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By: Blue Planet Project, Mining Working Group at the UN, Ingenieras Sin Fronteras

A people-centered SDG on water and sanitation

The Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque recently called upon States to prioritize the water needs of people over industrial consumption, pointing to tensions between the growing appetite for increased energy production and the human right to water and sanitation.¹

Contradictions and potential conflicts within the SDG focus area document must be addressed if the UN and its member states are serious about using this process to eradicate poverty and eliminate inequalities. The failure to adopt a human rights-based approach could lead the SDGs down a dangerous path.

The humanitarian and environmental tragedies generated by the global water crisis will continue to deepen unless governments make strong commitments to protect and prioritize the interests of communities on the frontlines of the crisis and the United Nations cannot effectively do so unless it is willing to acknowledge the asymmetric power dynamics and conflicting interests at play when it comes to global water policy. Water being an engine of economic growth, powerful interests are competing for access to scarce freshwater supplies as marginalized communities continue to face significant gaps in access to clean drinking water and even greater gaps in access to adequate sanitation.²

As the SDG process prepares to set the foundation for international development over the next 15 years, it must decide whether development funds and strategies will promote human rights, eradicate poverty and eliminate inequalities or whether the development agenda will continue to be captured by corporate interests.

The OWG process gives privileged access to the private sector through multi-stakeholder partnerships in which corporations are called upon to play a key role in the implementation of the post- 2015 Development Agenda. Many of the targets currently prioritize economic growth over social and environmental sustainability.

The SDG process is pushing for a bigger role for the private sector within a global context in which there is no binding international agreement to hold corporations accountable for human rights violations. Furthermore, investor-state dispute settlement mechanisms within trade agreements and investment treaties grant corporations the power to challenge environmental regulations and social policies that impede profits.³

Within this context, unless it explicitly gives priority to people above corporations, the SDG framework will reinforce and exacerbate existing inequalities.

¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14427&LangID=E>

² Barlow, Maude, *Blue Future: Protecting Water for People and the Planet Forever*. House of Anansi Press. Inc 2014

³ <http://www.twinside.org.sg/title2/unsd/2014/unsd140401.htm>

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1. The human right to water and sanitation

The human right to water has been omitted from the latest version of the focus area document. Numerical targets are meaningless unless they are underpinned by a human rights framework that prioritizes the needs of marginalized communities. Catarina de Albuquerque has argued for example that by focusing on “improved access to water and sanitation”, the MDG failed to meet the needs of the poorest segments of the population who remain excluded⁴. A human rights framework calls instead for the prioritization of those who are excluded from water and sanitation services.

Recognition of the human right to water and sanitation within the SDG framing language is not enough. The previous version of the focus area document included human right to water language in its preamble but lacked clear targets to ensure non-discrimination, accountability and public participation in decision-making, which are central components of the human right to water.⁵

Meaningful commitment on the human right to water and sanitation must include indicators that accurately measure safety, affordability, accessibility and acceptability of water and sanitation services.⁶ The current target does not ensure that sufficient water is available for personal and domestic uses that water and sanitation is acceptable to users and that sanitation provides privacy and ensures dignity.

The requirement to make water and sanitation accessible in schools, health facilities, workplaces and refugee camps has been deleted from the previous focus area document.

2. Private sector participation in water and sanitation services

Despite well-documented evidence of the failures of the private sector in water and sanitation services, the SDG process aggressively promotes the role of the private sector.

By blindly promoting private sector participation, the SDG process has failed to acknowledge the tremendous public opposition to privatization around the world. In water and sanitation alone, services have been remunicipalized in 86 communities around the world within the last 15 years. Many of these cases of remunicipalization have been the result of fierce battles between disgruntled communities and corporations that have failed in their obligations. These remunicipalisations have occurred due to “widespread problems affecting water privatisation irrespective of country and regulatory regime; the equal or greater efficiency of public water services, and the lower prices resulting from elimination

⁴ <http://www.ishr.ch/news/human-rights-experts-warn-ga-mdgs-give-fake-measure-progress>

⁵ Khalfan, Ashfaq (February 2014) *Rights based approaches to water governance in the post 2015 development framework*. Speech presented at Thematic Debate of the General Assembly “Water, Sanitation and Sustainable Energy in the post 2015 development agenda”

⁶ papersmart.unmeetings.org/media2/1731899/presentationamnestyinternational18february2014.pdf

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of excessive profits; and, the comparative advantage of the public sector in realising the human right to water and sanitation and achieving other social and environmental objectives.”⁷

As we’ve learned in the water sector, strong public financing is a better solution to economic crises than private sector financing. Private sector investments are contingent upon hefty capital returns to shareholders that are unaffordable to communities in times of crisis. We need only look at the ICSID challenge launched against Argentina by French corporations Suez and Vivendi during the Argentinian economic crisis when the state rejected demands to raise tariffs by 42%.⁸

Empirical research has shown that water and sanitation needs can be met through public financing. Research by the Public Services International Research Unit shows that the countries with the greatest number of people needing water and sewerage connections could deliver these within a 10-year period, with less than 1% of GDP per year. Their research shows that the public sector has the resources for water and sanitation services except in a small number of countries whose needs can be more adequately addressed through aid rather than profit-driven private sector participation.⁹

3. The economic growth imperative and market-based mechanisms

The dominant vision for sustainability within the SDG process appears to be one that seeks to bring environmental strategies in line with the economic growth imperative rather than one that questions the impacts of economic growth on the environment. Current discussions of sustainability are framed in a manner that promotes market-based mechanisms including payment for ecosystem services (PES).

Payment for ecosystem services treats the environment and environmental functions as new areas for market expansion. PES has become a ruse for environmental deregulation and the commodification of water resources. Water pollution trading schemes and wetland banking will only serve to further undermine public control of water and access to water resources by marginalized communities.¹⁰

The SDG focus area document promotes Integrated Water Resource Management (IWRM) as the silver bullet solution for addressing problems of water depletion and pollution without identifying the specific IWRM model. There is documented evidence of IWRM

⁷http://www.waterjustice.org/uploads/attachments/41_PSIRU_REMUNICIPALISATION_86%20cities%20LIST.pdf

⁸ <http://italaw.com/cases/documents/1063>

⁹ <http://www.right2water.eu/sites/water/files/2010-11-W-finance.pdf>

¹⁰ Barlow, Maude, *Blue Future: Protecting Water for People and the Planet Forever*. House of Anansi Press. Inc 2014

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having failed to serve the needs of the rural poor.¹¹ If not developed through a participatory human-rights-based approach, IWRM has the potential to reduce policy-making to multi-stakeholder processes that lower the accountability of governments by decentralizing and devolving decision-making to local water user entities where various sectors must negotiate their rights and entitlements. Such decision-making processes often marginalized non-commercial users including subsistence farmers, the majority of whom are women and landless communities.

In promoting market-based mechanisms, the SDG process over-emphasizes efficiency based on notions of scarcity that exclude a systemic analysis of unequal distribution resources. We call instead for a hierarchy of water use that prioritizes human needs, the public interest and environmental protection. The SDG agenda must also be underpinned by the precautionary principle in order to ensure that economic development does not undermine the long-term health of watersheds and the environment.

In short, the SDG process must not become a new mechanism for corporate capture of the global water commons.

Demands

1. We call for a stand-alone goal on water and sanitation that guarantees:

- Universal access by extending public water and sanitation services, including hygiene (and menstrual hygiene) to all communities and people that are underserved regardless of ability pay in accordance with the human right to water and sanitation
- Democratic public management of water resources, which includes the respect for the Free Prior and Informed Consent of Indigenous communities
- Water supply and management of water resources not be subject to market-based mechanisms
- Sufficient public financing for water and sanitation services to ensure universality and sustainability
- A zero target on pollution and dumping of toxic materials in water bodies, with full legal and financial accountability and remedy for transgressions
- A zero target on harm done by extractive industries in vital watershed areas where limited water supplies are needed by local communities, local farmers, indigenous peoples, fishing communities and the ecosystems for survival
- A zero target on fresh water extraction beyond sustainable supply
- A prohibition water grabs and the private acquisition of watersheds
- A hierarchy of use that places drinking water and sanitation, small-scale food production, ecosystem needs and cultural use before large-scale commercial use.
- A zero target on mortality due to lack of safe water and hygiene

¹¹ See example of failed Sri Lankan IWRM at: <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3359.pdf>

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- 100% wastewater treatment
- Non-market strategies for the protection and restoration of watersheds and ecosystems
- Protection of water sources and strategic ecosystems according to the reality of each country's ecosystem
- Protection of biodiversity in ecosystems that provide freshwater
- Reparation mechanisms for violation of the right to water and other associated rights

2. In addition we call for water to be recognized as a crosscutting issue to ensure that other SDG goals respect the human right to water.

Notably in the following areas:

1. Water and food production

- Small-scale food production whether subsistence or small-scale commercial farming should have priority access to freshwater supplies
- A zero target on contamination of land and local food systems by industry

2. Water and energy (and food)

- energy production goals should not undermine the human right to water
- Prohibit the adverse environmental effects of unsustainable and unsafe energy choices affecting food sovereignty and livelihood of farming communities, in particular women farmers who are the majority of farmers in many developing countries.
- Reference World Commission on Dams report?

3. Water and climate

- Recognition of the impact of climate change on freshwater supplies and the role of restoring watersheds in climate mitigation strategies
- Recognition of the role of protecting aquatic ecosystems in the fight against climate change.
- Recognition that climate change solutions that undermine water bodies (i.e. big dams) are not true solutions to the climate crisis
- Recognition of the fact that poor water governance contributes to climate

4. Water and women

- Water and sanitation targets must recognize the particular needs of women
- Water resource protection and allocation strategies must not undermine the rights and access of smallholder subsistence farmers – the majority of whom are women and are most often marginalized when market-based resource allocation strategies favour commercial users.
- Access to decision-making in the area of water and sanitation must be guaranteed for women

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