



General Assembly

Distr.
LIMITED

A/HRC/Sub.1/58/L.25
21 August 2006

ENGLISH
Original: FRENCH

HUMAN RIGHTS COUNCIL
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-eighth session
Agenda item 4

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Cherif,
Mr. Decaux, Mr. Guissé, Ms. Hampson, Ms. Mbonu, Ms. Motoc,
Ms. O'Connor, Mr. Pinheiro, Mr. Rakotoarisoa, Mr. Sattar,
Mr. Sorabjee, Ms. Warzazi and Mr. Yokota: draft resolution**

**2006/... 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,

Bearing in mind 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 resolution 35/18 of 10 November 1980 and 47/193 of 22 December 1992, respectively,

Bearing in mind also 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 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,

Recalling 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,

Considering that, in its resolution 55/196 of 20 December 2000, the General Assembly proclaimed the year 2003 as the International Year of Freshwater,

Taking into account general comment No. 15 (2002) on the right to water, adopted by the Committee on Economic, Social and Cultural Rights, which states that water is a public good fundamental for life and health and should be treated as a social and cultural good,

Taking particular account of the International Decade for Action, "Water for Life", 2005-2015, proclaimed by the General Assembly in its resolution 58/217 of 23 December 2003, the goal of which is a greater focus on water-related issues at all levels and on the implementation of water-related programmes and projects, in order to help to achieve internationally agreed water-related goals contained in Agenda 21, the United Nations Millennium Declaration and the Johannesburg Plan of Implementation,

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,

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, interim and final reports on the promotion of the realization of the right to drinking water supply and sanitation prepared by the Special Rapporteur and submitted to the Sub-Commission at its fifty-fourth, fifty-fifth and fifty-sixth sessions, respectively (E/CN.4/Sub.2/2002/10, E/CN.4/Sub.2/2003/WP.3 and E/CN.4/Sub.2/2004/20),

Bearing in mind that water is the source of life,

Bearing in mind also that all persons have the right to sufficient supplies of water to meet their essential needs and to have access to culturally acceptable, accessible, secure and affordable sanitation facilities that take account of the requirements of hygiene, human dignity, public health and environmental protection,

Considering that water resources constitute a public good and that they must be used in an equitable manner and managed in cooperation with users in a spirit of solidarity,

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 report of the Special Rapporteur, Mr. El Hadji Guissé, on the realization of the right to drinking water and sanitation (E/CN.4/Sub.2/2005/25), which contains draft guidelines for the realization of the right to drinking water and sanitation;
2. *Re-emphasizes* 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 (2002) of the Committee on Economic, Social and Cultural Rights;
3. *Reaffirms* 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;
4. *Adopts* the guidelines for the realization of the right to drinking water and sanitation, referred to in paragraph 1 of the present resolution;

5. *Requests* all States and international organizations to give priority, in political decision-making at the national, regional and international levels, to the implementation of their international obligations in the area of drinking water and sanitation;

6. *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;

7. *Requests* the Secretary-General to bring to the attention of States, international organizations and non-governmental organizations concerned with questions relating to water and sanitation, the guidelines for the realization of the right to drinking water and sanitation, as well as general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights;

8. *Invites* the Special Rapporteur to continue his work on the right to drinking water and sanitation and to submit a follow-up report to the fifty-ninth session of the Sub-Commission or to the first session of the future expert body of the Human Rights Council;

9. *Decides* to submit the report of the Special Rapporteur on the realization of the right to drinking water and sanitation, which contains draft guidelines for the realization of the right to drinking water and sanitation, to the Human Rights Council for consideration and adoption.
