



**Declaration of the WATERLAT-GOBACIT Network  
on the 10th Anniversary of the United Nations General Assembly’s  
[Resolution 64/292](#) recognizing “the right to safe and clean drinking water and  
sanitation as a human right that is essential for the full enjoyment of life and  
all human rights”**

Resolution 64/292 approved by the United Nations General Assembly (UNGA) on 28 July 2010 was preceded by many initiatives that over the decades insisted on the need for a **formal recognition of the Human Right to Water and sanitation (HRWS)**. In the period immediately before the Resolution was approved, particularly since the early 2000s, such initiatives received a significant boost by the global mobilizations that formed part **of the social struggles against the expansion of neoliberal policies** since the 1980s, such as deregulation and privatization of essential water and sanitation services. The implementation of these policies had been strongly promoted in Latin America and the Caribbean, where Chile became an exceptional case at the world level because of the radical character of the privatist model adopted in the country, which included the privatization of water sources and most water and sanitation services in urban areas. In the 1990s, Argentina was turned into an experimental territory for these policies, and in just six years (1993-1999), the government of the time implemented the privatization of public water and sanitation services that served around 70 per cent of the country’s population. These policies, which were expanded across the region and internationally, were responded with massive mobilizations of protest and rejection. These mobilizations were triggered especially because of the **negative impacts of privatization, which contributed to deepening the levels of inequality and injustice in the access to these essential services**. Also, most countries adopting these policies suffered severe **political-social and economic-financial crises whose impacts continue to affect the capacity of States to protect and guarantee the rights of their citizens, including the HRWS**.

In this context, we must highlight the role of social movements, which prompted the governments of several countries, particularly Bolivia and Uruguay, to take the lead in the renewed initiatives for the recognition of the HRWS by the United Nations. Many other countries were silent on this matter, if not altogether opposed to the initiative, on several grounds. In fact, it is important to recall that that the initiative that led to the vote of Resolution 64/292 in July 2010 **was not promoted, formally at least, by the most influential countries at the UN**, many of which had historically opposed the recognition of the HRWS and abstained or were absent for the vote that took place on 28 July 2010. The countries that sponsored the text of the Resolution finally presented for vote were the following:



- Africa: Angola, Benin, Burkina Faso, Burundi, Central African Republic, Congo, Eritrea, Guinea, Madagascar, Mali, Mauricio, Nigeria, Seychelles
- Asia: Azerbaijan, Bahrain, Bangladesh, Fiji, Maldives, Samoa, Saudi Arabia, Sri Lanka, Timor-Leste, Yemen
- Latin America and the Caribbean: Antigua y Barbuda, Bolivia, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Haiti, Nicaragua, Paraguay, Santa Lucia, San Vicente and the Grenadines, Uruguay, Venezuela
- Oceania: Salomon Islands, Tuvalu, Vanuatu.

Although the Resolution was approved on 28 July 2010 thanks to the votes of 122 countries, we must remember that **41 countries abstained and 29 were absent**, that is, **36 per cent of the 192 countries represented DID NOT vote for the approval of the Resolution**. Among the countries that abstained, we must highlight the following, given their high influence at the UN and in the development and implementation of policies in the sector of essential water and sanitation services internationally, including the promotion of privatization and commodification policies: Australia, Canada, Israel, Japan, the Netherlands, the United Kingdom, and United States. Although most countries that failed to vote later decided to formally support the HRWS, it is important to remark this **long-term pattern of opposition and lukewarm support by many countries to the initiatives seeking to recognize the access to potable water and sanitation as a human right**.

In this connection, **the historical achievement marked by the recognition of the HRWS at the UN on July 2010 was tainted by concerns about the level of effective commitment by national States and international development and financial institutions**, with the policies required to make this right effective in practice. In this regard, it is important to remember that Resolution 64/292 mentioned as an antecedent of the decision to recognize the HRWS “the commitment made by the international community to fully achieve the Millennium Development Goals [MDGs ...] to halve, by 2015, the proportion of people who are unable to reach or afford safe drinking water, and [...] to halve the proportion of people without access to basic sanitation”. As we have made explicit in previous [Declarations](#), despite the triumphalist discourses by the UN and many other institutions and governments regarding the MDGs’ water access target, the data show that, despite enormous efforts and many successful examples, at the aggregate level this target **was not achieved**, and **neither was the sanitation target**, while many regions experienced serious setbacks. No doubt, the approval of 2030 the Sustainable Development Objectives (SDGs) revived the expectations that HRWS could be made effective, given that the SDGs **got back to the ambitious target of universalizing** the access to essential water and sanitation services, overcoming the MDGs’ more limited approach of “halving the percentage of people” without access. Regrettably, more recent developments, aggravated by the enormous impact of the COVID-19 Pandemic that we go through at the moment, have again seriously called into question **the level of commitment of national States and international development and financial institutions** with the effective compliance with both the SDGs and the HRWS.

Another important topic that must be emphasised is that, although in many aspects **the recognition of the HRWS has been a historical achievement that we celebrate and defend**, we need to consider its text and its implications opened a **series of controversies that remain unresolved**. Due to the length of this Declaration, we only mention here two of these controversies, which have fundamental relevance, considering the challenges facing the achievement of the SDGs by 2030.

- The first controversy exemplifies the rejection of the HRWS because it is seen as a new expression **of the imperialist, discriminatory, expropriatory, etc., character historically reflected in the appropriation and exploitation of natural goods**. It is



relevant pointing out that this complaint emerged among indigenous communities in Andean countries, for example Bolivia, one of the countries that played a central role in the initiative that led to the approval of the Resolution in July 2010. The argument is that native communities, who have historically regarded water as a common good that cannot be appropriated, were expelled from their territories and dispossessed of the access to water, among other goods, first during the processes of European colonization and, later, through the creation of Nation-States that deepened the processes of dispossession and marginalization. Therefore, for native communities, recognizing the HRWS would mean recognizing the legitimacy of the processes of colonization and dispossession. “Why”, they ask, “we have to accept that the expropriating and colonizing State grants us a right to water? We already had this right before a Nation-State existed. The State then took this right away from us”. Similar situations have been recorded among native and peasant communities in other regions of the planet, for whom the current text of the HRWS does not cater for their needs and interests. We refer to this controversy because it reflects one of the key obstacles facing the achievement of the SDGs, given that native, Afro descendent, and peasant communities are among the groups that **continue to be marginalized and criminalized for their struggles in defence of water and their territories**, processes that have reached extreme levels of in different regions of the planet, but particularly in Latin America. **For many of these communities, the HRWS is another instrument of domination. The controversy remains open.**

- The second controversy is related to the **lax, generic, permissive character** of the current formulation of the HRWS. Specifically, the level of indefiniteness of the HRWS regarding the public-policy and management options in the field of water and essential water and sanitation services has allowed the promotion of policies such as the **privatization and commodification** of essential public services in the name of the HRWS, which are clearly an impediment for achieving the SDGs and rendering the HRWS effective. This is a problem that social sectors critical of neoliberal policies, including social movements, labour unions, political movements, communities, academic groups, among other, have been denouncing since the approval of the Resolution in 2010. However, rather than opening this controversy to public debate it has been **silenced**, while national States and international development and financial institutions, including sectors in the UN, jointly with actors interested in the privatist control and management of water and essential water services, particularly the large transnational companies operating in this sector, **have multiplied the political, legal, financial, and other mechanisms that allow the advance and deepening of these neoliberal policies, even in the name of the HRWS**. Among other issues, the critical sectors participating in this controversy **demand a redefinition** of the very notion of HRWS included in the Resolution of 2010. The mobilized actors are weary about the degree of commitment with the SDGs and the HRWS of national States, international institutions, and transnational companies, which have significant influence in the design and implementation of public policies in the sector. Therefore, they have developed their own proposals for the revision of the text. An example comes from the alliances between social movements, public operators of water and sanitation services, civil society organizations, academics, and other actors in Spain and other European countries, who place emphasis on the **criteria that are common to all Human Rights**, such as **participation, access to information, transparency, and accountability** to transcend the neutrality of the text of the Resolution regarding the



management models of essential water and sanitation services and **associate the defence of the HRWS with the defence of public management** of these services.

By any means these two controversies represent the great diversity of debates that emerged around the HRWS. Obviously, these are just two examples that we consider relevant for this short Declaration.

Possibly, **the strong point in Resolution 64/292 approved by the United Nations General Assembly (UNGA) on 28 July 2010** is the la “[*Reaffirming* the responsibility of States for the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis”, including the now recognized right to “equitable access to safe and clean drinking water and sanitation”. No doubt, the terrible impacts of the COVID-19 Pandemic unleashed since early 2020 have contributed to expose in all their crudity the realities that prevail if the different territories, including **the responsibility of the States for the expansion of genocidal political projects** such as the one currently developing in Brazil, a project mandated by formally democratic elections, but also other not very dissimilar projects being implemented in **many other countries**, where the defence of human life has been openly subordinated to the interests of minorities in power and large transnational companies. The **absence of sufficient voices** among the intellectual and political elite, **voices that be sufficiently critical** to denounce the state of situation of the implementation of the HRWS and contribute to its reformulation, among other vital questions, is a manifestation of the profound degree of deterioration of the processes of substantive democratization of water politics and management, and of our societies more generally. Undoubtedly, if we analyse in Depth the multiple unresolved controversies that characterize the HRWS it becomes possible to visibilise the reasons that may **explain why so many States rejected during decades the recognition of the HRWS, why many of the most powerful States of the planet were absent from the vote on 28 July 2010, and why the HRWS continues to be a utopia for hundreds of millions of people globally.**

Based on the previous considerations, we

**Celebrate**, on its 10th anniversary, the approval of Resolution 64/292 of the United Nations General Assembly on 28 July 2010, that “Recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”;

**Recognize** that the approval of the Resolution was the result of decades of efforts by people, institutions, social movements, among other actors committed to universalist, democratic projects, with diverse but convergent conceptions of the human species, grounded on the principles of equality, solidarity, inclusion, and the defence of life;

**Understand** that the principle that the access to water and sanitation be recognized as a Human Right is not accepted unanimously by **national States** and other actors that hold the **political, economic, and financial power at the global level**. During decades, many **national States** refused to support the recognition of the HRWS, with different arguments. Although during the last decade most **national States** that opposed the recognition of the HRWS changed their stance, the evidence demonstrates that for many States, including those that initially supported Resolution 64/292, it is **just a formal recognition**. This devaluation of the HRWS merely to the formal dimension also characterizes many of the **actual practices** of the **international development and financial institutions**, as well as the **transnational companies** that operate in the water sector, many of which rhetorically declare to respect the HRWS;



**Actively participate**, from our teaching and research activities, practical interventions, management in public and community organizations, labour unions, social movements, civil society organizations, among other, in the study and debates about the **diverse controversies and profound contradictions** characterizing the definition of the HRWS included in Resolution 64/292 and subsequent additions. We are part, consequently, of the initiatives from different academic, political, labour union, and other social sectors that work on the **redefinition of the HRWS** and, especially, in the **political and social struggle for the actual implementation of policies and actions** that may definitively contribute to the eradication of inequality and injustice in the Politics, management and access to water and to the essential services of water, sanitation, hygiene, and public and environmental health;

**Demand** that the official definition of the HRWS be subject to a **critical revision** with wide, inclusive and democratic participation, taking into account the demands of the diverse actors historically settled in the territories and the need to protect water sources, recognizing and accounting for the existing **controversies and contradictions**, and **adopting clear positions, that leave no room for doubt** on the key issues. There is a need to **abandon the vague and evasive language of international diplomacy and the ambiguities** that, in the best case, reflect the **absence of commitment** and the reluctance to adopt unequivocal positions, but that often make explicit the existence of **interests that are unrelated** to the universalist and democratic commitment with the defence of life in the planet and the future of the human species. Given the extreme urgency of the issues, stands out the need to revise the text of the HRWS to give it **greater clarity, transparency, and unequivocal commitment in declaring**

**the complete INCOMPATIBILITY of the HRWS with:**

- **neoliberal policies, in their multiple versions**, such as privatization, commodification, etc., of water sources and essential water and sanitation services, including the massive expansion of bottled water. The current expansion of public policy models that transfer the **direct or indirect control** of water sources and of the public entities and companies in charge of water and sanitation services to large multinational companies and private investors must be declared **incompatible with the HRWS**;
- the **neo-imperial and neo-colonial policies of appropriation and control of water sources and essential public services** by national States and transnational companies, which continue to dispossess native peoples, rural communities and, increasingly, ever wider sectors of the world's population from their territories and resources.
  - These processes include the expansion of large-scale mining, agribusinesses, large-scale water infrastructures, among other, that are also **responsible for extreme violence in the form of massacres and diverse forms of violation of the human rights of those defending their territories and their waters**;
- Exclusionary forms of politics and management of water sources and essential public services, which negate the diversity of **principles, values and material interests** historically developed by different cultures in relation to water as a common good that is the basis of life in the planet, such as the **reduction of water to its function as a productive resource at the service of private profit accumulation**.

**and the unequivocal recognition that the effectivization of the HRWS requires:**

- the **immediate abandonment** by national States and international development and financial institutions of their **explicit or implicit support** for the processes of privatization, commodification, etc. of water sources and essential water and sanitation services;



- that the information over the status of water sources, including details about quality and quantity, pollution levels, etc., and about the systems of treatment, storage, distribution, reuse, etc. be **complete, regularly updated, and publicly available without restrictions**;
- that the control and management of water sources and essential water and sanitation services must be in the hands of **broadly speaking, public entities**, that include local communities effectively and are subject to the democratic control of the citizenry, the users, and the communities;
- the **strengthening of public and community companies** in charge of essential water and sanitation services to enable them to fulfil their functions effectively, including the provision of adequate technical and financial support;
- the explicit and unequivocal commitment of the progressive intellectual and political elites with these processes, given that the overwhelming silence that currently identified in many countries that face the rapid deterioration of their processes of substantive democratization **equals complicity with the social and political forces responsible for this deterioration**, given the scale of the challenge being faced and the enormous impact of these processes on large sectors of the population.

**Red WATERLAT-GOBACIT, 23 July 2020**