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## Organization of American States, Resolution on the Human Right to Safe Drinking Water and Sanitation, 2012

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*THE HUMAN RIGHT TO SAFE DRINKING WATER AND SANITATION*<sup>1/2</sup>

(Adopted at the fourth plenary session, held on June 5, 2012)

THE GENERAL ASSEMBLY,

HAVING SEEN resolutions AG/RES. 2347 (XXXVII-O/07), “Inter-American Meeting on Economic, Social, and Environmental Aspects of the Availability of, and Access to, Drinking Water,” and AG/RES. 2349 (XXXVV-O/07), “Water, Health, and Human Rights”;

DEEPLY CONCERNED that millions of people still lack access to safe drinking water and sanitation in the Americas;

RECALLING that resolution 64/292, titled “The human right to water and sanitation,” adopted by the United Nations General Assembly on July 28, 2010, recognizes the right to safe drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;

REAFFIRMING the importance for each state to continue its efforts to ensure that individuals subject to its jurisdiction have, in keeping with their domestic laws, non-discriminatory access to safe drinking water and sanitation as integral components of the realization of all human rights;

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<sup>1</sup> Footnote from the delegation of the United States: The United States remains deeply committed to finding solutions to our world’s water challenges and has been working steadily across multiple fronts to put that commitment into action. This includes a government-wide agreement with the World Bank signed last year to improve efforts on water security and a range of programs through USAID to help prevent the further spread of waterborne diseases and increase access to safe drinking water. The United States has joined consensus on several UN Human Rights Council resolutions on this topic, including the groundbreaking September 2010 resolution affirming “that the human right to safe drinking water and sanitation is derived from... the right to an adequate standard of living” and is “inextricably related to the right to the highest attainable standard of physical and mental health”. Both of these tenets are drawn from the Covenant on Economic, Social and Cultural Rights, and they call upon governments to take steps towards the progressive realization of this human right.

The right to safe drinking water and sanitation is not one that is protected in our Constitution, nor is it justiciable as such in U.S. courts, though various U.S. laws protect citizens from contaminated water. As a matter of public policy, our people have created a society in which there is a widespread expectation that all ought to have access to safe drinking water and sanitation. Public authorities throughout the United States take significant measures to provide access to safe drinking water and sanitation. While we share many of the concerns and goals voiced in this resolution, we must record our concerns regarding its characterization of the right to safe drinking water and sanitation. The resolution’s language incorrectly suggests a hierarchical relationship between human rights, contrary to the widely recognized principle that human rights and fundamental freedoms should be treated on the same footing. We believe that this resolution should state that the right is derived from human rights contained in existing international instruments. We are also concerned that this resolution mistakenly suggests that governments can “guarantee” human rights.

<sup>2</sup> Footnote from the delegation of Canada: With regard to the reaffirmation of the human right to safe drinking water and basic sanitation as essential for the full enjoyment of life, it is Canada's understanding that this right does not encompass transboundary water issues including bulk water trade, nor any mandatory allocation of international development assistance, and that Member states will pursue the progressive realization of access to safe drinking water and basic sanitation for their populations through national and sub-national actions, with a particular emphasis on people living in vulnerable situations.

RECOGNIZING ALSO that water is fundamental for life and central to socioeconomic development and environmental sustainability and that nondiscriminatory access by the population to safe drinking water and sanitation services, in the framework of national laws and policies contributes to the objective of combating poverty;

TAKING NOTE of Principle 2 of the Rio Declaration on Environment and Development, which established that “States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction”;

RECALLING ALSO the commitments adopted by the Declaration of Santa Cruz + 10 and the Inter-American Program for Sustainable Development (2006-2009) in the area of integrated water resources management;

NOTING that seven Inter-American Dialogues on Water Management have been held, including the most recent one in Medellín, Colombia, in November 2011;

NOTING ALSO that World Health Assembly document WHA64.24, “Drinking Water, Sanitation and Health,” dated May 24, 2011, urges member states to promote national strategies for the safe management of drinking-water for human consumption,

RESOLVES:

1. To invite member states, in keeping with their national realities, to continue working to ensure access to safe drinking water and sanitation services for present and future generations.
2. To reaffirm the sovereign right of each state to establish rules and regulations on the use of water and water services in its territory.
3. To invite member states to share their public-policy practices in the area of water resources management, as well as their plans and measures for improving their safe drinking water and sanitation services, and to encourage technology transfer on the basis of mutually agreed terms in this area.
4. To instruct the Inter-American Council for Integral Development to report to the General Assembly at its forty-third regular session on follow-up to this resolution.