

The Right to Water:

The Campaign for a United Nations Treaty

by **Maude Barlow**

Ever since the powerful players of the World Water Council - the World Bank, the big water corporations, and the aid agencies and water ministries of First World countries - declared that water is not a human right, but rather a human "need" best served by private investors, the issue of the human right to water has become central to the international struggle for the control of water. The human right to water was rejected at both the 2nd World Water Forum in The Hague in 2000 and at the 3rd World Water Forum in Kyoto in 2003, even though the majority of civil society groups attending these events were strongly in favour.

The omission of water from both the original United Nations Charter and the Universal Declaration of Human Rights, while understandable (how could one imagine a lack of clean air or water back then?) is a problem that has hampered the efforts of those working for the right to water for all. At successive UN conferences, it has become clear that the international community is more than ready for a binding legal instrument of some kind to codify this right. In fact, the right to water has been adopted in several key non-legally binding UN resolutions and declarations, most notably Agenda 21, the UN blueprint for sustainable development.

In the absence of a legally binding treaty or convention, however, the decision-making power over water has slowly moved away from the United Nations to the World Water Council, the World Bank and other regional banks, trade institutions like the World Trade Organization, and the big water transnationals. This has allowed the rapid privatization of the world's water services, driving up prices and cutting off millions from their water supplies.

The process within the UN to a more binding legal framework has already begun. In 2002, ECOSOC - the UN Committee on Economic, Social and Cultural Rights - adopted "General Comment No. 15." This document emphasized the right to water as the cornerstone for realizing all other human rights and called for water to be treated as a social and cultural good, not primarily an economic good. With General Comment No. 15, the Committee speaks out against the commercialization and commodification of water and clarifies that an international human rights law would take precedence over international trade law in this regard. The adoption of General Comment No. 15 provides a seminal overarching methodology for determining people's rights and the obligations of governments. It is a key step in the march toward a binding legal framework.

It is clear that the right to water is an idea whose time has come. Those of us involved in this campaign have no illusions that this will be an easy fight, nor do we want to get bogged down in interminable UN committees and panels. For us, this campaign must become both a common goal for the many groups fighting for their water rights around the world and a tool for them to use on the ground in their struggles, or it is not worth the work. Nor are we prepared to sacrifice a good treaty for a compromise that would open the door to the private sector. We have a very clear goal in mind, the people power around the world to make it real, and history on our side.

Please join us.

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