment 15, which outlines the legal obligation of states party to the Covenant of Economic, Social, and Cultural Rights. Under item number 23 of General Comment No. 15, “the obligations to *protect* requires State parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations, and other entities as well as agents acting under their authority.” The responsibility for human rights violations as connected to water privatization is not limited solely to governments and multi-national corporations, but also extends to international bodies that influence trade and development policies. For instance, international institutions such as the World Bank that promote water privatization through bodies such as the Public Private Infrastructure Advisory Facility (PPIAF), play a key role in preventing decision-making processes at a local and democratic level⁷.

⁵ Who Governs Water? By WILPF’s Challenge Corporate Power, Assert People’s Rights Campaign – Magazine Peace & Freedom Fall 2003

⁶ Ibid.

⁷ Open letter to donors contributing to the Public-Private Infrastructure Advisory Facility: Asian Development Bank, Canada, European Commission, France, Germany, Italy, Japan, Netherlands, Sweden, Switzerland, United Kingdom, United States, World Bank, 15 May 2007

WILPF supports democratic local decision-making in terms of water source management, a process that would promote equitable distribution and non-discriminatory practices and value rights of community members above profits. According to WILPF Sections in India, water shortage is a problem because of mismanagement of this limited resource. Consideration of local knowledge of water management could facilitate the creation of more sustainable practices in terms of water, lowering instances of water shortages in areas that are naturally provided with adequate water sources. There are certain precautions that could ensure efficient, practical measures to harvest and utilize rainwater to its full capacity.

In the article “Indian cities are water-starved cities, not rain-starved cities,” Meena Shelgaonkar illustrates that poor management of water that accompanies hasty urbanization results in water shortages that leave many thirsty and burdened:

“Cherrapunji, which receives about 1100 mm of rainfall annually, suffers from acute shortage of drinking water. Another Indian city from the South, Chennai, receives annual rainfall in the range of 1200-1300 mm. This is higher than compared to the India’s average rainfall of 800 mm. However, this rainfall occurs in short spells of a few days- on an average Chennai receives rainfall for about 300 hours throughout the year. Still Chennai faces acute shortage of water”⁸.

Not only does failure of rainwater harvesting result in a shortage of drinking water, it also results in drainage problems such as flooding. “Failure of rainwater harvesting, results in flooding of low-lying areas and wastage by means of runoff into the sea during rainy season and water scarcity during summer months.” Rapid urbanization reduces the amount of open spaces necessary to recharge groundwater.

Measures need to be taken to manage rainwater and promote recharging of groundwater. There are a variety of techniques to harvest rainwater that have been used traditionally, and only through water resource management systems that incorporate community knowledge can they be given adequate attention. Shelgaonkar suggests that rainwater harvesting practices for the storage of rainwater in above ground containers and the

⁸ Indian Cities are water-starved cities, not rain-starved cities – Meena Shelgaonkar, IPU Vol. 71, No. 2, Summer 2006 (p.4-5)

methods of groundwater recharging be considered as part of an effort to better manage water sources. Also, she suggests that drainage systems be considered more carefully in urban planning because lack of insight into aquifers and drainage mechanics have also resulted into wasting away of this natural resource.

Pollution

Sanitation is often threatened by water management and lack of adequate facilities, but also for lack of accountability for corporate and military actions. Often diseases and illnesses such as cholera, diarrhea, hepatitis among others are problems because of the lack of basic sanitation facilities.

Item 12b. of General Comment No. 15 clarifies the right to sanitary water : “The water required for each personal or domestic use must be safe, therefore free from microorganisms, chemical substances and radiological hazards that constitute a threat to a person’s health.”

Women are affected at a greater level by many of the health problems since they are responsible for tasks connected to sanitation, for example, water-collecting for livelihood⁹.

Sanitation problems also stem from pollution caused by dumping toxic chemicals with complete disregard for consequences of their disposal. This situation is threatening not only to public health, but to the vitality of communities and the environment.

WILPF would also like to raise awareness on the issue of water contamination due to military industry and activity, such as the production, testing, and use of weapons.

Nuclear production is also a direct cause of water contamination resulting in many health problems¹⁰.

Item 21 of General Comment No. 15 mentions state obligations with regards to this issue:

“...The obligation includes, inter alia, refraining from engaging in any practice or activity that denies or limits equal access to adequate water; arbitrarily interfering with customary or traditional arrangements for water allocation; unlawfully diminishing or polluting

⁹ Dr Sushma Pankule, WILPF Indian Section Special Report for OCHCR 2007 Water Consultation

¹⁰ Pat Birnie – Weapons and Water Do Not Mix. Peace & Freedom, Magazine of WILPF Vol. 63 No. 2

water, for example, through waste from State-owned facilities, or through use and testing of weapons; and limiting access to, or destroying, water services and infrastructure as a punitive measure, for example, during armed conflicts in violation of international humanitarian law.”

Another example of pollution by State-owned facilities is documented in the US, where a lake which the source of drinking water for nearly half of the citizens of Michigan is polluted by “billions of gallons of raw and partially treated sewage every year and contains high levels of polychlorinated biphenyls (PCBs), pathogens and even mercury”¹¹. Spears explains the situation of other parts of the country: “For western states, much of the degradation of their water supplies comes from toxic waste dumping by the military industrial complex, as well as by corporate agricultural activities”¹². This situation is one that exists throughout the world; corporate and state accountability is necessary to end contamination and pollution of drinking water.

United Nations Security Council Resolution 1325 on Women, Peace and Security, officially notes the disproportionate and specific impact of armed conflict on women, recognizing the value and importance of women's contributions to discussions framed around topics related to military actions and armed conflict. In instances of securing and promoting the right to safe drinking water and sanitation, where the experiential knowledge of women give them a particular role as experts as well, it is essential to note that military industrial practices, and the circumstances of armed conflict, make women's input into discussions on access to resources.

Conclusion

In conclusion, WILPF would like to note the importance of a gender perspective in discussion the issues of the right to access to safe drinking water and sanitation.

Women's social roles and cultural experiences as connected to water access, distribution, and usage in the home and the community, give them authority to speak on these issues

¹¹ UFORJE: Building a Beloved Community – Evelyn Spears, Peace & Freedom – Magazine of the Women’s International League for Peace and Freedom. Vol. 63 No 2 Fall 2003 (p.13)

¹² *ibid* (p.9)

of water that, if heeded, could make real changes from all over the world. Their input into trade negotiations would also likely address certain current human rights patterns that those with the status to influence often fall short-sighted in addressing. As of yet this issue has not been adequately addressed by the United Nations system of rights protection. Women's participation in policy-making during national and international level resource management and trade negotiations would be beneficial in preventing and ameliorating of human rights situations globally, specifically as pertains to the right to safe drinking water and sanitation. Adherence to the human rights obligations discussed above, and the accountability for the violations of these rights by state and non-state actors, such as international trade institutions and multi-national companies, must be taken seriously for these rights to stand .

