



VE OUR WATER

# Defending the Human Right to Water:

A Decade of Support for Global Water Justice



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Unitarian Universalist Service Committee

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# Introduction

In 2015, UUSC celebrated its 75<sup>th</sup> anniversary defending human rights and social justice. Over the past 10 years, UUSC has developed rich, innovative, and effective relationships with grassroots organizations, human rights activists, scholars, and policymakers to advance the human rights to water and sanitation. UUSC's work and the movement to protect and defend the human right to water are enriched by all the organization has learned through collaboration with partners who are leading this movement around the world.

The global community has affirmed that there are human rights to water and sanitation. In 2010 the United Nations Human Rights Council and General Assembly recognized that all people have a right to safe, sufficient, adequate, accessible, and affordable water and sanitation.<sup>1</sup> On December 17, 2015, the U.N. General Assembly passed a resolution recognizing the distinct right to access safe, adequate, acceptable, and affordable sanitation.<sup>2</sup>

In the past decade, individuals have embraced and advocated for their human right to water, a handful of corporations have begun to assess their impact on human rights, and several nations have established the human right to water at home through legislative acts and constitutional provisions. Ecuador and Bolivia wrote the human right to water into their constitutions in 2008, as did Kenya in 2010 and Mexico in 2012, to name a few. In 2012, Peru adopted a human-right-to-water policy and California became the first U.S. state to do so. PepsiCo became the first major corporation to adopt the human right to water in policy in 2009. In 2011, the United Nations adopted a set of guiding principles that stated that corporations have a responsibility to act as stewards for human rights, urging global business leaders to join the movement to ensure the human right to water for all. UUSC and its partners have played a role in many of these important developments.

Yet, throughout the world, there is major disparity between the ideal of a human right to water and reality. Catarina de Albuquerque, former U.N. special rapporteur on the human right to water, reports that 1.8 billion people lack access to safe water, and the future holds additional stresses.<sup>3</sup> The U.N. Millennium Development Goals, which reached their deadline in 2015, included increasing the global population with access to sustainable and safe drinking water by 50%. There has been progress. The United Nations reports that between 1990 and 2012, over 2.3 billion people gained access to an improved source of water, and that approximately 89% of the world's population has access to improved drinking water.<sup>4</sup> Still, there is much work to do. Even for people who have gained access to an improved water source, the water is often contaminated.<sup>5</sup>

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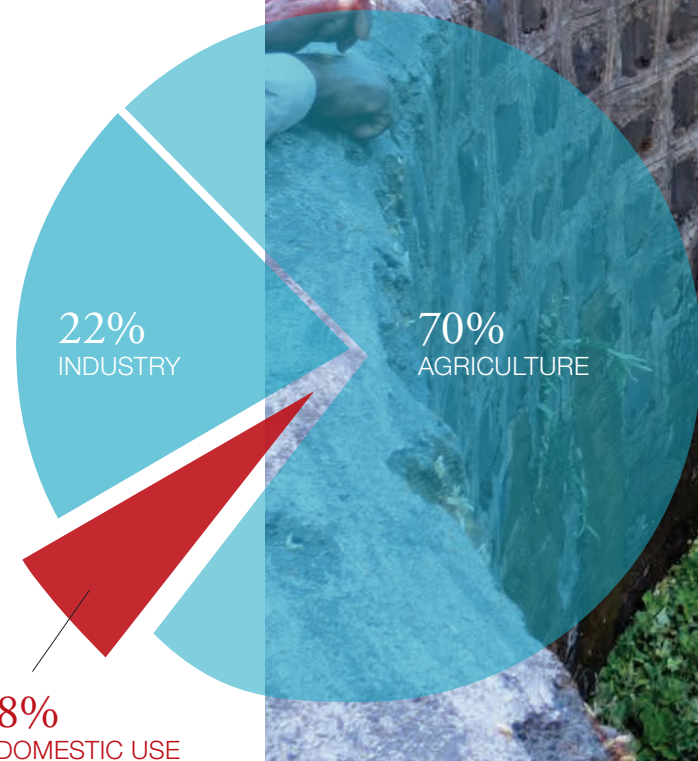


*Challenges to the human right to water exist in the context of a world in which water is often treated as a commodity to be bought and sold.*

While water is essential to the life of every person on earth, there is vast disparity in availability, sufficiency, and affordability across global populations. The World Health Organization and UNICEF report that improvements have been imbalanced and that only modest improvement has been seen in much of sub-Saharan Africa. In many countries there, fewer than 75% of people have access to improved sources of water.<sup>6</sup> Furthermore, much of the gain in improved sanitation facilities can be found in the largest, most populous countries, like China and India, while other areas of the globe have seen less improvement.<sup>7</sup> The projected growth of urban centers, where municipal water is often available, seems like a welcome development; however, deteriorating water infrastructure and rapid urbanization causes yearly water losses of up to 500 million cubic meters in some of the largest urban areas. And studies show that, in cities, increased water utility access can actually lead to increased disparity across economic classes.<sup>8</sup>

Climate change also plays a role in water access — and offers a bleak outlook for water resources. Brought on by continued high carbon dioxide emissions and deforestation, climate change has depleted sustainable water resources.<sup>9</sup> Water resources are further damaged by overextraction and contamination. The United Nations estimates that by 2030 it is possible that half of the world's population will live in areas with “high water stress.” They also fear that this stress and increasing aridity in some regions of the world could displace between tens and hundreds of millions of people from their homes.<sup>10</sup> The Intergovernmental Panel on Climate Change (IPCC) urges policy-makers to work to achieve access to clean water and sanitation as one of the most likely means of mitigating the negative effects of climate change in the near future.<sup>11</sup> These changes affect water's

## GLOBAL WATER USAGE





availability — and drinking water and sanitation become less affordable as pollution and scarcity limit available resources.

Challenges to the human right to water exist in the context of a world in which water is often treated as a commodity to be bought and sold. Seventy percent of the world's freshwater goes to agricultural uses, 22% to industry, and only approximately 8% is allocated for domestic and personal consumption.

Humans currently use approximately 54% of the available freshwater on the planet, and estimates suggest that by 2028 humans could be using as much as 90% of available freshwater.<sup>12</sup> In some Global South countries, people use on average as little as 10 liters (2.6 gallons) of water per day; meanwhile, Europeans use on average 135 liters (36 gallons) per day and U.S. residents up to 570 liters (150 gallons).<sup>13</sup> While it is common to think that scarcity of water resources is a result of a dry climate, the United Nations points out that in many countries of the Global South, people experience “economic scarcity,” in which communities lack money for water infrastructures or cannot afford sufficient water.<sup>14</sup>

Discrimination in water and sanitation is often caused by structural disparities that have a disproportionate effect on people living in poverty, children, the elderly, indigenous people, people with disabilities, and people of color. Discrimination can also result from “traditional” and unquestioned social roles that mandate work for women, children, and girls. And the intersections of gender and class deeply affect the lives of working-class women and those in poverty.<sup>15</sup>

These gender disparities are clear when it comes to the human right to water. In sub-Saharan Africa and Asia, women and girls are

disproportionately tasked with collecting water, which can place them in physical danger and detracts from educational opportunities.<sup>16</sup> In Tanzania, where UUSC works with partner the Tanzania Gender Networking Program (TGNP), survey data shows that when children were responsible for collecting water for household use, girls were twice as likely to do that work as boys.<sup>17</sup> UUSC approaches human-right-to-water projects with keen attention to gender and the inclusion of women in decision-making, an approach that has been proven to enhance the sustainability of water solutions and create greater transparency in utilities.<sup>18</sup>

UUSC has worked intensively for the past 10 years to make the human right to water a reality for people throughout the world. With its partners and a decade of leadership by Senior Program Leader for the Human Right to Water Patricia Jones, UUSC developed a targeted legal strategy to advance the human right to water that has led to meaningful improvements for people in Asia, Africa, Latin America, and the United States. This strategy has spanned a spectrum from improved water and sanitation connections in people's homes to state and national laws protecting the human right to water and even international policymaking. UUSC has supported grassroots activism for change; addressed special burdens on women, children, and indigenous peoples; worked to ensure affordable water for populations in poverty; protected natural water resources from exploitation; and exposed an undercurrent of discrimination in water utilities. It has shaped water policy at home and on the global stage, worked to implement corporate accountability for the human right to water, and brings its 10 years of legal, technical, and policy expertise to bear on impending water crises.

# Grassroots Activism

UUSC's eye-to-eye model of engagement has shaped its work on the human right to water. UUSC partners with grassroots organizations comprised of affected communities themselves, as they advocate for their rights at the local, state, and international levels.

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The International Water and Sanitation Centre and the World Bank's Water and Sanitation Program have found that water development programs that are built through community involvement are assured of much more success than those imposed on communities through externally planned development programs. When community members are involved in planning their water services — especially when planning is sensitive to the needs of both men and women, and those in poverty have a place at the table — the water systems are more sustainable, customers feel the services are worth the costs they pay, and the services tend to meet the needs of more community members.<sup>19</sup> While many organizations will acknowledge this, grassroots community activists still have to stand up against apathy and a lack of transparency to participate in the development of their own water utilities.

UUSC supports grassroots organizations like the Michigan Welfare Rights Organization, struggling to stop water shutoffs in Detroit; the Tanzania Gender Networking Program, which uses community-based participatory research on gendered issues like the human right to water to demand change from policymakers; and the Fundacion Agua con Vida (FACV) in Bolivia, which works to ensure that the water utilities in some of the country's most impoverished communities are public and accountable to the people they serve.



## PARTNER SPOTLIGHT: FEJUVE and FACV

UUSC supports the Federation of Neighborhood Associations of El Alto (FEJUVE) and FACV, grassroots activist organizations in Bolivia, in their struggle to realize publicly controlled water systems. The work these organizations do stands before the backdrop of FEJUVE's leadership in the infamous Cochabamba Water War (2000).<sup>20</sup> This First Water War ousted the private major international utility, Suez, and reestablished the standard of publicly administered water utilities in Bolivia.

In 2005, the administration of Evo Morales broke up the public water utility in La Paz/El Alto and proposed a new model. Residents found themselves being charged exorbitant prices for water services that they never received. Approximately one third of the residents of El Alto, about 200,000 people, had no water access and, as FACV founder Julian Perez notes, no realistic possibility of gaining access. The fee the utility charged for a water hookup cost over a half year's earnings.<sup>21</sup>

FEJUVE again engaged in mass mobilization, initiating the Second Water Wars. People came out in such massive numbers that the government agreed to come to El Alto and meet in open, televised, public forums, at which residents gave evidence that they lacked the human right to water. Perez recalls, "The women were blocking the street. . . . There would be confrontation with the police. . . . Normally you would think it would be men. But the women took the leadership; they were on the front line." Residents of El Alto took part in these demonstrations for six months until, in January 2005, the president decreed an end to the private utility. "It was a huge victory for the whole world — that a poor city . . . would confront this largest, most powerful company — Suez." But, he adds, "It was a partial victory. . . . We wanted to have a new model of service that . . . responds to the needs of the people."<sup>22</sup>

In 2009, Bolivia recognized that all citizens must have equitable access to water and that the human right to water is part of the "most fundamental right to life."<sup>23</sup> Still, Bolivians on the ground struggle to realize equity, especially for those who are marginalized by class, gender, or culture. As the new utility project proceeded, FEJUVE held workshops, distributed education materials, and engaged the media. Through their work, the utility established a policy of providing a minimal amount of free (basic) water for low-income residents' use in 2013; in 2014, President Morales implemented a free basic water minimum of 10 cubic meters (over 2,600 gallons) per household per month. These victories were won through massive popular mobilization, with the leadership of FEJUVE and women acting as primary mobilizers, all placing their lives on the line simply to realize the human right to water.<sup>24</sup>

Now, FACV is working to ensure that the Misicuni Dam, the massive infrastructure project in Cochabamba, actually benefits the over two million residents and does not saddle rate payers with fees that would be impossible to afford. FEJUVE and FACV continue to work with the growing population of El Alto to reduce fees, help people receive fair water rates, and make utilities accountable to the people.



# Women and Gender Implications

*Normally in Mexico and in many other places, women are . . . the most important leader[s] of a movement for housing rights and water.*

Around the globe, gender norms deeply affect water use. In virtually all areas, women and girls take on primary responsibility for collecting water.<sup>25</sup> In approximately two-thirds of all households in developing countries, women and girls spend disproportionate time in water collection for home use.<sup>26</sup> While water for home use has traditionally been seen as part of women's domestic responsibilities, men have controlled water systems and regulated water resources. Farming, ditch digging, and the work of building and maintaining water utilities tend to be viewed as men's tasks, despite the increasing involvement of women.<sup>27</sup> Furthermore, water policies that seem to be gender-neutral are not. Vivienne Bennet et al. point out, for instance, that rationing water has a disproportionately negative impact on women and homemakers, while improving the water infrastructure in low-income neighborhoods has a markedly beneficial effect for women.<sup>28</sup>

As Maria Silvia Emmanuelli of the Habitat International Coalition of Latin America (HIC-AL), a UUSC partner, explains, it is women who “really worry for the family about housing, about water. In our experience, women are in the first line on housing rights. . . . Normally in Mexico and in many other places, women are . . . the most important leader[s] of a movement for housing rights and water. . . . In the case of water, women are the ones that are in charge of, for example, going to the river and taking water to their houses.”<sup>29</sup> While it is now widely recognized that engaging women on the human right to water is essential to success, this does not mean that inclusive movements for the human right to water are easy.



## PARTNER SPOTLIGHT: TGNP

While Tanzania's constitution recognizes the human right to water, the Tanzania Gender Networking Program (TGNP), a UUSC partner, knows that the gendered division of labor perpetuates continued disparity in the rights of women and girls. Women and girls are expected to provide water, firewood, and food for their families as well as care for children, elders, the ill, and disabled people. In communities without sufficient water infrastructure, this work gathering firewood, food, and water exposes them to the threat of sexual and physical abuse, keeps children from school, and monopolizes their time.<sup>30</sup> The burden of poor water access falls upon these women. TGNP mobilizes and unites women in marginalized communities to press for national policy that will bring real change for women, insisting that "making resources work for marginalized women is a constitutional issue." As Anna Kikwa, TGNP's program support manager, explains, "Behind all of these things is the question of resources. Social services like water, health, education, are not allocated enough resources, so women are suffering."<sup>31</sup>

TGNP's work is motivated by what they call "transformative feminism" and a deep grassroots program of "intensive movement building" that begins by engaging women in dialogues about the problems they face.<sup>32</sup> As Lilian Liundi, TGNP's executive director, explains, "Animators . . . go back to their communities . . . to conduct participatory action research. . . . People open up, they assess their problems, they analyze how they can solve the root cause of the problem . . . using artistic expression, skits, programs, drawings, to make sure that people open up, they speak their mind, what is effecting them, and come up with strategies." They then work with grassroots feminists to demand feedback from leaders, train community journalists to carry out local investigative journalism, establish knowledge centers, and host a capstone community gender festival. "Knowledge centers as hubs for collective organizing . . . networks of community groups," Liundi explains. "Because wherever we go . . . we find that there are groups that are working in a stand-alone manner . . . so what we do is to make them connect . . . for a network, so that they can work together to form a collective voice . . . that will make their leaders respond."<sup>33</sup>

Through this program, TGNP has mobilized women to hold their government accountable to the human right to water. In 2007, TGNP filed an amicus brief that helped to win a suit that transferred the Dar es Salaam water utility to public ownership. The following year, the organization's advocacy resulted in the doubling of the national water budget and the establishment of a Ministry of Water to better oversee implementation of the human right to water in the country.

With a 2013 shift in political power, TGNP found increasing resistance, as poverty-reduction strategies were placed on a back burner behind national economic growth initiatives; yet, TGNP's mobilization has

met remarkable success. The group submitted a manifesto of 12 demands for securing the rights of marginalized women to the constitutional review commission in 2014. Liundi recalls, "Two or three days before the proposed constitution comes out, the issue of water was not there. . . . We organized a press conference and really talked about water very strongly." She notes that the information gained through participatory action research was essential: "Because it is evidence-based data, the parliamentarians like it because they use it to argue their case." They flooded parliamentarians with urgent testimonials from grassroots women, on the ground, who sent text messages through TGNP's engagement program Jamii Voice (Community Voice). Finally, when the new constitution was issued in 2014, it contained 11 of the 12 demands TGNP had made, including supporting the human right to water.<sup>34</sup>

Even with these incredible victories, TGNP has much work ahead. Liundi reflects, "Unfortunately there are issues of accountability and good governance that have been left out. . . . If the governments do not invest those issues in the constitution, even the gender equality principles will not be implemented very effectively."<sup>35</sup> Recently, UUSC has supported TGNP initiatives to train women to seek out leadership roles at their local and national level (with the slogan "Women's Agenda: Secret to Victory 2015") and held Tanzanian political candidates in the 2015 elections to account on the human right to water with the widely circulated *Women's Election Manifesto*, workshops, press releases, and trainings. President-elect John Pombe Magufuli even affirmed his interest in TGNP's campaign to get the "bucket off the women's head" and relieve women of the imbalanced burden of water access.



# Indigenous People's Rights

The United Nations Declaration on the Rights of Indigenous Peoples states that indigenous communities have rights to “give or withhold their free, prior and informed consent to actions that affect their lands, territories, and natural resources,” including ancestral lands and waters. These rights are further protected under the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as labor agreements like the International Labour Organization Indigenous and Tribal People's Convention. However, in practice, these rights are often either unrecognized or blatantly ignored.<sup>36</sup>

In the United States, indigenous communities, especially those who are part of tribes that have not been recognized by the states, face threats to their water use for subsistence, fishing, and business, as well as for the survival of their cultural practices. The state of California, for instance, recently converted the waterways that had been used for the Winnemem Wintu's puberty ceremony to a recreational park, putting the tribe's privacy and access at risk.<sup>37</sup> Indigenous people in the United States lack clean water and sanitation at a rate of 13%, more than twice the national average.<sup>38</sup> And there are parts of the United States inhabited by Native Americans and Alaskan Natives where the proportion of homes that lack complete water and sanitation facilities reaches nearly 40%.<sup>39</sup>

In Guatemala, where UUSC works with the Association of the Indigenous Peoples of the Americas of Sipakapa (AIPAS) and the Commission for Peace and Ecology (COPAE), international mining firm Goldcorp began extractive metal mining on Sipakapense land without carrying out any of the consultation with indigenous people that international law requires under provisions for free, prior, informed consent.<sup>40</sup>

Water is, indeed, vital to all life on earth, but many argue that securing the human right to water for indigenous people is particularly critical. It not only supports daily existence and livelihoods, but often holds spiritual or cultural importance for the continuation of threatened indigenous traditions and institutions.<sup>41</sup>

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## PARTNER SPOTLIGHT: AIPAS and COPAE

UUSC has a longtime relationship with the Association of the Indigenous Peoples of the Americas of Sipakapa (AIPAS) in Guatemala. The Sipakapanese people have worked tirelessly to mobilize and empower their local indigenous communities to protect their water quality, rights, and access.

The Sipakapaneses organized when their communities came under threat from international mining company Goldcorp's Marlin Mine operation. The Guatemalan government had granted hundreds of mining permits in the San Marcos region without complying with international and domestic laws on free, prior, informed consent of the affected indigenous communities.

Sipakapense activist Juan Tema explains that he was motivated to begin his advocacy because of "the problems that were generated from having the mine in the area . . . when our communities don't have water service and don't even have access to water."<sup>42</sup> To meet their needs, people collect rains in the winter, go to rivers in the summer, and sometimes have to buy water (by the gallon from people who do have water access). He notes that the Sipakapenses have done research and "learned that these kinds of mines can't operate without water. And worst of all, they use enormous quantities of water, which also puts at risk the quality of those enormous quantities of water. . . . There have been many studies on the quality of water and one of the most dangerous problems are the elevating levels of heavy metals." The Sipakapenses began to experience water scarcity. More than 50% of their homes do not have water. And on top of all of that, Tema reports, "We

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Tema explains that at first they educated people about their human right to water and about the possible affects of the mine. They did an inventory of water resources and found that many of the natural springs and streams have disappeared. In 2008, UUSC worked with AIPAS and the Pastoral Commission for Peace and Ecology (COPAE) to train community members to monitor their water quality near the mining operation. The Sipakapaneses then used that data to bring a complaint through the Guatemalan court system and ultimately to the Inter-American Commission on Human Rights (IACHR), and they won precautionary measures to protect their water access. UUSC expert volunteers and staff worked with Sipikapa community leaders to monitor and report on water quality and compel Goldcorp to provide reclamation for the affected area. The

Sipakapanese participated in a national commission to determine whether Guatemala would comply with the IACHR's ruling. In 2012, the Sipakapaneses and COPAE were successful, convincing the government to hold the mine accountable for environmental violations and enact legislation to install community water systems in Sipakapa and San Miguel Ixtuacan.

These victories are extraordinary, but Tema reports that the Sipakapenses continue to face obstacles to realizing the human right to water. He reports, "We have a serious problem with the way the precautionary measures are being implemented. . . . The mine had agreed to pay, but now they are saying they do not have a responsibility to pay. They've pushed that on the government." The Sipakapenses have been cut out of recent negotiations. Tema expresses thanks to UUSC for being dedicated supporters, when other support faded. As the struggle continues, he notes that he and his colleagues do not get paid for their work, they have no benefits, and yet they must continue to work for a solution. As Tema declares, "We are doing this for the people. We don't want this problem to go on. We need to have it resolved."<sup>44</sup>




# Safe, Sufficient, Acceptable, Accessible, Affordable

*UUSC's partners know firsthand that gaining access to affordable water is much easier said than done.*

In 2010, when the U.N. Human Rights Commission recognized the human right to water, it stated that people must have access to water that is not only sufficient but also safe, acceptable, and affordable. The United Nations Development Program defines affordable as no more than approximately 2.5–3% of monthly household income.<sup>45</sup> Yet, vast disparities in the cost of water still exist for people around the globe — and often for people living in different areas of the same cities.

In Jakarta, Manila, and Nairobi, for instance, studies have shown that the most impoverished residents, those who live in slum neighborhoods, spend 5–10 times more on water than people who live in wealthier areas of the same city.<sup>46</sup> In the United States, it is no surprise that the greatest violations of the human right to water affect low-income communities, who lack water and sanitation services or live with contaminated groundwater and outdated, leaky systems, and the homeless, who often lack any secure access to water and sanitation.<sup>47</sup> UUSC's partners know firsthand that gaining access to affordable water is much easier said than done.

In South Africa, UUSC worked with the Coalition Against Water Privatization (CAWP) and the Centre for Applied Legal Studies at the University of Witwatersrand to support the case of Lindiwe Mazibuko and other residents of Phiri in Soweto. They brought suit against the city of Johannesburg and the national Water Ministry for failures to protect residents' human right to water as required in the South African constitution. These residents lived in a historically segregated neighborhood that had been denied improved water access under apartheid. The constitution mandates that the government must take a positive, proactive role in ensuring that South Africans enjoy the human right to water.<sup>48</sup> Yet, Johannesburg Water established a policy of providing only 6 kiloliters (approximately 1,300 gallons, the amount an average U.S. family of four uses in four days<sup>49</sup>) of water per accountholder per month. The utility also began installing prepaid meters that residents would have to use to access water over that minimum. The South Gauteng High Court ruled that the prepaid meters were unlawful and the allocation unfair.<sup>50</sup> While the ruling was weakened after appeals to the Constitutional Court, Johannesburg Water doubled the free basic water amount during the litigation.<sup>51</sup>



STOP  
WATER  
PRE-PAID  
METERS

HIV/AIDS  
PAID=100%

Vast disparities in the cost of water still exist for people around the globe — and often for people living in different areas of the same cities.

## PARTNER SPOTLIGHT: **Mi Cometa**

Cesar Cardenas Ramirez describes how, when he began his work, many of the people in his neighborhood in Guayaquil, Ecuador, had no water access. To obtain water for home use, residents had to buy water from private water vendors who would bring big water tankers into the neighborhood. It was 800 Ecuadoran sucres for a tank of water, which would last a family two to three days. As Ramirez recalls, “We investigated and discovered that the water utilities were in private hands. . . . They said that they were going to give us water in the year 2020.”<sup>52</sup> The utility was held by a U.S. corporation, Bechtel, through a concession agreement with the local subsidiary, InterAgua. Thus began the work of Mi Cometa (My Kite), an organization focused on the human right to water, against the commodification of water and its negative effects.

Ramirez explains, “It has been many years that we have been saying that water cannot be a for-profit enterprise. . . . It has to be administrated without making profit, because to make profit would impede the poorest from getting access.” Mi Cometa spread the word, held marches, and circulated petitions. They found solidarity with other neighborhoods that didn’t have access to affordable, sufficient water. They protested each month in front of the utility and municipal buildings and engaged the support of local churches.

In 2006, UUSC supported Mi Cometa to bring attention to their legal case: the Hepatitis A poisoning of 158 children in Guayaquil. The Ecuadoran Health Ministry fined InterAgua \$1.5 million for the affected people and provided free medical care for the children. But Mi Cometa was not satisfied with this local victory and moved forward to enact sweeping national change in water access. By 2009, Mi Cometa’s campaign resulted in a new constitutional provision that prohibited privatization of water utilities and placed oversight of the utilities in the hands of communities. The same year, the organization successfully won a case that fined InterAgua \$5.5 million for overcharges in sanitation services along with debt forgiveness for water customers. By 2011, Mi Cometa had organized citizen watch committees to monitor public services like water and sanitation throughout the country. These committees won senior discounts, cancellation of debts for seniors and people with serious illnesses, and a lifeline water rate for over 4,500 families in extreme poverty.

In 2012, Mi Cometa’s engagement convinced the water utility Veolia, which bought the contract from Bechtel, to recognize the human right to water and conduct a human rights impact assessment — the first for a major water utility — at Guayaquil.<sup>53</sup> The following year, Mi Cometa was directly involved in national assembly negotiations that established a basic minimum amount of water for all citizens in the new water law. The organization is now facilitating a human-right-to-water curriculum in schools, advocating for vulnerable populations, sharing information on the human right to water through a weekly radio podcast, and working with utilities to implement vital free water and to ban water shutoffs for those facing economic hardship.

Mi Cometa has won major victories for the human right to water, but Ramirez explains that major challenges remain. Consumers are still facing water shutoffs. The president of Ecuador recently announced that he would establish a minimum amount of free water that must be made available to all people, but Ramirez worries that “to establish a minimum amount for the human right to water is actually to restrict the human right to water. It establishes a quota for each person. . . . So we are working very hard to try to stop this from going forward.”<sup>54</sup>

Thankfully, Mi Cometa has established dialogue with the utility that can lead to real progress when consumers face shutoffs. As Ramirez notes, “With UUSC, we have been able to maintain this relationship directly with the utility.” He reports that the utility is listening to them, thanks to their multipronged approach that includes popular mobilization, shareholder pressure, and the face-to-face relationships that now link consumer advocates with the utility’s management.



## PARTNER SPOTLIGHT: HIC-AL

On November 26, 2014, UUSC partner the Habitat International Coalition of Latin American (HIC-AL) achieved a major victory for sufficient water in Mexico: years of litigation and lobbying convinced the Supreme Court of Justice of Mexico to declare that the human right to water is violated if a person receives less than 100 liters per day.<sup>55</sup>

The path to this victory began in 2008, when HIC-AL convened a group of experts and pro bono lawyers to investigate violations of the human right to water in Morelos. With seed funding from UUSC, HIC-AL collaborated with local community organizers to investigate the situations of women living without access to water in Ampliación Tres De Mayo. They overcame a first hurdle in 2010, when the local court agreed to hear the case of Lidia Velazquez Reynoso, a woman who had no water line to her home and who had been working with organizers for a decade to convince the municipality to provide water access for the community.

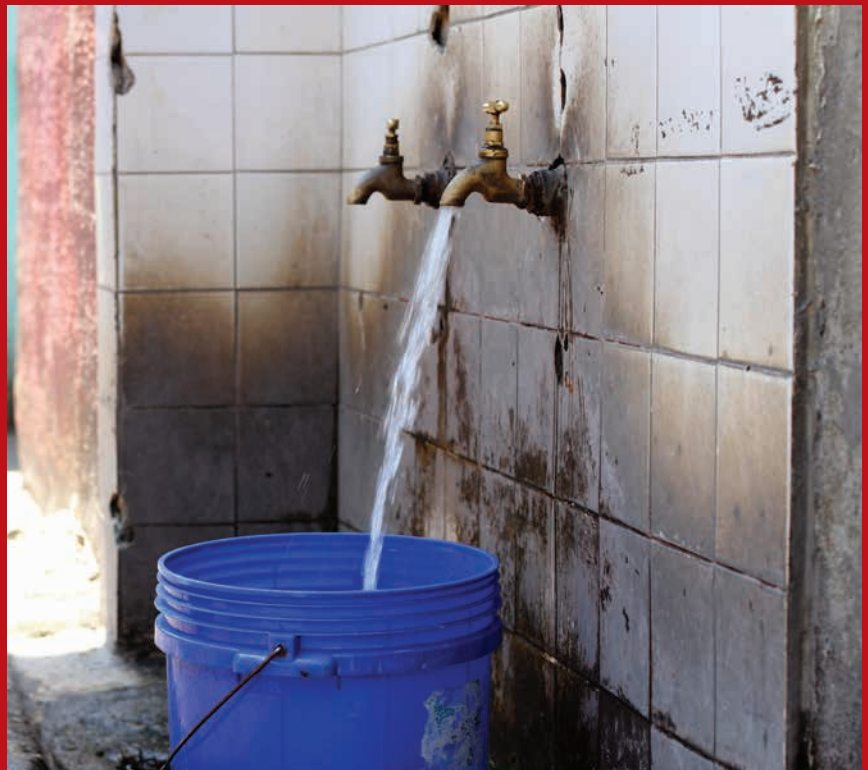
HIC-AL's Maria Sylvia Emmanuelli recalls how they decided to tackle these most stark violations: "The women are really poor and without connections to others . . . We had women going to the river to take water, and the river was very polluted. . . . We wanted to solve a problem . . . and we wanted to have a positive decision."<sup>56</sup> Ironically, the local and national government had invested in water infrastructure literally across the road at water parks, golf courses, and thousand-unit weekend condos for Mexico City residents complete with swimming pools.

At first, the courts affirmed the human right to water but tied it to property rights, a decision that was untenable and violated international law. In 2012, HIC-AL's case moved forward with an appeal that affirmed the human right to water independent from ownership of water or land. In the same year, the human right to water was written into Mexico's new constitution, declaring, "Any person has the right of access, provision and drainage of water for personal and domestic consumption in a sufficient, healthy, acceptable and affordable manner" and stating that it is the state's responsibility to implement these rights.<sup>57</sup>

Still, real change was slow in coming. In fact, the court at first determined that the municipality had fulfilled its obligation when it connected Reynoso's home to the water system, even though HIC-AL's notaries found that water only reached the home sporadically, for as little as four hours, one day per week. To alleviate the suffering of the women in Ampliación Tres De Mayo, UUSC and HIC-AL constructed cisterns for water collection and storage while at the same time filing their case with the Supreme Court, urging the high court to acknowledge that municipalities must make a sufficient amount of water accessible.

Now, Emanuelli reflects, the women feel they have achieved middling success: "For them, the situation really changed for the better. . . . We can say that now, they are in the situation of the majority of the people in [the area]. . . . We didn't really win all we wanted. But from their perspective, they are in a better situation than before."

HIC-AL will continue its work, using the precedent this decision sets to support the human right to water in Mexico and urging lawmakers to make it possible for Mexicans on the ground to secure these rights. Emmanuelli notes that real solutions, not simply declarations, are the goal: "We don't want to have a good decision only on paper. . . . We don't [simply] want to have a decision in the Supreme Court. . . . What I want is to have the people in a better situation than before."<sup>58</sup> Now, HIC-AL is working on the implementation of the Mexican Supreme Court case and blocking the adoption of a national water law proposed by the Mexican government that would moot the Mexican constitution's provision on the human right to water.



# Systemic Discrimination

Even in the United States, where discrimination is a violation of civil rights, legacies of discrimination make lower-income people and people of color particularly vulnerable to systemic human rights abuses. In areas that have experienced slavery, apartheid, and legal caste systems, like the United States and South Africa, historically segregated communities of color were often excluded from cities' infrastructural development plans. People who live in those communities today still suffer from a lack of water security.

*Legacies of discrimination make lower-income people and people of color particularly vulnerable to systemic human rights abuses.*

From 1956 to 2008, the predominantly African American community of Coal Run, in Zanesville, Ohio, was denied access to municipal water lines that provided water to adjacent white neighborhoods and in some cases literally bypassed black homes to carry water to white people in the county. In 2002, residents filed a complaint with the Ohio Civil Rights Commission, which in 2004 concluded that the city and county had “failed to provide the complainants with access to public water service because of their race.”<sup>59</sup> In 2008, a jury in U.S. District Court awarded the residents of Coal Run \$10.8 million in damages, and water is now, at last, connected to the neighborhood.<sup>60</sup>

While this is a particularly clear civil rights violation, similar patterns of segregation have created human rights abuses across the country. In the San Francisco Bay Area, for instance, where UUSC partner the Environmental Justice Coalition for Water works, communities of color historically were segregated and relegated to the low-lying lands, alongside industrial and waste-management facilities, where they now face threats from both rising sea levels and pollution.<sup>61</sup>



## PARTNER SPOTLIGHT: MGA

UUSC partner Massachusetts Global Action works to fill gaps in data on failures related to the human right to water in the United States. In 2010, the organization published *The Color of Water*, a landmark study that documented discriminatory water shutoff policies in the Boston Water and Sewer Commission (BWSC). MGA's findings: water shutoffs disproportionately affected low-income people and communities of color.

Most strikingly, MGA found that there was not a significant relationship between the rate of threatened water shutoffs and "average income" by itself — there was, however, a significant relationship between threatened water shutoffs and the percentage of people of color who lived in the area. MGA's analysis shows that the percentage of people of color in an area had a significant relationship with the rate of shutoffs (with a value of .63), much higher than income alone (only .13). In other words, those who live in communities of color face disproportionate threats to their access to water.<sup>62</sup>

MGA works with City Council members to advance the human right to water, engages community groups and interfaith groups to inform affected people about their rights, and trains activists in the Boston Human Rights City Coalition to engage the city and utility. MGA and other community groups convened meetings in Dorchester and Roxbury, areas of Boston particularly affected by threatened shutoffs and rising water prices, where residents shared stories of hardship. Two teenaged boys reported that their family struggled to limit water usage, while their monthly bills swelled to an unaffordable \$200/month, and noted the increased stress the water bills had for their father. Retirees who lived on fixed incomes explained the hardship they faced as BWSC implemented planned rate increases that far outstripped their ability to pay rising bills (they also outstripped annual increases in the Consumer Price Index).<sup>64</sup> MGA and UUSC are working on a program called Tap Justice with interfaith organizations working to protect children under 6 and seniors over 65 from arbitrary water shutoffs.

MGA's *Color of Water* research has gained important ground in dialogues with the Boston Water and Sewer Commission over the last year. Since MGA shared their findings, BWSC has reported that it will implement a "right to service" policy that limits shutoffs for households in which all residents are over 65 or where water shutoffs would cause significant medical hardship. BWSC has committed to share data on shutoffs, meet with affected communities, and discuss affordability.

Still, implementing meaningful human-right-to-water policies remains a challenge. MGA will continue its research, but Suren Moodliar, MGA coordinator, hopes also to shift the organization's approach toward loftier engagement between affected communities and high-level policymakers: "We want to . . . demand that Boston should become a model for the rest of the country in terms of the human right to water," especially as an example of ways to involve affected communities in discussions about issues such as climate change.<sup>65</sup>

### DETERMINE FOR SHUTOFF<sup>63</sup>

Per 1,000 Residents

% PEOPLE OF COLOR

.63

% MULTIFAMILY

.52

% VACANCY RATE

.17

% AVERAGE INCOME

.13

There was a significant correlation between threatened water shutoffs and the percentage of people of color who lived in the area.

# Water Resources and Climate Impact

The health of our global environment and human rights are inextricably bound to one another. As the founders of the Center for Environment and Human Rights (CEDHA), a UUSC partner, Romina Piccoloti and Jorge Daniel Taillant point out, “Everything and anything that influences our environment directly influences our human condition, and a violation of our environment is a violation of our human rights.”<sup>66</sup> As with so many human rights abuses, these links are especially stark for those who are most vulnerable, have been historically oppressed, or have not had the political power or resources to defend their communities against encroaching environmental hazards.

*There is robust evidence that, as global temperatures rise, the percentage of people in the world experiencing water scarcity will rise.*

The Intergovernmental Panel on Climate Change reports that climate change is expected to affect human rights to water in a variety of important ways. It likely will increase waterborne illness, exacerbate drought in arid regions, displace populations, and spark violent conflict over water resources.<sup>67</sup> There is robust evidence that, as global temperatures rise, the percentage of people in the world experiencing water scarcity will rise.<sup>68</sup>

UUSC has already begun supporting partners who work with people who are experiencing these very dramatic impacts of climate change around the globe. UUSC has mounted a major effort to provide aid for Syrian refugees in the Middle East and Europe. Climate scientists have argued that the Syrian civil war, which has pushed some 10 million people from their homes, had roots in rapid urbanization that was brought on by climate change’s impacts.<sup>69</sup> In Haiti, UUSC supports peasant farmers who struggle to find new sustainable farming methods because sporadic rainfalls have made the age-old practice of planting with the rains impossible. CEDHA has established a U.S. affiliate, the Center for Human Rights and the Environment (CHRE), in part due to repression in Argentina and in part to aid their recent work on the negative impacts of extractive industry throughout the Western Hemisphere.



## PARTNER SPOTLIGHT: CHRE/CEDHA

UUSC partner CHRE/CEDHA has 15 years of experience promoting access to environmental justice and pursuing human rights guarantees for people affected by environmental degradation and the unsustainable management of natural resources. UUSC has supported CEDHA's law clinic in Cordoba, Argentina, in prosecuting violations of the human right to water for single women heads of household and in training law students in human rights law. In 2009, CEDHA won an Argentina Supreme Court case, *Chacras de la Merced*, that provided access to a minimum of 200 liters of water per week, delivered by the utility to the community, the world's first successful case for sufficient water. CHRE/CEDHA has also been at the forefront of glacier protection as related to the human right to water.

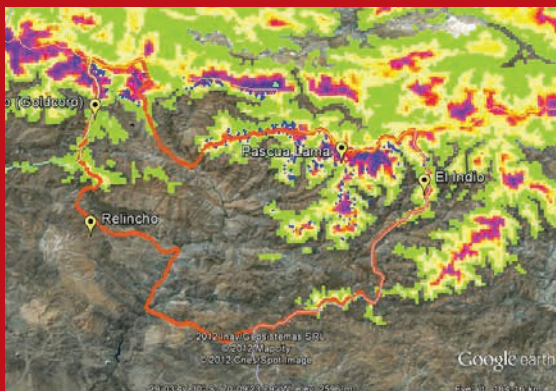
In the Patagonia region of South America where CHRE/CEDHA works, 70% of the safe drinking water is fed by Andean glaciers — glaciers that are threatened by climate change and the proliferation of extractive industries. In a push to bring lucrative business to the region, Argentina's Congress has passed mining investment laws and encouraged mining without sufficient regard for the environmental hazards. As UUSC partners around the globe know, mining requires massive amounts of water: for open-pit metals mining, 60–100 million liters per day. Furthermore, large mechanical equipment damages glaciers, chemicals used in mining pollute the water (sometimes cyanide-laced slurry is returned to waterways after processing), and mining waste can speed the rate at which glaciers melt.<sup>70</sup>

CHRE/CEDHA's research has proven that mining operations in Argentina and Chile severely threaten glacier-fed water access for indigenous populations in the Andes and threaten to destroy glaciers and accelerate climate change. The mining produces elevated dust that settles on white-capped glaciers, darkening them and changing their ability to reflect solar rays, thus accelerating glacier melt. CEDHA identified 118 uncovered glaciers that were nonetheless threatened by mining operations, along with 305 glaciers that were already covered with dust and debris. More damning, the organization identified plans at the Barrick's mine to "dynamite" and "bulldoze" glaciers to reveal gold reserves beneath.<sup>71</sup>

In 2010, CHRE/CEDHA organized workshops for grassroots organizations with the Climate Sustainability Platform, which resulted in innovative proposals to create legislation to protect strategic glaciers from exploitation and mining development. CHRE/CEDHA's work resulted in landmark glacier protection legislation in Argentina, a law that the organization now works to implement. Argentina's National Glacier Act prohibits the release of contaminated substances, forbids the construction of structures except those used for scientific study or glacier protection, and bans industrial activity on recognized glaciers.<sup>72</sup> CHRE/CEDHA has created a glacier inventory and continues to monitor the impacts of mining and development on glacial and periglacial environments.



The upper right corner is the heart of the Pascua Lama international mining project (Barrick Gold).



Permafrost mapping of the same territory.

These maps were created for the Diaguitas Huascoalino Indigenous Community of Chile.



Images courtesy of Jorge Daniel Taillant

# The Human Right to Water in the United States

Former U.N. Special Rapporteur on the Human Right to Water Catarina de Albuquerque notes that attention to water in the United States has tended to be on cleanliness and quality, and that when the federal government and states establish regulations, they are generally followed.<sup>73</sup> This is heartening but masks deeper underlying disparities in the United States, especially as they relate to access and affordability for people who continue to face systemic discrimination because of race, ethnicity, class, ability, and age. In other words, many of the same violations of the human right to water that take place throughout the world also exist here, in our own backyard.

*Many of the same violations of the human right to water that take place throughout the world also exist here in our own backyard.*

During her visit to the United States in 2011, de Albuquerque met with UUSC partners and people facing these challenges throughout the country:

- Residents of Lowndes Co., Ala., who were arrested because they were financially unable to maintain failing septic systems
- Appalachian families who could not afford sewage systems and discharged waste into streams
- Residents of Washington, D.C., who were at risk from lead in their water
- Farm families in the San Joaquin Valley who were forced to spend 20% of their income on bottled water because of nitrate contamination from large agricultural operations
- Unrecognized Native American tribes whose ancestral waterways had been converted to state recreation lands
- Homeless people in Sacramento, California's capital, who lacked any secure access to water or sanitation<sup>74</sup>

Furthermore, in U.S. cities, low-income and minority populations face increased risk of losing their water access. UUSC partner Massachusetts Global Action found that, in Boston, with each 1% increase in the city ward's population of people of color, the number of threatened water shutoffs increased by 4%.<sup>75</sup>

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# LEGISLATIVE SPOTLIGHT:

## The Human Right to Water Act of California

California became the first state in the United States to incorporate the human right to water into state law and policy in 2012, with the passage of the Human Right to Water Act of California (A.B. 685). UUSC partnered with the UU Legislative Ministry of California, the Community Water Center (CWC), the Environmental Justice Coalition for Water (EJCW), and other faith allies to make this new law a reality.

The grassroots groups with which EJCW works face water vulnerability that is compounded by poverty, homelessness, race, and ethnicity. During her visit in 2011, U.N. Special Rapporteur Catarina de Albuquerque met with Tim Buckley, a man who lived in a homeless encampment along the American River Parkway in Sacramento, Calif.<sup>76</sup> Buckley told de Albuquerque about how he had taken on the responsibility of “sanitation technician” in the encampment. He fashioned simple privies with frames and garbage bags, and three times a day he would carry garbage bags full of human waste on his bicycle many miles to the nearest public park facility, where he could safely deposit it. Colin Bailey of EJCW recalled that the special rapporteur later commented that “this is exactly what we see among the poorest of the poor,” including those she had recently visited in Bangladesh and India. Bailey reflected, “Right here in the state capital of the wealthiest state in the wealthiest nation on earth, we have that level of poverty.”<sup>77</sup>

California’s Central Valley hosts some of the most impoverished communities in the United States, where people face high rates of disease and sickness, including illnesses caused by nitrate poisoning and exposure from pesticides, herbicides, and fungicides. Residents in farmworker communities and unincorporated towns cite polluted water and the high cost of accessing safer alternatives (like bottled water) as the biggest threat to their family’s well-being.<sup>78</sup>

UUSC and its partners pushed for meaningful recognition of the human right to water in California. By 2012, this mobilization bore fruit in the first state-level recognition of the human right to water in the United States: California law A.B. 685, which establishes a state policy recognizing that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” The law stipulates that all state agencies have a duty to consider this state policy whenever implementing new regulations.<sup>79</sup>

The movement to realize the Human Right to Water Act has had substantial results. By law, in the state of California, small communities and unrecognized tribes may access state funds for drinking water and sewerage systems, local authorities must create plans to address

discrimination in their service areas, and water agencies must give notice of water violations in languages that meet the needs of their consumers. Bailey of EJCW notes that his organization works with policymakers who now embrace the human right to water as a “value set” and who view its implementation in California as their professional legacy.<sup>80</sup> EJCW continues to work to establish new safeguards and urge policymakers to apply the values of human rights to the longstanding structural inequalities that continue to leave low-income and minority populations vulnerable to climate change, water scarcity, pollution, and exclusion.

UUSC’s Patricia Jones points out that, while limited, A.B. 685 is a major step forward: “It’s where the environmentalists said they started in the ’70s — [policymakers have a] ‘duty to consider.’ . . . It has made a huge difference in the politics. . . . [The partners] are at the tables.”<sup>81</sup> UUSC partners are influencing decisions at the state water boards. These victories in California have shifted the landscape for the human right to water in the United States.



# UUSC Direct Advocacy and Expertise

*UUSC's multipronged approach aims to work with partners implementing improvements in the human right to water on the ground while at the same time tipping global debate toward the human right to water.*

UUSC's human-right-to-water work would not have been possible over the last 10 years without the dedication of UUSC's staff, members, and supporters. UUSC not only develops and maintains relationships with incredible grassroots and advocacy partners but also lends legal and policy expertise to human right to water work in the United States and abroad. UUSC's human-right-to-water strategy, building upon the organization's initial concern about a global trend toward privatized water utilities, has grown into a multipronged approach that aims to work with partners implementing improvements in the human right to water on the ground while at the same time tipping global debate toward the human right to water. Because of this vision, UUSC supports strategies that have real and lasting effects.

UUSC has provided substantial legal and technical expertise to partners, facilitated U.N. visits to investigate the human right to water in the United States, and carries out innovative direct engagement with major corporations on their human rights obligations. UUSC brings expertise to the Interfaith Coalition on Corporate Responsibility (ICCR), where it engages in negotiations with major corporations and supports ICCR member engagement with over 70 major corporations on the human rights to water and sanitation. UUSC facilitated two important visits that U.N. Special Rapporteur de Albuquerque made to the United States — one in 2011, which was a critical step in the passage of California's A.B. 685, and one in 2014, which brought international oversight to water shutoffs that target low-income people in Detroit, Mich.



## PARTNER SPOTLIGHT: MWRO and Lyda Pro Bono Lawyers Committee

During 2013 and 2014, the city of Detroit shut off water to over 100,000 citizens.<sup>82</sup> As cold winter descended on the city in November and December of 2014, water shutoffs continued. In a move critics explained seemed motivated by the city's attempt to jettison the public utility's debt and prepare it for sale to a private company, Detroit ruthlessly moved forward, further endangering the livelihoods of its citizens. In a city where 40% of residents live below the poverty line and unemployment is four times the national average, these shutoffs affect people who are already struggling.<sup>83</sup> UUSC joined together with the Michigan Welfare Rights Organization and a team of pro bono attorneys to challenge Detroit's violations of the human right to water.

The city has claimed that the people who owe back water bills are simply irresponsible or are demanding "free" water, but the reality is that for many in Detroit water services are inaccessible and unaffordable. For people in Detroit who live below the poverty line, 99% of whom are African American, the water bill is far from meeting the 3% affordability standard recommended by the United Nations. Twenty percent of the Detroit population is living on as little as \$800 per month, facing average water bills of \$70.67, which is above the national average.<sup>84</sup> As UUSC's Patricia Jones notes, "Water is not affordable if the person must give up another human right to pay for water and sanitation services — medicines and health-care costs, food, rent, school fees."<sup>85</sup>

Since 2014, UUSC has partnered with the Michigan Welfare Rights Organization (MWRO) to raise awareness about Detroit's water injustices at the local, national, and global level; bring suit against the city for human-right-to-water violations; and, most importantly, bring water access back to the most vulnerable members of the community. As the MWRO knows, water shutoffs have implications far beyond the desired payment of a bill. Maureen Taylor, chairperson of the MWRO, notes that when a property lost its water, "we began to get telephone calls, where parents, grandparents were saying, the Department of Human Services [was] at such and such address, and they've taken the kids." MWRO put out leaflets and worked with the churches to

reach affected families: "Mothers packing up the kids at two, three o'clock in the morning and moving out. Sneaking out in the dead of night to go someplace. That was probably the most . . . horrifying . . . impact of what happens when your water was turned off."<sup>86</sup>

Taylor shared the story of Teresa Williams, a woman who had worked with MWRO while she was a teenager and who came home to Detroit in 2013 to raise her three children. Despite repeated requests, the water service to their new home was not turned on for weeks. One day she received word that if there was no water in the home in the next 48 hours, Child Protective Services would remove the children. As Taylor recalls, "She contacted us; we told her leave immediately. Lock the house up, go back to your mother's house. You have to stay there until we're able to make an arrangement."<sup>87</sup> In spite of the hardship she faced, Williams is dedicated to remaining in Detroit and now involves her children in her work with MWRO, intent that they become activists.<sup>88</sup>

In 2014, the Detroit Water and Sewer Department shut off service to over 11,000 households. The Michigan Welfare Rights Organization, the People's Water Board Coalition, and Food and Water Watch petitioned the United Nations on the mass water shutoffs in Detroit in May 2014. The groups also requested legal assistance from local lawyers to stop the shutoffs. The MWRO and allies petitioned the United Nations and became a plaintiff in a class-action suit to stop the mass water shutoffs. Twenty-two pro bono attorneys, led by Alice Jennings, brought the *Lyda* case on behalf of MWRO and individual plaintiffs during Detroit's bankruptcy. The lower courts recognized the serious harm caused by the mass water shutoffs, but did not have the authority to rule in the case during bankruptcy. The case is on appeal in federal court. During the campaign, Detroit instituted a temporary moratorium on water shutoffs, an assistance program for the lowest-income households, and engaged Robert Colton to propose an affordability plan for the city. Still, over 56,000 accounts were shut off in 2014–2015, and the case offers an example of one of the most egregious violations of human and civil rights in the country.



# Corporate Engagement

*The guidelines recommend that corporations take a proactive approach to human rights by conducting human rights due diligence, carrying out human rights impact assessments, and tracking their progress.*

Corporations are critical players in implementing the human right to water. The fields of agriculture and industry, in which corporations are deeply embedded, use 70% and 20% respectively of the earth's available water. Furthermore, agricultural runoff, mining practices, and corporate waste routinely pollute water sources needed for human consumption. The burden of cleaning up polluted water and developing new water resources is passed on to the rate payer through their utility's water bills. In efforts to stem these challenges to the human right to water, UUSC engages corporations and works to hold them accountable.

In 2011, the United Nations issued the U.N. Guiding Principles on Business and Human Rights, which call upon corporations large and small to help implement the United Nations' "protect, respect, and remedy" framework guarding against human rights abuses. The guidelines state that companies should "avoid infringing on the human rights of others," "avoid causing or contributing to adverse human rights impacts and address such impacts when they occur," and "seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations" even when they are not directly caused by them.

The guidelines go further, recommending that corporations take a proactive approach to human rights by conducting human rights due diligence, carrying out human rights impact assessments, and tracking their progress.<sup>89</sup> UUSC has begun direct corporate engagement with companies not only to mitigate human rights abuses after they have been committed, but also to develop human rights impact assessment tools that will help them implement the U.N. Guiding Principles.

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## STRATEGY SPOTLIGHT:

# Human Rights Impact Assessment

UUSC has undertaken a multipronged strategy to engage U.S. and international corporations on their human-right-to-water obligations. Most recently, UUSC has begun developing guidelines and tools that would help companies gauge their human rights impacts by carrying out human rights impact assessments (HRIAs). HRIAs are a critical component of ensuring corporate responsibility and implementation of the human right to water.

UUSC saw the effectiveness of the HRIA with partners in Guatemala who were struggling with the negative effects of the Goldcorp Marlin Mine on their communities. UUSC worked with COPAE and the Sipakapense people and brought in a pro bono team led by Rob Robinson, retired Bureau of Land Management expert on U.S. mining mitigation to provide equipment and train COPAE to carry out local water quality testing. The Sipakapenses and others used this data in their case before the Inter-American Commission on Human Rights and won precautionary measures against the Goldcorp Marlin Mine for its failure to consult with the Sipakapenses and for health violations that resulted from the mine's operation.

During the controversy, GoldCorp initiated a HRIA, one of the first of its kind. UUSC continued to support the work of the Sipakapenses while undertaking a direct corporate engagement strategy: filing a shareholding resolution and speaking at the shareholder meeting in 2012. This innovative work secured a commitment for a reclamation bond of \$27 million for Goldcorp's Marlin Mine, up from the \$1 million bond that the corporation originally set aside.

UUSC's most recent contribution is a human rights assessment tool to be used by PepsiCo to gauge the effects of its operations on the human right to water. UUSC's relationship with PepsiCo began in earnest when Julie Goodrich of Northstar Assets Management filed shareholder resolutions urging PepsiCo and other major corporations to assess their impact on the human right to water. In 2009, because of this engagement, PepsiCo acknowledged their corporate duty to respect the human right to water. This engagement had broad implications: this was one of the first times a private corporation publicly affirmed that it has obligations to respect human rights, which set precedent internationally and helps to define how the private sector must work to implement the human right to water.

UUSC and NomoGaia, HRIA experts, are now working directly with PepsiCo to develop an internal assessment tool that will aid the company in gauging its impacts on the human right to water — the first step in implementing a meaningful human-right-to-water policy. The assessment tool will help the corporation engage with rights holders and find new ways to assess its impact on the safety, sufficiency, adequacy, accessibility, and affordability of water for communities that live around its operations. UUSC is working closely with PepsiCo to develop a tiered screening tool to help identify operations where a full HRIA should be carried out and hopes to see PepsiCo launch the assessment at one of PepsiCo's operations in the near future.



# Looking Forward

Many people, particularly middle-class U.S. residents accustomed to a working water and sanitation infrastructure that they can afford, take access to water for granted. But for the partners UUSC supports, realizing the human rights to water and sanitation means constant struggle, perseverance, and in many cases very real danger.

UUSC's partners have faced violence, intimidation, and even death. When UUSC was supporting the Mazibuko litigation in South Africa, a Coalition Against Water Privatization activist was taken and killed by South African police on the day of the court's decision. UUSC's Bolivian partners work with reminders of the water wars fresh in their minds. Lydia Reynosa, one of the women HIC-AL represented in the Mexican litigation, was visited by local drug lords and threatened because of her involvement in that case, which demanded simply a minimum quantity of water for domestic use. Many of UUSC's partners face constant threats of repression. Daniel Taillant of CEDHA recently had to leave Argentina and relocate to Florida because of repression there. The struggle for the human right to water can pit rights holders against some of the most formidable powers in the world — the water and sanitation industries, agriculture and corporate interests using vast quantities of water, and governments that often have vested interests in maintaining the status quo.

*Human rights . . .  
is an important value  
in the United States.  
. . . People don't  
necessarily know  
what it is or what it  
means, but they know  
what it isn't.*



Here in the United States, indigenous people, people of color, women, children, the elderly, and lower-income people are treated as criminals because they do not have access to adequate water and sanitation. Not only are people facing shutoffs and stigma when they cannot pay their water bills — they also face criminal charges if they reconnect their homes to city water pipes without authorization. Homeless people are criminalized for open defecation when they are denied access to water and sanitation services in public spaces. People who can not afford septic tanks can be fined for releasing toxins into waterways.

UUSC is particularly gratified to see growing movement against that status quo. The Detroit shutoffs and the *Lyda* case have spurred the creation of a broader coalition to address the violation of U.S. residents' human rights to water and sanitation. In February 2015, UUSC joined with coalition members — including Edwards and Jennings, PC, Michigan Legal Services, ACLU Michigan, and Michigan Representative John Conyers — to hold a Congressional briefing on the water crisis. The national Welfare Rights Organization, the *Lyda* Pro Bono Lawyers Committee, the People's Water Board Coalition, NAACP Legal Defense and Education Fund, and UUSC organized convenings in May 2015 in Detroit to set an action agenda to achieve the human rights to water and sanitation for every person in the United States.

While some argue that there is no human right to water in the United States, UUSC's Jones argues, "Human rights . . . is an important value in the United States. . . . People don't necessarily know what it is or what it means, but they know what it isn't. . . . Staff people we've come across have been very interested in the concept . . . [but] the domestic water and sanitation sector anywhere in the world is not a monolith. . . . the strategies have to be nuanced and real and to the place."

The coalition is building, developing targeted strategies and momentum toward change. In 2015, the US Human Rights Network called on civil society groups to engage international human rights mechanisms and federal agencies on the human right to water, including an important October hearing before the Inter-American Commission on Human Rights. At that hearing, for the first time, the body heard testimony from U.S. constituencies about the ways they are denied the human rights to water and sanitation. Northeastern School of Law Program on Human Rights in the Global Economy (PHRGE) held a conference in November 2015 that further developed a broad human-right-to-water strategy. This increasingly unified and nuanced approach to achieving the human rights to water and sanitation from a human rights stance can — and UUSC hopes will — yield lasting results.

# Endnotes

- 1 U.N. General Assembly Resolution 64/292, "The Human Right to Water and Sanitation," A/RES/64/292 (Aug 3, 2010), UN Human Rights Council Resolution 15/9, "Human Rights and Access to Safe Drinking Water and Sanitation," A/HRC/Res/15/9 (Sept 30, 2010); U.N. Human Rights Council Resolution 16/2, "The Human Right to Safe Drinking Water and Sanitation," A/HRC/Res/16/2 (April 2011).
  - 2 UN General Assembly Resolution 70/169, "The Human Rights to Safe Drinking Water and Sanitation," A/RES/70/169 (Dec 17, 2015).
  - 3 Kathleen Kevany and Donal Huisinigh argue that 1.2 billion people live in areas of "water scarcity" and that that number is expected to increase to three billion by 2025 due to water stresses and increasing populations. Kevany and Huisinigh, "A Review of Progress in Empowerment of Women in Rural Water Management Decision-Making Processes," *Journal of Cleaner Production* vol. 60 (Dec 1, 2013), 54.
  - 4 United Nations, *The Millennium Development Goals Report, 2014* (New York: United Nations, 2014), 4, [http://www.undp.org/content/dam/undp/library/MDG/english/UNDP\\_MDGReport\\_EN\\_2014Final1.pdf](http://www.undp.org/content/dam/undp/library/MDG/english/UNDP_MDGReport_EN_2014Final1.pdf).
  - 5 UN, *Millennium Development Goals Report, 2014*, 44.
  - 6 WHO/UNICEF, *Progress on Sanitation and Drinking-Water: 2010 Update* (WHO and UNICEF, 2010), 7, <http://www.unicef.org/eapro/JMP-2010Final.pdf>.
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  - 8 WHO/UNICEF, *Progress in Drinking Water and Sanitation: 2014 Update* (WHO/UNICEF, 2014), 32, [http://apps.who.int/iris/bitstream/10665/112727/1/9789241507240\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/112727/1/9789241507240_eng.pdf?ua=1); United Nations, Human Rights Council, *Report of the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, Catarina de Albuquerque, A/HRC/24/44* (July 11, 2013), 3.
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*UUSC envisions a world free from oppression and injustice, where all can realize their full human rights*



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