



World Social Forum Tunis
WATER AS HUMAN RIGHT
TOWARD AN INTERNATIONAL TREATY
26 March (14,30 17,00)

WHO WE ARE

The **Italian Committee for a World Water Contract (CICMA)** is a non-profit organization, committed since 2000 to recognize water as a right and as a common good, as a world heritage site and as a source of life for every living being. This commitment was accepted and shared by other Committees and Associations in several countries of Latin America, Africa, Asia and Europe, since 2001 in the 1st Social Forum in Porto Alegre and then since 2003, in the 1st World Forum Alternative Water Florence, since 2006 in Geneva, to the last in 2012 held in Marseille.

As part of this mission **in Brazil** CICMA has also supported the campaign "Zero Hunger" launched by former President Lula and the "Zero Thirst", through the implementation of the project of a "Million Cisterns" to combat drought in semi-arid areas of the region of Minas Gerais. **CICMA** has collaborated to contrast the water privatization and to improve water as human right with Latin American Networks (Red Vida, Committees in Salvador, Ecuador, Bolivia), organizations such as the Canadian Council, Food & Water, etc, and the movements of the earth: Sem Terra (Brazil), the Via Campesina and FONGS and ROPA in Africa. **CICMA**, is member of European water and in Italy has promoted the birth of the Italian Forum of Water Movements and was one of the promoters of the National Referendum backed by 27 million people to arrest the process of privatization of water management.

CICMA has supported the Bolivian committees and the Bolivian Government, in the process at the Assembly of the United Nations, to recognize the right to water and sanitation as a 'universal human right' with Resolution 64/292 (28 July 2010) and the subsequent Resolution 15/9 (September 2010) of the Human Rights Council, and the reports of Catarina de Albuquerque - former Rapporteur for the human right to water.

After 5 years of the UN resolution, without a clear definition of the normative content of this "basic human right", CICMA thinks that the Water Movement has to work to identify the most appropriate instrument of international law giving concrete expression of the NU resolution that water is human right .

THE CONTEXT

The World Health Organization and the International Fund childhood of the United Nations in their report of 2014 (Joint Monitoring Programme Report) recognize more than 748 million people, nearly half of them in sub-Saharan Africa, still lack access to drinking water supplies and over 1.8 billion people are estimated to be using an improved or unimproved drinking water source that is unsafe. More than 2,5 billion people still do not have access to improved sanitation facilities , including 1 billion people who still practice open defecation and the world remains off track to meet the sanitation component of Millennium Development Goal 7.

Today about 1.5 million children under 5 years of age die and 443 million school days are lost each year due to diseases related to water and sanitation, as reported in 2013 by the Special Rapporteur on the human right the Safe Drinking Water and Sanitation.

This huge injustice is due to the lack of resources and mainly to the absence of political will.

The effects of climate change, the destruction of ecosystems, the increasing levels of pollution of the water, the intensification of the processes of land and water grabbing through the privatization are a strong

alarm about this situation. These levels of injustice have remained unchanged over the past two decades, despite the presence of a framework of international law and despite two resolutions since 2010 have consolidated the legal framework of the access to Water as a human right.

The two resolutions are the UN General Assembly (Res. AG, A / RES / 64/292 of 28/07/2010) and the Human Rights Council (Res. CDU, A / HRC / RES / 15/9 of 30/09/2010) that contributed to define a legal framework, concerned the "positivization of the human right to water" and the knowledge tools of current model in international law.

Both resolutions are instruments of "soft law" that is not legally binding. As statements of principles, the resolutions do not yet provide a clear definition about how the Member States and the international community have to ensure the human right to water, for minimum quantities of water for the right to life, food and hygiene.

The resolutions express therefore a general consensus of the States that stimulates the governments to ensure the right to water, through the acceptance of "public policies and internal regulations" with adequate level of constitutions or national laws.

Without an international legal instrument, the claim of the right to water drinking and sanitation does not yet allow to citizens or local communities to make use of tools of international law guaranteeing the right to demand and the possibility of sanctions in case of violation of this right by States or private companies. It therefore runs the risk that the multinational companies could define the rules for the management and access to water in the next 20 years.

THE INTERNATIONAL EVENTS

During 2015 will be important events asking the engagement by the Movements'

- **In May** will take place in Milan the kick off of "**Expo 2015**", the International Exhibition on the theme "Feeding the Planet-Energy for Life", which aim to offer access to water, food and energy through the free market and the technological innovations.
- **In April** will take place *in Korea* the World Water Forum with the slogan "Water is our future" organized by the Multinational.
- **In October** will take place *in New York* the meeting of the UN to approve the new Sustainable Development Goals post-2015.

We believe that Water Movements can not leave the definition of how to access the right to water to the companies and markets and to appropriate water.

The **water movements**, who with their mobilisation have been able to create the conditions to encourage the international community to recognize the human right to water, have to make new efforts to obtain the approval of an international treaty that regulate important aspects, from the United Nations.

THE PROPOSAL

CICMA have identified the these legal framework in a Second Optional Protocol to the International Covenant on Economic, social and cultural rights, in the right to water and sanitation.

With the contribution of a group of professors of the Department of National and International Legal Sciences - University of Milan Bicocca, The Italian Committee for the World Water Contract identified an instrument of international law for the States and the international community regulating the substantive aspects and binding law related to water.

So we drafted a proposal for a *Second Optional Protocol to the International Covenant on Economic, Social, Cultural Rights to the human right to water and sanitation.*

The Water Protocol presents important elements of progress and innovation, compared to the Resolutions, conventions and treaties already in place. The protocol provides a human right as "*autonomous*", that must be guaranteed by the Member, specifically, in terms of water and sanitation at the substantive and the procedural levels. The 32 articles give concrete application to the principles set out in the Introduction.

The Protocol will be accompanied by a “**Comment**” which illustrates the criteria of drafting and references to the international law that underpin the individual articles, and where are highlighted substantial innovation introduced and the implementation steps required to the States.

Once entered into force, the Protocol shall be binding on those States Parties.

The aim is to identify a group of State’s and UN institution, as Human Rights Council, to affirm the human water right as formal engagement in the Agenda-post-2015 and to open a international negotiation to ratify the Second Optional Protocol to the International Covenant to PIDESC on the right to water and sanitation.

HOW TO SUPPORT US

In order to improve the human right to water and sanitation it’s necessary a international mobilization. The proposal of the International Protocol to human right to safe drinking and sanitation has been shared by the Italian Committee for World Water Contract with

- the peasant movements and included in the Final Declaration of the African Social Forum in Dakar.
- to the International Committee of "La Via Campesina" in Oporto and during the meeting of Social Movements at the Vatican in Rome to Sem Terra and other network.
- to the principal Network of Water Movements in Latin American, Africa and Asia

The Italian Committee for the World Water Contract would like to present the proposal of the Water Protocol during the World Social Forum taking place in Tunis next March 24 to 28.

We propose the following meeting :

- ❑ **Workshop “ Water as Human Rights: Toward an International Treaty”** in the afternoon of March 26, promoted by the Italian Committee for the World Water Contract, Cospe,
The goal of the seminar is to present the legal significance of the Optional Protocol to the international Covenant ICESCR, to identify instrument and actions to implement right water in the Agenda post-2015 and to improve the State engagement to International Treaty .
If you are interested to participate at the seminar *Water as Human Right: toward an International Treaty* to discuss or to share your contribute, please send a message to contact: segreteria@contrattoacqua.it; comunicazione@contrattoacqua.it

- ❑ **The Workshop to implement the Dakar Declaration “Water and land rights : against the water and land grabbing”** , on the mornings of March 24-25-26. These three seminars are organized by the promoters of the Dakar Declaration (Malian Convergence Against land grabbing (CMAT), La Via Campesina, Grain, Fian, TNI, and Cospe CICMA).
The aim is to identify the tools to strengthen the rights to water, land, food, in national and international contexts and to define an action plan of mobilization from water and land Movements’. **If you are interested** to participate in thematic session on water and land to present an experience please contact: raineri@cospe-fi.it