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COMMISSION ON HUMAN RIGHTS
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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung,
Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Mr. Kartashkin, Ms. O'Connor,
Ms. Rakatoarisoa, Mr. Salama, Ms. Wadibia-Anyanwu and Ms. Warzazi:
draft resolution**

**2004/... 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,

Recalling the Declaration on the Right to Development,

Recalling also that in part I, paragraph 10, of the Vienna Declaration and Programme of Action, 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 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 capacity of the United Nations system for gathering and analysing information and establishing indicators of social development, taking into account the work carried out by different countries, in particular by developing countries,

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 1997,

Taking particular account of the International Drinking Water Supply and Sanitation Decade (1981-1990) and the observance, 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 Protection and Use of Transboundary Watercourses and International Lakes, adopted in London in 1999 under the auspices of the Economic Commission for Europe, and which refers to the principle of equitable access to water, which should be provided for all members of the population,

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. Guissé (E/CN.4/Sub.2/1998/7),

Recalling Commission on Human Rights decision 2002/105 of 22 April 2002, approving the appointment of Mr. 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,

Taking into consideration the preliminary and interim reports on the promotion of the realization of the right to drinking water supply and sanitation prepared by Mr. Guissé and submitted to the Sub-Commission at its fifty-fourth and fifty-fifth sessions (E/CN.4/Sub.2/2002/10 and E/CN.4/Sub.2/2003/WP.3),

Deeply concerned that more than 1 billion people in the world are still deprived of access to drinking water supply and that almost 4 billion are not living in decent conditions of sanitation,

1. *Welcomes with satisfaction* the final report of Mr. El-Hadji Guissé (E/CN.4/Sub.2/2004/20) on, in particular, the right of everyone to drinking water, in sufficient quantity and of sufficient quality to meet all essential needs, and to sanitation, and the realization thereof;

2. *Affirms* that the access of everyone to drinking water supply must not be subject to any restriction but must be subject to regulation and control by the public authorities;

3. *Affirms also* that the right to water is an individual and collective human right and is closely linked to other rights, such as the rights contemplated in several international human rights instruments and in general comment No. 15 of the Committee on Economic, Social and Cultural Rights (E/C.12/2002/11);

4. *Subscribes* to the remarks of the Special Rapporteur to the effect that various obstacles linked to the right of everyone to drinking water supply and sanitation seriously impede the realization of all human rights, particularly 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;

5. *Calls upon* all States to cooperate in the area of drinking water supply and sanitation for the realization of the right of everyone to water;

6. *Requests* the Secretary-General to bring to the attention of States, non-governmental organizations and international organizations the recommendations contained in the final report of the Special Rapporteur and in general comment No. 15 of the Committee on Economic, Social and Cultural Rights;

7. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking note of resolution ... of the Sub-Commission on the Promotion and Protection of Human Rights of ... August 2004, decides to approve the request of the Sub-Commission to have the reports of the Special Rapporteur on the promotion of the realization of the right to drinking water supply and sanitation (E/CN.4/Sub.2/2002/10, E/CN.4/Sub.2/2003/WP.3 and E/CN.4/Sub.2/2004/20) issued in the official languages of the United Nations.”
