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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan,
Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé,
Mr. Van Hoof, Mr. Joinet, Ms. Motoc, Mr. Ogurtsov,
Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Kartashkin,
Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Mr. Yokota and
Ms. Zerrougui: draft resolution**

**2001/... Promotion of the realization of the right to drinking water
and sanitation**

*The Sub-Commission on the Promotion and Protection of Human Rights,
Reaffirming* the indivisibility, interdependence and interrelated nature of economic, social
and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on
Economic, Social and Cultural Rights and a wide range of other texts provide unequivocally that
all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly
resolution 41/128 of 4 December 1986, annex),

Recalling that in section I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action (A/CONF.166/9, annex II) concerning the United Nations system to strengthen United Nations operational activities for development in order to ensure the implementation of the World Summit outcome, as well as the United Nations system's capacity for gathering and analysing information and development indicators of social development, taking into account the work carried out by different countries, in particular by developing countries (para. 99 (e)),

Recalling resolutions I (Assessment of water resources), II (Community water supply), III (Agricultural water use), IV (Research and development of industrial technologies), VIII (Institutional arrangements for international cooperation in the water sector) and IX (Financing arrangements for international cooperation in the water sector) adopted at the United Nations Water Conference held in Mar del Plata, Argentina, from 14 to 25 March 1977,

Taking particular account of the International Drinking Water Supply and Sanitation Decade (1981-1990) and the celebration, on 22 March of each year, of the World Day for Water, proclaimed by the General Assembly in its resolutions 35/18 of 10 November 1980 and 47/193 of 22 December 1992, respectively,

Bearing in mind the objectives of a "20:20"-type compact concerning in particular the access of all to drinking water supply and sanitation services, as stated in the *Human Development Report 1994*,

Recalling its resolution 1997/18 of 27 August 1997, in which it decided to entrust to Mr. El Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services,

Reaffirming the fundamental principles of equality, human dignity and social justice, and the right to drinking water supply and sanitation for every woman, man and child,

Convinced of the urgent and persistent need for increased attention and commitment by all decision makers to the right of everyone to drinking water supply and sanitation,

Bearing in mind the Protocol on Water and Health to the 1992 Convention on the Use of Transboundary Watercourses and International Lakes, adopted in London in 1999 under the auspices of the Economic Commission for Europe, which refers to the principle of equitable access to water which should be provided for all members of the population (art. 5 (l)),

Bearing in mind also the principles of the Madeira Declaration on the sustainable management of water resources, adopted by the European Council on Environment Law on 17 April 1999, and the resolution on drinking water adopted by the Council on 28 April 2000,

Taking into consideration the working paper on the promotion of the realization of the right of everyone to access to drinking water supply and sanitation services prepared by Mr. El Hadji Guissé (E/CN.4/Sub.2/1998/7),

Also taking into consideration Commission on Human Rights resolution 2001/25 of 20 April 2001 on the right to food,

Recalling Commission on Human Rights decisions 1999/108 of 27 April 1999 and 2001/104 of 23 April 2001 on the right to drinking water supply and sanitation services,

Deeply concerned that more than one billion people in the world are still deprived of access to drinking water supply and that almost four billion are not living in decent conditions of sanitation,

1. *Welcomes* Mr. El Hadji Guissé's verbal update of his working paper on the right of everyone to drinking water supply and sanitation services (E/CN.4/Sub.2/1998/7);

2. *Subscribes* to the remarks of the expert to the effect that various obstacles linked to the realization of the right of everyone to drinking water supply and sanitation seriously impede the realization of economic, social and cultural rights, and that equality is an essential element for effective participation in the realization of the right to development and the right to a healthy environment;

3. *Recommends* to the Commission on Human Rights that it authorize the Sub-Commission to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at national and international level, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field;

4. *Requests* the Special Rapporteur to define as accurately and as fully as possible the content of the right to water in relation to other human rights;
5. *Also requests* the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session;
6. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and interested non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report;
7. *Also requests* the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate, including providing him with the assistance of a consultant specialized in this field;
8. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

The Commission on Human Rights, taking note of resolution 2001/... of .. August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to approve the decision to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at national and international level, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field, and defining as accurately and fully as possible the content of the right to drinking water in relation to other human rights, and also endorses the decision to request the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session. The Commission requests the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate, including providing him with the assistance of a consultant specialized in this field.
