Chapter 2

THE UNITED NATIONS AND DIALOGUE ON FRESHWATER
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In the history of the United Nations, the 1970s had seen the origin of series of international conferences at high decision making levels on critical issues starting with Environment (Stockholm, 1972), Population (Bucharest, 1974), Food (Rome, 1974), Women (Mexico City, 1975), Human Settlements (Vancouver, 1976), Freshwater (Mar del Plata, 1977), Desertification (Nairobi, 1977) and New and Renewable Sources of Energy (Nairobi, 1979). Some twenty years after these major events, during 1990s, the UN decided to convene similar mega-conferences on issues: Environment (Rio de Janeiro, 1992), Food Summit (Rome, 1996), Population (Cairo, 1994), Women (Beijing, 1995) and Human Settlements (Istanbul, 1996). However, the freshwater issue had delegated into backburner. Even, the UN sponsored World Commission on Environment and Development (WECO) didn’t specifically deal with freshwater problem. Although, in 1992 the United Nations Conference on Environment and Development (UNCED) adopted the Agenda 21 where the longest chapter (Chapter-18) was dedicated to freshwater, the resolution didn’t enthusiastically transform into action.

However, since mid-1990s, there has been a dramatic increase in the number, scope, and scale of international meetings specific on freshwater either under the aegis of the UN or outside the UN. With the world facing severe water resource crisis, the world leaders have placed water on top of the agenda of issues being debated at the global level. However, it would be inaccurate to claim that the attention of the world community to the problems facing water resources started only at the above mentioned time. Early attempts at the global level to address the problems related to freshwater resources started in earnest in the 1970s, although sporadic attempts were also made some time before that. To strike a balance between the issue (freshwater) and its implications, it is inevitable to understand the process and outcomes of the multilateral forums, some of them are also emerging as multilateral environmental negotiations (MEN) forums. This chapter deals with the first category of forums.
which comes under the UN and its major agencies. The following chapter deals with the non-UN water conferences.

**Early Initiative on Freshwater**

The UN first began to study water issues in the 1950s, through the United Nations Educational, Scientific and Cultural Organization (UNESCO). The UN declared the International Hydrological Decade (IHD) from 1965 to 1974 emphasising on freshwater. In the early 1970s, the immediacy of the global water conference came basically as a result of Sahel’s 1968-73 droughts.¹ The period of poor rainfall in the 1970s struck particularly hard for many Sahelian farmers and pastoralists, when there were an estimated 100,000 drought-related deaths. Well before issues such as climate change, ozone depletion or acid rain became important objects of scientific study and international concern, the Sahel region came to represent what Claude Raynaut called 'the quintessence of a major environmental emergency' (Raynaut *et al* 1997: 290-315),² following major episodes of drought and food shortage in the 1970s.

In 1974, prompted by catastrophic droughts in the Sahel region, the UNESCO in its general conference established the International Hydrological Programme (IHP) by converting the IHD objectives. Its purpose was to address and highlight the connection between human activities and water resource health, so as to arrive at better management solutions that would avert future disasters (UNEP 1988: 139). Since then the IHP has been the leading program under the UN on freshwater. The IHP sees itself as a permanent forum to encourage multilateral cooperation and innovation in science of water and its management. The IHP is UNESCO’s international scientific cooperative programme in water research, water resources management, education and capacity-building, and the only broadly-based science programme of the UN system in this area.

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¹ The Sahel region forms the southern edge of the Saharan desert, passing at least 4,500km from Senegal through Mauritania, Mali, Burkina Faso, Niger, and Chad, and blends seamlessly into the slightly less arid Sudano-Sahel belt to its southern edge.

² Sahelian droughts and their effects have been studied intensively since the 1970s, as part of the international response to 'environmental emergency'.
The primary objectives of IHP (UNESCO 1975) are:

- to act as a vehicle among member countries, cooperating professional and scientific organizations and individual experts can share and upgrade their knowledge of the water;
- to develop techniques, methodologies and approaches to better define hydrological phenomena;
- to improve water management, locally and globally;
- to act as a catalyst to stimulate cooperation and dialogue in water science and management;
- to assess the sustainable development of vulnerable water resources; and,
- to serve as a platform for increasing awareness of global water issues.

Another reason for a global concern for water was the increasing disputes on transboundary rivers among or between riparian countries due to increasing number of independent states. The United Nations General Assembly (UNGA), realizing that disputes on shared water resources were on the rise and getting more complex, asked the International Law Commission in 1970 to study the topic of international watercourses. The Commission started to work on a draft Convention on the law of the non-navigational uses of international watercourses in 1971 (McCaffrey 2002: 56-82). A year later, the UN called for an international conference on relationship between human beings and their surrounding environment.

However, an Administrative Committee for Coordination (ACC) Subcommittee on Water Resources already existed in 1960 (UN 2001). The main objectives of the Subcommittee are as follows: (a) promoting effective coordination and cooperation among the UN system in the formulation and implementation of their respective programmes; (b) formulating concerted strategic approaches to integrated water-resources development and management, for application at the national, sub-regional,  

3 The Subcommittee on Water Resources is the focal point for UN system-wide coordination in the area of water resources; in particular the implementation of the Mar del Plata Action Plan adopted by the UN Water Conference in 1977 and interrelated provisions of Chapter 18 of Agenda 21 as well as other mandates from intergovernmental bodies. In order to achieve its objectives, members of the Subcommittee collaborate in substantive areas such as: integrated water resources development and management; water resources assessment; protection of water resources, water quality and aquatic ecosystems; drinking water supply and sanitation; water and sustainable urban development; water for sustainable food production and rural development; impacts of climate change on water resources; prevention and mitigation of water-related natural disasters.
regional and global levels, as appropriate; (c) enhancing effective information exchange among the UN agencies and relevant organisations outside UN dealing with water resources; (d) highlighting issues concerning the development and management of water resources to the relevant intergovernmental bodies; (e) promoting public awareness about the growing seriousness of water problems worldwide.

Stockholm Conference

The 1972 United Nations Conference on Human Environment (UNCHE), widely known as Stockholm Conference was the first multilateral or international conference on delicate relationship between human and environment (UN 1972). The representatives approached the conference with environmental pollution problems weighing heavily on their minds and with the need for a world wide conservation program to safeguard the planet’s genetic and natural resources as a strong second concern (UNEP 1982: 5-6). Developing countries approached Stockholm with a different perspective. In developing countries, environmental concerns were regarded as western luxuries and it still continues (UNEP 2000: 2). The Stockholm Declaration opened the avenue for ‘environmental diplomacy’ to safeguard the natural resources for the benefit of present and future generations.  

The Conference was however, a focus for, rather than the start of action on environmental problems. One hundred and fourteen governments, represented at Stockholm, adopted 26 principles with respect to ‘Declaration on Human Environment’ and an ‘Action Plan for Human Environment’ was a remarkable accomplishment. The Conference achieved, at least, the consciousness about degradation of environment through out the world. Although water was not given any special prominence during the Conference, a reference to water was included in the Declaration issued on June 16, 1972.

Principle 2 of the Declaration urged that “the natural resources of the earth, including the air, water, land, flora and fauna, and especially representative samples of natural

4 Principle 22: States shall cooperate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by within the jurisdiction or control of such states to areas beyond their jurisdiction. Principle 24: State shall cooperate to protect environmental degradation in accordance with provisions of international law (UN 1972).
ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate" (UNEP 1972).

The outcome of Stockholm Conference can be characterised in four outstanding categories (Caldwell 1990: 60): the redefinition of international issues, and the rationale for cooperation, the approach to international responsibility, and the conceptualisation of international organisational relationships. The principal accomplishments of the Stockholm Conference were two fold: the official recognition of the environment as a subject of general international concern and the institutionalization of its concepts in the United Nations Environment Programme (UNEP).

**First UN Water Conference: Mar del Plata Conference 1977**

The Mar del Plata Water Conference is a significant milestone and a major benchmark in the history of water resources management and can accurately be considered as ‘the first world water forum’. The water meeting at a high political level ever held in human history was Mar del Plata Conference in Argentina under the aegis of the UN in 1977. The fact that the two week UN Water Conference (March 14 - 25, 1977) was devoted exclusively to water resources underscored the importance the world community was giving to the matter and the urgency of the issues related to water. Its objective was to promote a level of preparedness, nationally and internationally, which would help the world to avoid a water crisis of global dimensions by the end of the prevailing century. The Conference was to deal with the problem of ensuring that the world had an adequate supply of good quality water to meet the socio-economic needs of an expanding population.

The Water Conference was perhaps the first such international gathering to have a major impact on both global thinking and the UN programming. The resulting resolution called for the development of national water resource assessments and for national policies and plans to give priority to supplying safe drinking water and sanitation services to all people. This led directly to the “International Drinking Water Supply and Sanitation Decade” with a goal of providing every person with access to
water of safe quality and adequate quantity, along with basic sanitary facilities, by 1990 (UNDP).\(^5\)

The expectations of the Mar del Plata, in the words of its Secretary General, Yahia Abdel Mageed, were as follows:

"It is hoped that the Water Conference would mark the beginning of a new era in the history of water development in the world and that it would engender a new spirit of dedication to the betterment of all people; a new sense of awareness of the urgency and importance of water problems; a new climate for better appreciation of these problems; higher levels of flow of funds through the channels of international assistance to the course of development; and, in general, a firmer commitment on the parts of all concerned to establish a real breakthrough so that our planet will be a better place to live in" (Mageed 1982).


The Conference approved a comprehensive and detailed action plan, which was officially called the Mar del Plata Action Plan (MPAP) (UN 1977). It was in two parts: recommendations that covered all the essential components of water management (assessment, use and efficiency; environment, health and pollution control; policy, planning and management; natural hazards; public information, education, training and research; and regional and international cooperation), and 12 resolutions on a wide range of specific subject areas. The MPAP was to promote international conservation and management of freshwater. This Plan was to involve both the UN agencies and national governments. The subject of water is integrated in many UN organisations. Especially the FAO, WHO, UNEP, UNESCO, WMO, UNDP and UNICEF developed their own water components in alignment with their particular priorities. Its conservation and management principles were to be integrated into national and international development efforts with the assistance of the UN specialised agencies (WHO, UNESCO, WMO, FAO, and IAEA), the United Nations

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\(^5\) A number of international conventions and agreements set the context within which, and provide the principles upon which, UNDP should base its water management programme in the coming years. Collectively, these accords represent a new consensus on what must be done to meet the challenges of water scarcity and pollution, and are a worldwide call for action to achieve goals which UNDP shares.
Regional Commissions, the World Bank, UNICEF and UNEP as a coordinator (UNEP 1988).  

The MPAP included a number of recommendations and resolutions addressing various issues. Such issues included assessment of water resources, water use and efficiency, environment, health and pollution control, legislation, and international cooperation and river commissions for shared water resources. Specifically, the MPAP called on the governments to reaffirm their commitment to adopt programs with realistic standards for quality and quantity to provide water for urban and rural areas by 1990 and for the UN agencies to coordinate their efforts in helping the Member States adopt such programs. The Plan also called for preparation of strategies in the institutional development and human resources fields to meet the requirements of the urban and rural areas. On the issue of legislation, the Plan recommended an inventory of the rules, regulations, decrees, and legislative measures in the area of water resources in each country in order to improve and streamline such legislation. Furthermore, the Plan identified areas to be covered by such legislation, such as the means for conferring water rights, powers, and responsibilities of government agencies, as well as defining the rules for public ownership of water projects (UN 1977: 15-25).

During UN Conference on Desertification, held between 29 August - 9 September in 1977, the Conference reaffirms as in ‘Recommendation 26’ the recommendation of the United Nations Water Conference that in the absence of bilateral or multilateral agreements, member states should continue to apply generally accepted principles of international law in the use, development and management of shared water resources (UN 1978).

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6 That same year, the United Nations established GEMS, a Global Environment Monitoring System involving UNESCO, WHO, WMO, and UNEP. Its function is to monitor, gather data and assess global water quality through a worldwide network of monitoring stations. Among the United Nations agencies working in the field of water resources are the Food and Agriculture Organization (FAO), the International Fund for Agricultural Development (IFAD), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Education, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the United Nations Children’s Fund (UNICEF), and the World Meteorological Organization (WMO). They also include the United Nations Centre for Human Settlements (Habitat), the United Nations Commission on Human Rights, as well as the five United Nations Regional Commissions (UNEP 1988).
For the first time many developing countries produced detailed national reports on the availability and use of water as well as reviews of planning needs and management practices (Biswas 1978: 215-218). Several developing countries put in motion processes to assess the availability and distribution of surface and groundwater resources, and existing and future patterns of water demands and uses. Many developing countries not only have continued these activities, which were initiated during the preparatory process of the Water Conference, but also have significantly strengthened them progressively during the past two decades.

It is argued that the Conference helped focus the world’s attention for the first time exclusively on the problems facing the global community on the water sector. Even, many of the elements of the current debate on water were identified at that Conference. One glaring example is the issue of human right to water which has been intensely debated now, was rightly pointed out in the Mar del Plata conference (Salman 2003). Resolution II of the MPAP specifically stated that “All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantities and of a quality equal to their basic needs” (UN 1977).

Since its inception in 1946, the UNGA has adopted a large number of resolutions relating to water resource issues. The first such resolution was issued by the General Assembly in its 32nd session on December 19, 1977 and adopted the report of the Mar del Plata Conference (UN 1977). One major outcome of the Mar del Plata Conference was the agreement, as part of the MPAP, to proclaim the period 1981 to 1990 as the “International Drinking Water Supply and Sanitation Decade.” The idea was to indicate and educate the world that millions of people did not have access to clean water and sanitation facilities. The proclamation was also essential to accelerate political will and investments to improve water supply and sanitation situation. During this period, the member states of the UN agreed to assume a commitment to bring about a substantial improvement in the standards and level of services in drinking water supply and sanitation. The resolution called upon the member states to develop the necessary policies, set targets, and to take all appropriate steps to mobilise the necessary resources for implementation of such policies and targets.
The Conference recommended the establishment of a Water Resources Board composed of the organisations of the UN system and with an independent secretariat. However, it was not until 1981 that ECOSOC agreed on such an arrangement. Since its establishment the Subcommittee has grown to 24 members. This has resulted in increased inter-agency cooperation, which for projects meant greater integration.  

The Water Conference had an important impact on the UN systems. During the 1970s, the rivalries between the various UN agencies working in the water area were intense. The work initiated by the Secretary General Mageed on the potential terms of collaboration between the various UN agencies went a long way to smoothen the interrelations between them. The intensive rivalries of the 1970s gradually gave way to extensive consultations, but limited cooperation, between the agencies concerned in the 1990s (Biswas 2004). The Conference put cooperation among the 20 or more UN bodies with programmes in water on a more formal basis than that existing since the 1950s but no-one being superior to another (Rodda 2001).

**Post-Mar del Plata Water Conference**

However, during the Conference two areas could have received additional attention: financial arrangements and the procedure of implementing the Action Plan, and the management of water resources shared by two or more countries (Rodda 2001). The first issue of the financial arrangements for the implementation of the Action Plan, this aspect has not received appropriate attention in all the UN mega-conferences. In an objective and retrospective analysis the Water Conference, its Secretary General pointed out that both the above areas 'were not tackled satisfactorily at the Conference' (Mageed 1997). He also suggested 'a re-examination and re-evaluation of the Mar del Plata Action Plan' in order to revive the spirit developed at the Conference and, hopefully, to give it a new vigour. A comprehensive review of the Conference achievements in 1987, a decade after, indicated that it had numerous primary, secondary and tertiary impacts, which were for the most part beneficial

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7 In the Rio-process, the UN ACC Subcommittee on Water Resources, being the UN co-ordinating body for freshwater, was identified as the task manager for chapter 18, the freshwater chapter of Agenda 21. The sub-committee shortly identified 20 UN bodies having freshwater on their agenda. Sometimes more than one agency is responsible for a certain aspect of freshwater management but they all have their respective perspective on the issue defined by their mandate.
(Biswas 1988). However, these suggestions were never considered during several international conferences like, 1992 Dublin Water Summit and famous Earth Summit.

First Decade of Water and Sanitation (1980-1990)
The only visible achievement of the Mar del Plata Water Conference is the decade of water and sanitation. To declare the period 1981 to 1990 as the “International Drinking Water Supply and Sanitation Decade (IDWSSD), a proclamation as a follow-up to Conference, was endorsed by the UNGA in a resolution adopted in November 1980 (UNGA 1980). The proclamation and the resolution underscored the importance of the issue and assisted in acceleration of the efforts in the developing countries to expand the provision of water supply. Its goal was to provide ‘every person with access to water of safe quality and adequate quantity, along with basic sanitary facilities, by 1990.’ In the 1980s, there were 1.8 thousand million people living in the rural areas of developing countries. Only one person in five had access to clean water. The Decade unquestionably changed the quality of life of millions of people all over the developing world. Many international organisations and national governments joined this effort. During that period, the member states of the United Nations agreed to assume a commitment to bring about a substantial improvement in the standards and level of services in drinking water supply and sanitation. The resolution called upon the member states to develop the necessary policies, set targets, and to take all appropriate steps to mobilise the necessary resources for the implementation of such policies and targets. International activities were coordinated by a Steering Committee for Cooperative Action. Experts believe that without the Water Conference, the progress in this area would have been much less than what it is at present (Biswas 2004: 81-88).

Despite concerted efforts, the population growth during the decade put tremendous pressure on the objectives of the decade. While the Decade saw the stride of finding affordable technology for access to water and sanitation, the Decade also demonstrated conclusively that “business as usual” would never bring improvements quickly enough to cope with the backlog and provide access to growing populations (WHO/UNICEF 2000). The UNGA expressed its disappointment with the overall outcome when it indicated in December 1990 that it was deeply concerned that,
notwithstanding the achievements attained during the International Decade, the current rate of progress remains slow and would leave a significant number of poor people in urban and rural areas without suitable and sustainable services in water and sanitation by the year 2000.

Despite the failure to meet the quantitative goals, much was learnt from the experience of the water and sanitation decade. There was further realisation of the importance of comprehensive and balance country-specific approaches to the water and sanitation problem. "Most importantly, perhaps, was the realisation that the achievement of this goal that was set at the beginning of the decade would take far more time and cost far more money than was originally thought" (Choguill et al 1993). However, growth and rapid urbanization, together with the low level of public awareness about health, has drastically reduced many countries' abilities to keep up with need.

A number of factors were cited for the unsatisfactory outcome of the decade. The most important of those factors were the significant increase in population, the top-to-bottom approach, the lack of public participation in many countries in the design and implementation of the plans, and the failure to adopt and implement actions to consolidate, sustain, and expand the limited outcome of the Decade (Salman 2003). The worst scenario was in Africa at the end of the decade regards to drinking and sanitation. More than 25 percent of people in Africa had no access to safe water supply and more than 40 percent didn't have adequate sanitation as per 1990 record. A section of international water experts believe that post-Mar del Plata the issue of water was disappeared from the political agenda during 1980s and 1990s. At the end of the Decade, WHO and UNICEF decided to combine their experience and resources in a Joint Monitoring Programme for Water Supply and Sanitation. At its inception, the overall aim of the Joint Monitoring Programme was to improve planning and management within countries by supporting countries in monitoring the water and sanitation sector.
New Delhi Statement: ‘Some for all rather than more for some’

During the 1990s, a number of regional consultations were held to review the achievements of the Decade. Those consultations culminated in the “Global Consultation” which was organised by the UNDP in New Delhi, India, September 10 to 14, 1990. Like the 1977 Water Conference, this meeting was held in a developing country to stress the importance of the water issue. The meeting issued a statement for countries – New Delhi Statement - that reads ‘Some for all rather than more for some’, was an appeal to all nations for concerted action to enable people to obtain two of the most basic human needs - safe drinking water and environmental sanitation. After decades of international debate on the improvement of water supply, it can be stated that the political declarations, which have been repeated time and again, have been followed only by limited action and minimal improvement of the delivery of water services. Therefore, at the end of the Global Consultation on Safe Water and Sanitation, the conclusion was that some water for all was recognised as being better than sufficient water for a few. The Consultation recommends four Guiding Principles (UNDP 2000): (i) protection of the environment and safeguarding of health through the integrated management of water resources; (ii) institutional reforms promoting an integrated approach and including changes in procedures, attitudes, and behaviour and the full participation of women; (iii) community management of services backed by measures to strengthen local institutions in implementing and sustaining water and sanitation programs; and (iv) sound financial practices to be achieved through better management of existing assets. The New Delhi Statement was adopted by 600 participants from 115 countries at the meeting (WSSCC). Follow-up to the Consultation meeting, the Government of India presented the New Delhi Statement to the 45th session of the UNGA in October 1990.

Safe supply of water: A promise to children

On 29-30 September 1990 the largest gathering of world leaders in history assembled at the UN to attend the World Summit for Children. Led by 71 heads of State and Government and 88 other senior officials, mostly at the ministerial level, the World Summit adopted a Declaration on the Survival, Protection and Development of Children and a Plan of Action for implementing the Declaration in the 1990s (World Summit For Children 1990). At the Summit a historic promise was made to promote
the survival, protection and development of children. This included the setting of goals to achieve safe water and sanitation for all by the year 2000 (World Summit For Children 1990). As of 31 March 1995, 166 countries have endorsed the World Summit goals and over 100 have prepared national programmes of action (NPAs) to achieve them, adapting them to national circumstances.

**International Conference on Water and the Environment**

However, unlike the previous decade, the 1990s witnessed more concerted efforts aimed at addressing the existing and emerging water resources problems. Though some experts even disagree with the timeline as it was not until late 1990s the importance of water came to limelight. The fact remains that it was only after 15 years of the Mar del Plata Conference, the first exclusive water conference was organised by the UN in Dublin, Ireland in January 26-31, 1992. The Dublin conference was called the International Conference on Water and the Environment. The conference was convened to formulate sustainable water policies and action programmes for consideration of UNCED.

Five hundred participants, including government-designated experts from a hundred countries and representatives of eighty international, intergovernmental and non-governmental organisations attended the Dublin Conference. At its closing session, the Conference adopted a Dublin Statement and the Conference Report. The problems highlighted were not only speculative in nature, but also affected humanity. The Conference participants called for fundamental new approaches to the assessment, development, and management of freshwater resources, which can only be brought about through political commitment and involvement from the highest levels of government to the smallest communities. In future, this political commitment will require the backing of substantial investments, public awareness campaigns, legislative and institutional changes, technology development, and capacity building programmes. Underlying all these must be a greater recognition of the interdependence of all peoples, and of their place in the natural world.

The Conference Report sets out recommendations for action at local, national and international levels, based on four guiding principles. The Dublin Statement are: (I)
Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment; (ii) water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels; (iii) women play a central part in the provision, management and safeguarding of water; and (iv) water has an economic value in all its competing uses and should be recognized as an economic good (GWP 2000).

A close look at these principles would indicate that they are based to a considerable extent on the New Delhi Statement. The ‘holistic’, ‘institutional’, ‘gender’ and ‘economic’ dimensions of the Dublin Principles have henceforth form a major part of the global debate on how water should be managed and developed. While Multilateral Development Banks (MDBs) like Asian Development Bank (ADB) is adhering to the Dublin principle for its investment in water sector in developing countries, the community based groups at local level are opposing vehemently the Dublin Principle.

The Dublin Summit, which was considered as a prelude to the UNCED, ignored the achievements of Mar del Plata. The timing of the Summit, just four months before UNCED, was ill conceived (Biswa 2004). Even though the Dublin Conference had considered critical issues like major programme initiatives, including how much would such programmes cost, where would the funds come from, and how and by whom would the programmes be implemented, there simply was not enough time available to incorporate such ideas effectively in the Rio programme. The end results of the Dublin Conference were in sharp contrast in comparison with the achievements of Mar del Plata.

Second, the Dublin Conference was organised as a meeting of experts and not as an intergovernmental meeting. This was in spite of the advice given by certain governments, notably Sweden, and the rules governing the UN mega-conferences. The distinction between a meeting of experts and an intergovernmental meeting is a critical one in the context of any UN Conference, since such conferences can only consider recommendations from intergovernmental meetings and not from an expert group meeting. Predictably, most developing countries objected at Rio to consider any reference to the results of the Dublin Conference, irrespective of their importance or since it was not an inter-governmental meeting. Thus all the Chapter 18 of
Agenda 21, which deals with water, would have been very similar, irrespective of whether the Dublin Conference had ever been convened or not. During the Third Stockholm Water Symposium in 1992, the overall view of the participants was that the Dublin Conference was a failure and the water professional cannot afford another similar major setback in the foreseeable future (SIWI 1993).

During the 1990s it was ‘politically correct’ for certain international organisations to speak glowingly of the Dublin principles. It is high time to realise that the so-called four Dublin principles, which incidentally were not included in Agenda 21, it even ignored the fundamental objective of water resources development that has been accepted universally since the 1960s, the concept of ‘equity’ and ‘regional income distribution’. No water development project can be sustainable if the issues of equity and poverty are completely ignored. The Dublin principles stated that water should be ‘recognised as an economic good’ as Mar del Plata had specifically urged to ‘adopt appropriate pricing policies with a view to encouraging efficient water use, and finance operation cost with due regard to social objectives’. This principle was recommended not only for drinking and industrial uses but also for the irrigation sector.

Dublin principles are generalities, and at best could be considered to be good rhetoric. They are of limited value to developing countries where water is linked with social and cultural issues. Even, no thought was given in Dublin as to how these ‘vague’ principles could be operationalised by the decision-makers and water professionals in developing countries. A decade after Dublin, the proponents of the Dublin principles have failed to indicate how these principles can be operationalised in the context of water management in a real world. Not surprisingly, the memory of Dublin has now disappeared from the collective sub-consciousness of the water profession, except perhaps of those institutions and individuals who were responsible for organising it.

The Earth Summit - 1992
The emergence of global environmental issues had brought the environment to a considerable prominence on the international political agenda. Perhaps the most important example of this newfound status is the way in which the UNCED was
held in Rio de Janeiro between 3rd and 14th June 1992. Mostly known as the ‘Earth Summit’, was the biggest intergovernmental conference ever held till date. Out of 172 countries, 108 at level of heads of State or Government participated in the meetings.

On 22 December 1989 the General Assembly by resolution 228 voted to accept at the invitation from the Brazil to hold UNCED in 1992. The theme and focus of this Conference had already been set by the report of World Commission on Environment and Development (WCED) or Bruntland Commission. The WCED known as Our Common Future was established by the UN General Assembly in 1983 to examine the environmental problems faced by the world with the perspective of the year 2000 AD. The Report was released in 1987, which advocates ‘sustainable development’. WCED emphasises that there is a growing need for effective international cooperation to manage ecological interdependence (WCED 1987: 9).

The Rio Summit is often thought of simply as being the direct successor of the 1972 Stockholm Conference. But it was much more than that, certainly in terms of tangible results: two legally binding agreements were concluded at the Summit together with a detailed agenda for sustainable development in the twenty first century (Agenda 21). While many developing countries did not participate in the 1972 Conference, the gathering at Rio Summit was represented by both developing and developed countries. The Rio Summit produced two legally binding conventions- on climate change and on biodiversity; two non-binding declaration-Declaration of Forest Principles and the Rio Declaration and Agenda 21 (UN 1992). Its Conventions on climate change and biodiversity generated enough heat at the national level to initiate codification of national legislation.

The outcome of the Earth Summit was a long two years of preparation by the UNCED Preparatory Committee (PrepCom) and the Intergovernmental Negotiating Committees (INC) for Framework Conventions on Climate Change and Biodiversity. The PrepCom was created by the UN General Assembly to carry out the preparatory work and negotiations leading up to UNCED. The PrepCom
(composed of approximately 175 national delegations who are participating in UNCED) completed its work on 4 April 1992.

At PrepCom I in Nairobi (1990), the agenda and the negotiating procedures were agreed upon. In Geneva (1991), the PrepCom II was devoted primarily to the review of the Secretariat's reports. In 1991 again in Geneva, the PrepCom III saw the actual start of negotiations. The Secretariat prepared initial negotiating texts for each Agenda 21 subject area. These negotiations resulted in little agreement on most of the text. The PrepCom IV, which was held in March 1992 in New York, was the final and most serious negotiating session of the preparatory process. After five weeks of negotiations and the production of 24 million pages of documentation, the PrepCom reached agreement on close to 85 percent of Agenda 21 (ENB 1992). It is, however, the remaining 15 percent that is most problematic. The outstanding contentious issues to be resolved in Rio include: the statement of forest principles; climate change and atmospheric issues; high seas fisheries; biotechnology safety concerns; technology transfer; institutional arrangements; poverty and consumption; and financial resources.

Under the main committee, the bracketed contentious issues were discussed in eight groups including freshwater under the Chairmanship of Nigeria at Rio. The discussion was focused on the three bracketed paragraphs that remain in the chapter of Agenda 21. Although most delegates were satisfied with the draft of the introduction, there was some concern about the mention of the Dublin Conference. A number of delegations believed that reference should not be made to the Dublin Conference because: (1) not all of the recommendations of the Dublin Conference were incorporated into Agenda 21; (2) this was a conference of experts, not governments; and (3) the recommendations were agreed to by vote and not consensus (ENB 1992). India was supporting the text on freshwater as not to mention of Dublin Conference. Members of the G-77 recognize the importance of setting such targets, but want to ensure that there are new and additional resources available to help them meet these targets, otherwise the targets will be unrealistic.

The Agenda 21, a wide-ranging blueprint for action to achieve sustainable development worldwide, had been weakened by compromise and negotiation.
Agenda 21, the 300 page document, is a comprehensive plan of action to be taken globally, nationally and locally by organisations of the UN System, governments, and major groups in every area in which human impacts on the environment (UN 1992). Agenda 21 “Programme of Action for Sustainable Development” included a separate chapter (Chapter 18) on fresh water resources (UN 1992). The Chapter, which is, by and large, an elaboration of the Mar del Plata Action Plan (MPAP), included sections on integrated water resources development and management; water resources assessment; protection of water resources, water quality and aquatic ecosystems; drinking-water supply and sanitation; water and sustainable urban development; water for sustainable food production and rural development; and Impacts of climate change on water resources. Each section included detailed discussion of the recommended programs and activities in that area. The program areas included designing and initiating by the year 2000 of cost estimations and targeted national action programs and creating appropriate institutional structures and legal instruments (UNEP). Unlike the Dublin Principles, Chapter 18 of Agenda 21 referred to water explicitly as a social as well as an economic good. However, in spite of the special attention given to water at the Rio Conference, the Rio Declaration on Environment and Development that was issued at the end of the Conference did not include any specific reference to water.

Policy makers were exalted as water received a place in the Summit (Agenda 21) after 15 years since Mar del Plata. However, the Earth Summit was not all conducive for water policy as a whole. Firstly, very few water professionals from developing countries participated at the Rio Conference, or its preparatory process, which were exclusively dominated by the officials from the Environment ministries. Similarly, the Heads of States those were present at the Rio deliberations rarely referred to water as an important environmental issue. During the negotiating process, the freshwater was given only a referral issue as the discussion immediately transferred to financial assistance and commitments from the developed countries. Even though the chapter 18 of the Agenda 21 was longest in the document, it was poorly formulated. Experts believe that in all probability, developments in the water sector would not have been very different at present, even if the Rio Conference had not taken place (Biswas 2004).
As a sequel to the Dublin and Rio Conferences, in December 1992, the UNGA adopted a resolution on water: declaring March 22 of each year as the “World Water Day”, governments devote the day to concrete activities related to the conservation and development of water resources and the implementation of Agenda 21, and the Commission on Sustainable Development (CSD) of the UN, attach priority to the implementation of Chapter 18 of Agenda 21 (UNGA 1992).

After the Earth Summit, the freshwater as an issue restricted to only studies and reports in the UN till the UN Convention on the Law of the Non-Navigational Uses of International Watercourse (1997) or a little emphasis in UN General Assembly Special Session in September that year. The most visible was the report of the CSD on review of sectoral clusters of health, human settlements and freshwater (CSD 1994). While there were background texts (paper and reports) for the human settlement, waste, health, there was no text on freshwater for discussion in CSD. The details of the CSD process shall be discussed later in this chapter. The UN Convention to Combat Desertification (UNCCD) in 1994 reaffirmed the obligation to promote cooperation among affected countries in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought. Article 4 of the General Principle of UNCCD says, “In pursuing the objective of this Convention, the Parties shall strengthen sub-regional, regional and international cooperation”.

The UNGA passed a resolution in 1995 concerning water supply and sanitation. Similarly, the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities in 1995 included a statement regarding the concern of freshwater in its first ever meeting in Washington in 1995. The Economic and Social Council (ECOSOC) of the UN by taking note of these developments passed a resolution in its 50th plenary meeting in 1996 on importance of integrated water resource development and management. The ECOSOC resolution also recommended that Governments must take appropriate initiatives to improve the efficient use of water resources in the context of sustainable production and consumption patterns and the growing importance of world trade (ECOSOC 1996).
After the 1977 UN Water Conference, there has been no serious effort on the part of the UN to make or prepare comprehensive assessments of world’s freshwater. It was in 1996, the ECOSOC commissioned first of its kind of global assessment-inter-sessional strategy paper for its Committee on Natural Resource- ‘Averting the multi-cause water crises ahead: key coping strategies’, which contains an analysis of pressing issues with worldwide implications in the field of water resources by water professional, academics and experts around the world. The Committee on Natural Resources and the Committee on New and Renewable Sources of Energy and on Energy for Development were merged into the Committee on Energy and Natural Resources for Development as established by ECOSOC resolution 1998/46 of 31 July 1998 (ECOSOC 1998).

Five Years after the Earth Summit: Evaluating the Achievement

The Earth Summit was so overwhelming that it was agreed that a five year review of the Earth Summit’s progress would be made in 1997 by the United Nations General Assembly meeting in special session. This special session of the UN General Assembly took stock of how well countries, international organizations and sectors of civil society have responded to the challenge of the Earth Summit.

The nineteenth ‘Special Session of the General Assembly to Review and Appraise the Implementation of Agenda 21’ (UNGASS) was held in New York, 23-27 June 1997, just five years after the Earth Summit (UN 1997). The achievement after 1992 Earth Summit was summed up as according to UNGASS President Razali Ismail (Malaysia) that ‘commitments at Rio remain unfulfilled’ (UNGA 1997). The President’s own submission on UNGASS process was,

“I would like to underline that this special session should go down as a very honest attempt to try to make an appraisal of the results and of how far we have gone on Rio. There was very little attempt to try to sweep things under the carpet, to put a gloss on something that is not there. And I must say that all the delegates concerned went into it without any stars in their eyes; they went into it to look at what was there and what was not there. And this is why you saw serious divisions when the negotiations started, because there was an attempt to try to get the actual picture, and you saw that situation reflected in the impasse on the political statement. I am happy with that we didn't go for the gloss; we went for the real thing. We now have an honest appraisal contained in the document” (Ibid).
The key features of the five day UNGASS meeting was ‘mistrust, suspicion, North-South divide and a lack of political commitment and political will on the part of the nation states to move towards a sustainable future’ (Anon 1997). The world leaders failed to agree upon concrete strategies to implement Agenda-21. Most of the Southern countries’ (developing countries) energy and time went towards negotiating for finance and technology transfer from the Northern countries, but hardly showed any success. Certain consensus action was proposed on issues of fresh water and others, but without any firm commitments on implementation.

Adequate funding to implement Agenda-21 and technology transfer were two key demands for the South in all the negotiations. Earlier, CSD met in April to form five proposals to be discussed in the UNGASS (CSD 1997). However, the UNGASS was dominated by issues like climate change, forestry and technology transfer. The negotiation identified the fresh water issue. In the final call, the meeting agreed that ‘by 2002, the formulation and elaboration of national strategies for sustainable development should be complemented, and efforts by developing countries to effectively implement national strategies should be supported’. The meeting identifies ‘an urgent need to formulate and implement policies and programmes for integrated watershed management, strengthening regional and international cooperation for technology transfer and the financing of integrated water resources programme and projects’. This ‘talk show’ concluded with accepting a resolution on the “Programme for the Further Implementation of Agenda 21” for future activities for a sustainable Earth (UN 1997).

Thus, the period from the early 1970s to the mid-1990s witnessed considerable, although uncoordinated, efforts to address the issues that the world community was facing, or that were emerging, in the water resources sector. The number of world water conferences that were organised other than the ones by the UN has started increasing since mid-1990s. Most of the principles enunciated at those conferences and included in the different resolutions and declarations would form the basis for the water debate in the coming global water conferences and forums.
UN Convention on the Law of the Non-Navigational Uses of International Watercourse: No Further Progress

While the problems of fresh water at micro level have been discussed and negotiated at the UN since Mar del Plata Water conference, the UN has also taken keen interest to resolve the problem at macro level. The conflicting demands over trans-boundary water courses has increased manifold since 1977. The ‘water war’ syndrome has just begun in the international media and academic discussion. To address this fragile issue, the UN has from time to time taken measures to codify it internationally, but failed. One of the resolutions on international water course is the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses, which was adopted by General Assembly on May 21, 1997 (UN 1997). Prior to the adoption of this Convention, there were no formal rules regulating the use and protection of international watercourses.

The adoption of the Convention culminated a long process that started with the UNGA asking in 1970 the International Law Commission to study the question of international watercourses. The process passed through a series of rapporteurs and reports and a lengthy discussion at the Sixth Committee and the General Assembly (Salman 2003). The International Law Commission’s work was largely based on the work of two scholarly non-governmental organizations in the field of international water law – the Institute of International Law (IIL) and the International Law Association (ILA). The contribution of these organisations to the codification and progressive development of international water law that started in the 1950s has been recognized and utilised by the International Law Commission. Unfortunately, none of the resolutions adopted by the different conferences and meetings on water resources since the 1970s made any reference to the work of these two institutions, particularly the famous and often quoted Helsinki Rules of the International Law Association.

Undeniably, the absence of recognition and incorporation of the work of these leading

8 On December 8, 1970, the UNGA adopted resolution 2669 (XXV) asking the International Law Commission (ILC) to study the topic of international watercourses. The ILC started working on the draft Convention at its twenty-third session in 1971, and completed its work and adopted the articles of the draft convention on June 24, 1994 and recommended the draft articles to General Assembly on that date.
institutions is quite surprising given the repeated calls in those conferences for cooperation in the field of shared water resources.

The Convention is a "framework convention" that aims at ensuring the utilization, development, conservation, management and protection of international watercourses, and promoting optimal and sustainable utilisation thereof for present and future generations (UN 1997). The Convention provides general principles and rules to guide States in negotiating future agreements on specific watercourses. The six-part draft convention consists of an introduction; general principles; planned measures; protection, preservation and management; harmful conditions and emergency situations; miscellaneous provisions; and final clauses on such matters as signature and entry into force (UN 1997).

The draft framework convention governs the non-navigational uses of international watercourses, as well as measures to protect, preserve and manage them. It addresses such issues as flood control, water quality, erosion, sedimentation, saltwater intrusion and living resources. It does not cover navigational uses, except in so far as other uses affect navigation or are affected by it. The Convention underscores the obligation to cooperate through the establishment of joint mechanisms or commissions and the regular exchange of data and information, and through notification of other riparian states on planned measures with possible significant adverse effects (Tanzi and Arcari 2001: 175-179). The Convention also includes detailed provisions on dispute settlement mechanism and procedures.

Although the Convention is designed to deal with the relationship between states over shared watercourses, Article 10 (2) of the Convention introduces the concept of "vital human needs" with regard to water. The Article states that in the event of a conflict between uses of an international watercourse, it shall be resolved with reference to Articles 5 to 7 of the Convention (dealing with the equitable and reasonable utilization of the shared water-courses, and the obligation not to cause harm), with special regard being given "to the requirements of vital human needs" (UN 1997). Although Article 10 (2) uses the term "human needs" and not "human right," the Article has still sharpened the international debate on the issue of the human right to
water and has given the proponents of this concept what they believed as strong legal basis for pushing in that direction.

After three years of discussion and debate in General Assembly, the Convention was adopted in 1997. A total of 103 countries voted for the Convention, and only three countries (China, Burundi and Turkey) opposed it, with 27 countries including India abstained (UN 1997). But, 52 countries did not participate in the voting. The three countries that voted against the Convention are all upper riparian countries. Similarly, most of the abstained countries are upper riparian countries. This could lead to the conclusion, advocated by some riparian countries, that the Convention is biased in favour of lower riparian countries. This confusion is really going on among the South Asian countries. It should be noted that not all upper riparian countries abstained. Moreover, not all the riparian countries that have so far ratified or signed to the Convention are upper riparian countries.

Article 36(1) of the Convention provides that “the present Convention shall enter into force on the ninetieth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.” Accordingly the Convention was opened for signature at UN Headquarters in New York, on 21 May 1997 and remained open to all States and regional economic integration organizations for signature until 21 May 2000. After 25 years of its preparation and more than ten years of adoption by General Assembly, the Convention is yet to enter into force and effect. While 16 countries signed the Convention, 7 countries ratified, two countries accepted, 5 countries submitted for accession and a single country approved till June 2007 (IWLP), the fate of Convention is bleak. Not a single South Asian country has either signed or approved the Convention yet.

“The ratification process of the 1997 Convention has been slow due, probably, to the reason that there are many related regional agreements on the international water course some of which are successfully enforced and working well while some not so much, hence many countries seem to prefer to assess how the regional agreements functions before taking up additional tasks with additional obligations under an
international treaty,” says, Elizabeth Mrema, UNEP. Elizabeth agrees that water issue for many countries is a highly sensitive political, economical and social issue for which countries are always wary of being pinned down by international obligations and commitments. However, several UN agencies and NGOs are currently working and urging countries to look positively at 1997 Freshwater Convention and ratify or accede to it as a framework arrangement for cooperation with transboundary neighbouring countries in the management of common waters.

Paris Declaration

Less than a year after the adoption of the UN Watercourses Convention, another noteworthy development took place in Paris in March 1998 at the international conference on “Water and Sustainable Development”. The two day conference culminated in the adoption of the “Paris Declaration” by 40 ministers and heads of delegations who attended the meeting (ICWSD 1998). The Conference was a high-level meeting involving the 80 countries that are members of the CSD, plus international organizations and NGOs. The meeting was convened to transmit the final declaration for consideration at the 6th Meeting of the CSD in New York, 1998.

The Paris Declaration made what has by now become an “obligatory reference” to the Mar del Plata Conference, as well as the Rio Earth Summit, Agenda 21 and Chapter 18 of the Agenda. The Declaration further committed the participants to a number of actions, including the integration of all aspects of development, management, and protection of water resources, progressive recovery of service cost, as well as the creation of an enabling framework through legislative, economic, social, and environmental measures. The actions included the mobilization of adequate financial resources from the public and private sectors for expanding the provision of water services, and for an active role for NGOs as well as the local and indigenous communities.

However, there were distinct developments that occurred in the negotiation of international water polices. First is the active participation of NGOs in the discussion. The host French government made a point of having the ‘civil society’ actively

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9 Elizabeth Mrema (2007), e-mail to the Expert, 6 September 2007.
participating, practically on equal footing with the governments. A concrete example was that ministers and NGO representatives without distinction got five minutes to speak in the plenary session, and the chair was equally strict with both the categories in making certain that the allotted time was respected.

Second, In addition to the reference for progressive recovery of the direct service costs, the Declaration, for the first time, referred to a role for the private sector in the provision of water services. While the Dublin Principle calling for recognition of the economic value of water in all its competing uses has been reinforced and expanded considerably to cover both a call for cost recovery, as well as a role for the private sector. This was the first time a declaration emanating from an international conference had made such a pronouncement, intensifying the debate on those issues among the civil society organisations and respective governments on one hand and CSOs and private investors on the other hand.

**UN Millennium Summit: The Development Goals**

During September 6-8, 2000, the Heads of Governments gathered in 55th General Assembly meeting in UN Headquarters in New York, which is known as “United Nations Millennium Summit” (UN 2000). In 1999, the General Assembly adopted resolution 53/202 by which it decided to convene the Millennium Summit of the UN as an integral part of the Millennium Assembly of the UN (UN 1999).

With an objective of scoping for the role of the UN in the twenty-first century (UN 2000), the Summit had plenary meetings and interactive round-table sessions, to chalk out the future framework of the UN. The Assembly issued at the end of the Session the ‘United Nations Millennium Declaration’ (UN 2000) through which the heads of State and Governments reaffirmed their faith in the United Nations and its Charter as indispensable foundations of a more peaceful, prosperous, and just world.

The Declaration is divided into eight sections, and addresses eight goals, which together are termed the “Millennium Development Goals” (UNDP).” The eight Millennium Development Goals (MDGs), which range from halving extreme poverty
to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015, form a blueprint agreed to by all the countries of the world and all the leading development institutions. Those goals establish yardsticks for measuring improvements in the lives of the people of the developing countries.

The goals are (See Table-3) halve the proportion of people whose income is less than $1 dollar a day, as well as people who suffer from hunger; achieve universal primary education for boys and girls; eliminate gender disparity in all levels of education; reduce by two-thirds child mortality ratio; reduce by three-quarters maternal mortality ratio; halt and reverse the spread of HIV/AIDS and malaria; ensure environmental sustainability, including reducing by half the proportion of people without sustainable access to safe drinking water; and develop a global partnership for development.

Table-3: Millennium Development Goals

<table>
<thead>
<tr>
<th>MDGs</th>
<th>Goals</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Eradicate extreme poverty and hunger</td>
<td>Halve, between 1990 and 2015, the proportion of people whose income is less than $1 a day</td>
</tr>
<tr>
<td>2</td>
<td>Achieve universal primary education</td>
<td>Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling</td>
</tr>
<tr>
<td>3</td>
<td>Promote gender equality and empower women</td>
<td>Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015</td>
</tr>
<tr>
<td>4</td>
<td>Reduce child mortality</td>
<td>Reduce by two thirds, between 1990 and 2015, the under-five mortality rate</td>
</tr>
<tr>
<td>5</td>
<td>Improve maternal health</td>
<td>Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio</td>
</tr>
<tr>
<td>6</td>
<td>Combat HIV/AIDS, malaria and other diseases</td>
<td>Have halted by 2015 and begun to reverse the spread of HIV/AIDS</td>
</tr>
<tr>
<td>7</td>
<td>Ensure environmental sustainability</td>
<td>Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation; By 2020, to have achieved a significant improvement in the lives of at least 100 million slum-dwellers</td>
</tr>
<tr>
<td>8</td>
<td>Develop a Global Partnership for Development</td>
<td>Address the special needs of the least developed countries, landlocked countries and small island developing States</td>
</tr>
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</table>

(Source: UNDP (2005), Millennium Development Goals, New York: UNDP)
Under Goal-7 on ‘Ensure Environmental Sustainability’, the UN pledges “reducing by half the proportion of people without sustainable access to safe drinking water”. This is certainly a specific goal that can be monitored and measured. Indeed, it is far clearer to refer to ‘the proportion of people’ as opposed to just ‘the number of people’ as was measured following the end of the International Drinking Water Supply and Sanitation Decade in 1990. This way, the Declaration takes into account the steady increases in population which neutralized the gains of the International Drinking Water Supply and Sanitation Decade. However, the Declaration did not include any reference to sanitation, and the goal was confined to water supply only.

On the other hand water has a direct and close link to some of the other MDGs as well. Eradication of poverty and hunger cannot be achieved without access to water. This is true to Africa. Poverty in Africa is a consequence of its unique water resource endowment, which has always been, and remains, a fundamental constraint on the economic performance of African societies and the growth of today’s African economies. Similarly, reducing child mortality and improving maternal health can not be achieved without access to safe drinking water. Water-borne diseases, whether resulting from lack of safe water for drinking, or lack of water for hygiene, have been identified as the primary cause for poor health, mostly in Afro-Asian countries.

In the section of the Declaration dealing with “Protecting our common environment” the leaders resolved to adopt in all their environmental action plans a new ethics of conservation and stewardship and to stop the unsustainable exploitation of water resources by developing water management strategies at the regional, national, and local levels that promote both equitable access and adequate supplies. Unlike the specific eight goals, the Declaration is a generalisation of the other declarations and resolutions and sounds to a large extent similar to the 2000 Hague Ministerial Declaration. It is for this reason that this section of the Declaration is not included in the MDGs.

It is worth mentioning that the Millennium Declaration was signed by 147 heads of State and Governments and was passed unanimously by the UNGA. The signing of the Declaration is unusual, but it does not bring any legal weight to it. The Declaration still remains a political statement with no legally binding effect on the
signatory states, despite the repeated reference to the Declaration as an “international pact” between the rich and poor nations. The signing only makes it a stronger political statement.

**International Conference on Freshwater, 2001**

One Ministerial Session of the International Conference on Freshwater was held at Bonn, Germany in December 2001. Out of the 130 country representatives of various countries that had attended the Bonn Conference, nearly 50 ministers were from the environment, development and water departments (ICF 2001). The purpose of the gathering was to assess the progress achieved in implementing Agenda 21 of the Rio Summit and to discuss actions required to increase water security and to achieve sustainable management of water resources. Another purpose for this meeting was to recommend practical strategies on water management to the World Summit on Sustainable Development that was to be held in Johannesburg in August 2002. The aim of the International Freshwater Conference (consultation) was to work out practical strategies for improving water supply and wastewater disposal for the poorer populations, and precautionary measures to protect ecosystems and water resources against pollution, ‘equitable water use: water for sustenance and water for nature’, exchanges on regulations and experiences in the field of cooperation on transboundary water use, consequences of climate variability and climate change etc. The motto of the Conference was “water – a key to sustainable development” (ICF 2001).

The Ministerial Declaration (ICF 2001) of the Bonn meeting reiterated what has become by now an obligatory preamble to all the water meetings: the gloomy fact that 1.2 billion people have no access to safe drinking water, and 2.5 billion have no access to proper sanitation. The Bonn Declaration pronounced safe and sufficient water and sanitation as basic human needs and confirmed the resolve to attain the target set by the United Nations Millennium Summit of halving by the year 2015 the proportion of people unable to reach or afford safe drinking water. The Declaration dealt with five major areas, known as Bonn keys: governance, funding gap, role of international community, capacity building and technology transfer, and gender (ICF 2001). The Conference facilitator Margaret Catley-Carlson while summarising the
Conference discussion said that “we are convinced that we can manage water better and that this will be a major step towards achieving sustainable development.” Finally, the Declaration urged the World Summit on Sustainable Development to take account of the outcome of the Bonn Conference.

While the ‘five Bonn keys’ faded out from the memory, a couple of observations can be offered in connection with the Bonn Conference. The Bonn Conference declared safe drinking water and sanitation as ‘basic human needs’, a pronouncement short of declaring them as a ‘basic human right’. The other observation is the use of the term ‘governance’ by the Declaration. Though the Conference hasn’t defined the term, water Governance has later on occupied a prominent place in the international debate on water.

However, this Conference is not immune to criticism for being general, weak and insipid (Biswas 2003). Like its precursor, the Dublin Conference, which was expected to send a similar message to the Rio meeting, the results of Bonn Conference looks even weaker compared to the Dublin discussions. Not only did it not break any new ground in terms of targets, investments, or programmes, some of the discussions were grossly out of date. Except for the discussion on corruption and governance, no new ideas were being tossed or even discussed. The result is that the so-called Bonn keys have already disappeared from the collective memory of the water professionals. Experts believed that the Ministerial Declaration of Bonn was equally vague and insipid (Biswas 2003). In fact, the Bonn declaration stands out for its stark neglect of the issue of water requirements for the agricultural sector. This is in spite of the fact that agriculture is the main user of water, and water use for food production is a major consideration for the developing world. The primary focus was on water supply, sanitation and water quality issues. This highly skewed outcome is probably due to the interests of the organisers who were responsible for the Bonn discussions. The Bonn discussion focused more than 90 percent of its attention to less than 10 percent of the global water problems.
Resolution on Year of Freshwater

The year 2001 was not as busy as 2000 with international conferences, workshops, declarations, and resolutions on water resources. It was only in December 2001 that two major events took place. The first was the UN resolution on "Status of Preparations for the International Year of Freshwater 2003", adopted in December 2001 (UN 2001).

The resolution of Year of Freshwater was proposed by the President of the Republic of Tajikistan at the fifty-fourth session of General Assembly in 2000 (UN 2000). Specific reasons for having the International Year of Fresh Water in 2003 in the proposals are as follows (UN 2000): As 2003 will be the first year after the UN undertakes the 10-year comprehensive review of progress achieved since the 1992 Earth Summit, it is most likely that the issue of fresh water would feature prominently among priority areas during the 2002 review and it is expected to be the focus of various preparatory activities and international initiatives leading to 2002. The 2002 review could thus generate momentum towards the proposed International Year of Fresh Water and may result in a number of concrete proposals for the programme of such a Year. The first World Water Development Report (WWDR) was expected to be published in 2002. Furthermore, 2002 has already been proclaimed by the United Nations as the International Year of Mountains. Bearing in mind the role of the mountains as the 'water towers' of the world, the outcomes of the Year of Mountains could be constructively integrated into the activities of the Year of Fresh Water.

The second event is effort for the elaboration of the WWDR to be released in Japan, and it welcomed the activities in preparation for the observance of the International Year of Freshwater. The Resolution went on to encourage all member states, the UN system, and other groups to work towards raising awareness of the essential importance of freshwater resources for satisfying basic human needs, for health and food production, for preservation of ecosystems, as well as for economic and social development in general, and for promoting action at the local, national, regional, and international levels.
The earlier Resolution declaring 2003 as the International Year of Freshwater invited the Subcommittee on Water Resources of the Administrative Committee on Coordination of the UN to serve as the coordinating entity for the Year. As a result, the UN system has undertaken the responsibility of conducting a World Water Assessment Programme (WWAP) coordinated by the UNESCO. The World Water Development Report which would be released at the 2003 Kyoto Water Forum is the key outcome of this collaborative effort and a major contribution to the International Year of Freshwater.

It is also worth mentioning that the United Nations Committee on Economic, Social, and Cultural Rights recognized water right as a human right in November 2002. The Committee that oversees compliance of the member states with their obligations under the International Covenant on Economic, Social, and Cultural Rights, elaborated this right in its General Comment No. 15 “The Right to Water.” The crux of the General Comment is the second paragraph, which states that the human right to water entitles every one to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic uses (Salman and McInerney-Lankford 2004: 25-72). The Committee, through this comment, has, no doubt, brought the issue of the right to water to the forefront of the global agenda and has added to the momentum for meeting the MDGs with regard to water.

World Summit on Sustainable Development (WSSD)
The World Summit on Sustainable Development (WSSD), which is also known (informally) as ‘Earth Summit + 10’, or ‘Rio + 10’, took place September 2-4, 2002 in Johannesburg. The WSSD’s goal, according to the UN Resolution 55/199, was to hold a ten-year review of the 1992 UNCED Summit at summit level to reinvigorate global commitment to sustainable development (UN 2001). Like its predecessor the Earth Summit, the WSSD gathered 21,340 participants from 191 governments, intergovernmental and non-governmental organizations, the private sector, civil society, academia and the scientific community. Similar to the Rio Summit, the Johannesburg Summit also took place in a developing country, and both dealt with wider issues, of which water was but one of the many. The WSSD involved 7 thematic Partnership Plenary, statements by non-State entities, addresses by Heads of
State and Government and other senior officials, four high-level Round Tables on the theme ‘Making It Happen’, and a multi-stakeholder event. The Johannesburg Declaration on Sustainable Development was issued at the end of the Summit.

The CSD which was given responsibility to follow up UNCED had organised four Preparatory Committee (PrepCom) meeting prior to the WSSD. National preparatory committees for the WSSD were established to undertake country-level reviews, raise awareness and mobilize stakeholders. Sub-regional and regional preparatory meetings were held between June 2001 and January 2002. Eminent Persons’ Round Tables took place in all five UN regions, and regional preparatory meetings were held for Europe/North America, Africa, Latin America and the Caribbean, West Asia, Asia and the Pacific, as well as for Small Island Developing States (SIDS). At the end of PrepCom IV in Bali in May 27-June 7, 2002, three quarters of the implementation plan completed through negotiations and discussions.

The WSSD also negotiated and adopted two main documents: the Plan of Implementation and the Johannesburg Declaration on Sustainable Development (UN 2003). The negotiations began with two days of informal consultations on 24-25 August, and continued over the course of the WSSD. Major areas of disagreement included: time-bound targets for sanitation, renewable energy, energy subsidies, chemicals and health, natural resource degradation, biodiversity loss and fish stocks; Rio Principles 7 (common but differentiated responsibilities) and 15 (precautionary approach); governance; trade, finance and globalization; the Kyoto Protocol; and health and human rights (ENB 2002). However, unlike the 1992 Earth Summit, no road map for sustainable development- like Agenda 21, or global conventions like the United Nations Framework Convention on Climate Change (UNFCCC) - was to come out of WSSD (Sharma et al. 2002).

Before analysing the details of WSSD outcome on Water, it is pertinent to review the process itself. Prior to the Summit meeting, the international media, independent policy research organisations had created tremendous pressure on the Heads of the governments and UN officials. “At the Johannesburg, we have a chance to restore the momentum that had been felt so palpably after the Earth Summit. Already, the process leading up to the event has brought renewed attention to issues that have been
largely overshadowed by conflicts, globalization, and, most recently, terrorism. Johannesburg can and must revive political commitment to sustainable development, especially at the highest levels”, said Kofi Anan, UN Secretary General in UN (UN 2003 and Annan 2002). International media like The Guardian Weekly, The Economists, The New York Times and National Geographic etc carried a special issue on what to do in WSSD prior to the Summit. Leading policy research institute like World Watch Institute, Globe International, WWF-International to name a few had published thematic papers to pave the way for Summit outcomes.

The participants in the Johannesburg Summit committed themselves to building a humane, equitable and caring global society cognizant of the need for human dignity for all. They also assumed a collective responsibility to advance and strengthen the inter-dependent and mutually reinforcing pillars of sustainable development – economic development, social development, and environment protection – at the local, national, regional, and global levels.

‘The Johannesburg Declaration on Sustainable Development’, which is a three-page, six-section document, just took note of the fact that air, water, and marine pollution continue to rob millions of a decent life (WSSD 2002). It reaffirms, ‘from this continent, the cradle of humanity,’ a commitment to sustainable development and building a humane, equitable and caring global society cognizant of the need for human dignity for all. It emphasizes the three pillars of sustainable development at all levels and a common resolve to eradicate poverty, change consumption and production patterns, and protect and manage the natural resource base. The Declaration referred to the Stockholm Conference, to the Rio Earth Summit, Agenda 21, and to the Rio Declaration and its principles and reaffirmed the commitment to those principles such as the deepening fault line between rich and the poor, biodiversity depletion, desertification, pollution, the benefits and costs of globalization, and the loss of confidence in democratic systems.

The Declaration also stresses the importance of human solidarity and urges the promotion of dialogue and cooperation among the world’s civilizations. It welcomes decisions on targets, timetables and partnerships to improve access to clean water,
sanitation, energy, health care, food and to protect biodiversity. It highlights the need for access to financial resources, opening of markets and technology transfer.

While the Rio Declaration is a focused document that addresses specific issues in a relatively precise language, incorporating a certain principle in each paragraph of the Declaration, the Johannesburg Declaration is a lengthy and imprecise document. However, under the sub-heading “commitment to sustainable development” the Declaration sank into generalizations and lack of specificity. It urged the promotion of dialogue and cooperation among the world civilizations; it welcomed the focus on the indivisibility of human dignity; it reaffirmed the pledge to place particular focus on, and give priority attention to, the fight against the world-wide conditions that pose severe threats to sustainable development; and urged the developed countries to make concrete efforts towards the internationally agreed levels of Official Development Assistance (ODA).

During the Summit meeting a political declaration circulated by host South Africa was almost dumped at the last moment when the US wanted to include terrorism as a threat to sustainable development. The Palestinian government, meanwhile, wanted foreign occupation listed as an obstacle to sustainable development. Consensus was reached only after separate paragraphs on these two issues were added. The final Johannesburg Declaration on Sustainable Development is mild, recognising that poverty eradication and changing consumption and production patterns as prerequisites for sustainable development, and the ever-increasing gap between the rich and poor as a major threat to global prosperity, security and stability (ENB 2002).

WEHAB: Water links to all
Another noteworthy concept negotiated in WSSD on water was Partnership Plenaries to address the ‘WEHAB’ issues (Water and sanitation, Energy, Health and environment, Agriculture, and Biodiversity and ecosystem management) and its regional implementation. On 14 May 2002, UN Secretary-General Kofi Annan proposed the ‘WEHAB Initiative’ for the WSSD, outlining five themes: water and sanitation, energy, health, agriculture, and biodiversity. Relevant UN agencies prepared WEHAB Framework Papers in August 2002 to provide focus and catalyze
action on the WEHAB issues. Seven partnerships plenary on the WEHAB issues, cross-cutting issues and regional implementation took place during the first week of the WSSD.

Four Round Tables took place from 2-4 September under the theme ‘Making It Happen,’ ensuring fulfilment of Agenda 21, the Rio conventions, the UN Millennium Summit and the WSSD commitments. During the Round Tables new partnerships were announced to address energy, water, forests, communications technology, health, children, and indoor and outdoor air pollution which were reflected in the Declaration. The Declaration committed the participants in the Summit to the “Johannesburg Plan of Implementation” that was also agreed upon and issued at the end of the Summit. It is noteworthy that the plan was called “Plan of Implementation,” as opposed to the title “Action Plan” used in the Mar del Plata, and “Programme of Action” used in Rio. Thus, the emphasis was more on implementation than on planning.

**Johannesburg Plan of Implementation**

The Johannesburg Plan of Implementation (JPOI) is designed as a framework for action to implement the commitments originally agreed at UNCED and includes eleven chapters: an introduction (WSSD 2002); poverty eradication; consumption and production; the natural resource base; health; SIDS; Africa; other regional initiatives; means of implementation; and institutional framework. The Johannesburg Declaration outlines the path taken from UNCED to the WSSD, highlights present challenges, expresses a commitment to sustainable development, underscores the importance of multilateralism and emphasises the need for implementation.

This Plan is a fairly detailed document and represents, in a way, the equivalent of Agenda 21 of the Rio Summit. However, it is far less detailed than Agenda 21, and, unlike Agenda 21, it is not organized by subject matters. Although water has not occupied a prominent place in the Johannesburg Declaration where it was only mentioned twice, it was dealt with in a detailed, albeit general, manner in the Plan. The sections on “Poverty Eradication” and “Protecting and Managing the Natural Resource Base of Economic and Social Development” (WSSD 2002) both made
numerous references to water. Both reiterate the MDGs to halve by the year 2015 the proportion of people who are unable to reach or to afford safe drinking water.

The proposed deadline to halve the proportion of people resulted in a protracted and torturous negotiation that started a day before the summit, and ended at the last minute of the closing of Summit a week later. The main opposition came from Japan, the US, Australia and New Zealand. The US did not want to go beyond the targets agreed upon in the MDGs, which include a target to halve the number of people with no access to safe drinking water, but no target for improved sanitation (DTE 2002: 32). However, the Plan went further and added as a goal, decreasing by a half the proportion of people who do not have access to basic sanitation and called for integration of sanitation into water resources management strategies. This is certainly a welcome rectification to the unfortunate omission of sanitation from the MDGs and a necessary action to confirm the integration of the two components.

During the WSSD process, one interesting concept that cropped up, which is vital for water and sanitation is ‘partnership’. To go by the rules of UN Conference, this proposal backed by the US has diminished the multilateral dialogue to bilateral engagement. The US, in particular, opposed any firm commitments or deadlines, and made it clear that it was not interested in the multilateral WSSD process. “The WSSD is focusing more on text, more than 35,000 words. These words can’t save the Earth,” Paula Dobriansky, head of the US delegation, told a press conference midway through the negotiations (DTE 2002). Instead, the US tried to shift focus to voluntary ‘Type II’ agreements — partnerships between governments, regional groups, local authorities, non-governmental actors, international institutions or private sector actors. ‘We need actions,’ Dobriansky told the media. ‘That is why we have come to Johannesburg with practical partnerships.’ Expressing reservations that Type II could be a ‘trap’ imposing conditionalities defined by donor governments, the Philippines stressed how Type II should bring in new funds and not shift existing resources.

Several aspects of these partnerships are designed to suit current foreign policy of the US. They are voluntary, involve no firm multilateral commitments for funds or deadlines on part of the US government, and bring corporations firmly into the picture giving them a free hand to promote their interests through such partnerships, and best
of all, ensure that responsibilities remain fuzzy. There are no rules to govern partnerships — only a set of flimsy guidelines that were not even discussed in Johannesburg. There were several protests against partnerships from civil society groups when the idea was first proposed.

The Indian delegation had loudly opposed such partnerships before the summit, saying they would find them acceptable only if four conditions were met. They wanted the goals of the partnerships to have clear linkages with the final Plan of Implementation to ensure that they did, in fact, work for the goal of sustainable development and not against it; for the partnerships to be country-driven, not donor-driven; for each partnership to be no less than USD 5 million; and an assurance that the partnerships would involve ‘new and additional’ funds, and not merely be a repackaging of existing aid.

The Section on “Protecting and Managing the Natural Resource Base” repeated the usual calls for strategies, which would include targets for protecting the eco-system, achieving integrated water resources management, and mobilizing additional resources. It also called for facilitating participation, including by women, as well as providing new and additional financial resources and innovative technologies to implement Chapter 18 of Agenda 21. The Plan addressed the issue of access to safe water, though not as clearly and directly as in some of the previous declarations and resolutions. The Plan recommended employing the full range of policy instruments, including cost recovery of water services, “without cost recovery objectives becoming a barrier to access to safe water by poor people.”

However, the Section set the year 2005 as the target date for developing integrated water resources management and efficiency plans and for addressing water shortage through a number of actions including developing and implementing strategies, plans, and programs and employing the full range of policy instruments for that purpose. It called for the adoption of policies and the implementation of laws that guarantee well defined and enforceable water rights. Moreover, the Section recommended certain actions in the field of water resources under the initiatives for each region of the world.
The issue of water though did not reflect as expected in Johannesburg Declaration, it would be wrong to deny that it didn’t have the prominence during WSSD. The outcome of the WSSD in general was best represented on the cover page of the *Down To Earth* magazine (DTE 2002). The picture shows the different types of bracket covering each other over the Green Planet. That shows the reservations on the implementation issues. When the Summit commenced with nearly four hundred and fifty brackets (reservations) over the documents including Johannesburg Declaration and Plan of Implementation, only three remained at the last moment of the meeting. That was all on the water issues. The Chairman of the Summit had to declare the agreed documents at mid-night in a hurriedly called press meeting without any representation of delegates.

**Commission on Sustainable Development (CSD): Negotiating Forum on Water**

The role of Commission on Sustainable Development (CSD) regarding fresh water policies has been pivotal since 1992 Earth Summit. The CSD was established by the UN General Assembly as a functional commission of the Economic and Social Council (ECOSOC) in December 1992 to ensure effective follow-up of UNCED (UN 1992). Chapter 38 of Agenda 21 entitled ‘International institutional arrangements’, which contains a set of important recommendations on institutional arrangements as follow up to the Conference, institutionalised CSD to ensure effective follow-up to the UNCED; enhance international cooperation and rationalize intergovernmental decision making; and examine progress in the implementation of Agenda 21 at all levels.

The overall objective of the CSD is to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues at the national, sub regional, regional and international levels, including the UN system. The Commission is responsible for

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10 Personal Communication with Richard Mahapatra, Senior Correspondence, *Down To Earth* on 25 September 2002. He reported the Summit proceeding for *Down To Earth* from Johannesburg.

11 In 1992, the 47th session of the UNGA set out in Resolution 47/191, the CSD’s terms of reference, composition, guidelines for NGO participation, organization of work, relationship with other UN bodies, and Secretariat arrangements. The CSD held its first meeting in June 1993.

12 Functions of the CSD are enumerated as agreed in paragraphs 38.13, 33.13 and 33.21 of Agenda 21.
reviewing progress in the implementation of Agenda 21 and the Rio Declaration on Environment and Development as well as providing policy guidance as follow up the JPOI at the local, national, regional and international levels. The JPOI reaffirmed that the CSD is the high-level forum for sustainable development within the United Nations system.\textsuperscript{13}

In its second session, the CSD reviewed the status of the freshwater in many countries. The Commission discussed with great concern on water crisis, rapid deterioration of water quality, serious water shortages and reduced availability of freshwater, which severely affects human health, the ecosystem and economic development. The CSD recommended that the crisis needs urgent and concrete action by national governments as well as international organizations in order to implement chapter 18 of Agenda 21, particularly by supporting developing countries (UNCSD 1994). The Commission recommended that countries give priority attention to the integrated management, mobilization and use of water resources in a holistic manner, while stressing the importance of the involvement of local communities, in particular of women.

However, the CSD calls for water to be considered as an integral part of the ecosystem, a natural resource and a social and 'economic good', the quantity and quality of which determines the nature of its utilization for the benefit of present and future generations. This conceptualisation of water as economic good has ignited the debate among the developing countries as well as civil society organisations.

The Commission urged governments to mobilize, within the framework established by chapter 33 of Agenda 21, adequate financial resources, through the use of all available sources and mechanisms, as well as maximizing the availability and smooth flow of additional resources, to implement chapter 18 of Agenda 21. The UN agencies

\textsuperscript{13} The CSD is an inter-governmental body meets annually in New York, in two-year cycles, with each cycle focusing on clusters of specific thematic and cross-sectoral issues. The CSD has opened its sessions to broad participation from both governmental and non-governmental actors, and it supports a number of innovative activities, such as the Partnerships Fair, the Learning Centre and a series of panels, roundtables and side events. The High-level segment features dialogue among Ministers, and Ministers also hold a special dialogue session with Major Groups. As a functional commission of the UN Economic and Social Council (ECOSOC), CSD has 53 member States (about one third of the members are elected on a yearly basis). Each session of the CSD elects a Bureau, comprised of a Chair and four vice-Chairs.
were being urged by the CSD to provide the necessary technical assistance, particularly to developing countries.

The Commission in its resolution requested the Secretary-General to strengthen coordination within the UN system with a view of concentrating and consolidating the great amount of international action in the field of water, including the implementation of chapter 18 of Agenda 21, and to report to the Economic and Social Council. The CSD recommended that the future international conferences should take into account the relevant international agreements on water resources issue.

During the UNGASS in June 1997, the five year negotiation review on implementation of Agenda 21 produced a ‘Programme for the Further Implementation of Agenda 21’. Considering the urgent need for action in the field of fresh water, and building on the existing principles and instruments, arrangements, programmes of action and customary uses of water, leaders present at the UNGASS called for a dialogue under the aegis of the CSD, beginning at its sixth session, aimed at building a consensus on water policies (UNGA 1997). Among the decisions adopted at the UNGASS was a five-year CSD multi-year work programme (1998-2002), which identified sectoral, cross-sectoral and economic sector/major group themes for the subsequent four sessions of the CSD.

The CSD started thematic discussion on ‘strategic approach to freshwater management’ in 1998 under the broader issue ‘poverty and consumption and production patterns’ (UN 1998). The Commission having considered the reports of the Secretary-General on strategic approaches to freshwater management, activities of the UN agencies in the field of freshwater resources, took the report of International Conference on Water and Sustainable Development (Paris Declaration). It directed that the process called for in the ‘Programme for the Further Implementation of Agenda 21’ should focus on fostering and supporting national, regional and international action in those areas where goals and objectives have been defined.

Prior to the WSSD, the UNGA in December 2000 adopted resolution 55/199 on the 10-year review of progress achieved in the implementation of the outcomes of UNCED. The resolution decided that CSD-10 would serve as the open-ended
preparatory committee for the WSSD Summit. Starting from 2001, the tenth session of the CSD acted as the Preparatory Committee (PrepCom) for the ten-year review of Agenda 21. A total of four PrepComs paved the way to the WSSD.

First PremCom for the WSSD, which was held in New York (30 April - 2 May 2001) adopted in its first session decisions on: progress in WSSD preparatory activities at the local, national, regional and international levels; modalities of future PrepCom sessions; tentative organization of work during the WSSD; provisional rules of procedure; and arrangements for accreditation and participation of Major Groups. National preparatory committees for the WSSD were established to undertake country-level reviews, raise awareness, and mobilize stakeholders. Sub regional and regional preparatory meetings for the Johannesburg Summit were held between June 2001 and January 2002.

The second session of the PrepCom met from 28 January to 8 February 2002, at the UN headquarters in New York. The session conducted a comprehensive review and assessment of progress achieved in the implementation of Agenda 21. In this session the agendas were discussed for third PrepCom. The third session met from 25 March to 5 April 2002, at UN headquarters in New York. The PrepCom held preliminary discussions on an informal paper on sustainable development governance; began consideration of Type II outcomes – partnerships/initiatives. At the Closing Plenary, an explanatory note on Further Guidance for Partnerships/Initiatives containing guidelines on Type II outcomes was circulated. The PrepCom also mandated to prepare a text on sustainable development governance for negotiation at PrepCom IV (ENB 2002).

The Fourth PrepCom took place from 27 May to 7 June 2002, at the Bali International Convention Center in Bali, Indonesia. During the session, delegates produced the Draft Plan of Implementation for the WSSD, which was transmitted to the Summit in Johannesburg for further negotiation. They also agreed on the modalities for the organization of work during the Summit and, based on the consultations held, mandated PrepCom Chair Emil Salim (Indonesia) to prepare elements for a political declaration and post them on the Johannesburg Summit website by the end of June 2002. Negotiations on the implementation plan were conducted in working groups.
and contact groups, while the Plenary, Multi-Stakeholder Dialogues and High-Level Ministerial Segment provided input for the implementation plan and the political declaration. There were also informal consultations on partnerships.

Although the session had hoped to conclude negotiation of the implementation plan, round-the-clock negotiations by ministers during the last three days of the session failed to produce consensus on key aspects of the plan, particularly on trade, finance and globalization. Among the outstanding issues are the ratification of the Kyoto Protocol, trade and finance, and energy.

Agenda 21 stipulated that countries should develop national sustainable development strategies and report to the CSD on progress made toward implementation. Perhaps, one of the most significant shortcomings of the Rio outcome was that no reporting standards were adopted and no provisions were made for subjecting national reports to critical review. National reports submitted to the CSD over the years have sometime candidly acknowledged the problems of infringement of sovereignty. The CSD still lacks the clear oversight or negotiating mandate (Clemenceau 2004). The recent attempts had resulted in little success.

Post-WSSD, the role of CSD has increased as stated in Johannesburg Plan of Implementation (JPOI). In its 11th section, the JPOI has given a new mandate to CSD towards integrating environment and development in general and Implementation of Agenda 21 and follow-up to the outcomes of WSSD (UN 2002). The CSD should continue to be the high-level commission on sustainable development within the UN system and serve as a forum for consideration of issues related to the integration of the three dimensions of sustainable development. The JPOI also recommends that the Commission should place more emphasis on actions that enable implementation at all levels, including promotion and facilitation of partnerships involving governments, international organizations and relevant stakeholders for the implementation of Agenda 21.

The CSD now has a ‘two-year cycle’ structure of work. The first year of each cycle is a ‘review year’. Delegates will review and discuss progress made in achieving the targets, goals and timetables of Agenda 21, the MDGs, and WSSD and previous CSD
sessions. Delegates will also consider operational experience on the issues, such as best practices and lessons learned. The goal is to explore the issues and initiatives to date, as well as the challenges to be met through practical solutions.

Building on that base, the second year of each cycle is the ‘policy year’. During the policy year, CSD delegates will seek to identify the best options for addressing the most important gaps and challenges. The goal of these innovations is to ensure CSD activities and decisions have more impact on progress towards existing internationally-agreed targets and priorities. A key to the new structure is that the work of the CSD is now being concentrated on a specific, related thematic cluster for each two-year period. ‘Water, sanitation and human settlements’ is the thematic cluster for CSD-12 and CSD-13, the 2004 and 2005 CSD sessions.

Twelfth Session of Commission on Sustainable Development- An Evaluation of Progress

The CSD-12 was held from 14-30 April 2004, in New York. The first three days of CSD-12 (14-16 April) served as the preparatory meeting for the International Meeting on the 10-year Review of the Programme of Action for the Sustainable Development of Small Island Developing States. The subsequent two weeks (19-30 April) were devoted to the CSD-12 Review Session, the first session held under the Commission’s new multi-year programme of work adopted at CSD-11.

CSD-12 undertook an evaluation of progress in implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21, and the Johannesburg Plan of Implementation, focusing on identifying constraints, obstacles, successes and lessons learned with regard to water, sanitation and human settlements. A high-level segment, attended by over 100 ministers and addressed by UN Secretary-General Kofi Annan, was held from 28-30 April, comprising presentations, interactive discussions and ministerial statements (ENB 2004).

A unanimous verdict was passed on the success of CSD-12 that it produced a clearer picture on the progress of implementation and the actions needed to increase the pace of delivery; it provided the space for ministers to look at progress, identify challenges,
constraints and obstacles without the need to battle over drafting formulas; and it reaffirmed political commitment to achieving the internationally-agreed goals and targets on water, sanitation and human settlements.


On December 23, 2003, the UNGA adopted a resolution proclaiming the period 2005 to 2015 as the “International Decade for Action, Water for Life” (UNGA 2004). The significance of this resolution is that it comes as a follow-up to the United Nations Millennium Declaration, which was adopted three years earlier in December 2000 and which, includes the MDGs of reducing by half the proportion of people without sustainable access to safe drinking water. The December 2004 Resolution is the only follow-up resolution issued thus far by the UNGA which specifically deals with any of the issues addressed in the Millennium Development Goals. The resolution specifies March 22, 2005, the World Water Day, as the beginning of the Decade.

The importance of this second decade is that the goal of the Decade would be a greater focus on water-related programs and projects to achieve the internationally-agreed, water-related goal. The resolution welcomes the decision of the CSD to consider water, sanitation, and human settlements as the thematic clusters in the first cycle, 2004 to 2005, and invites the Commission to work to identify possible activities and programs in connection with the decade. It also invites the Secretary-General of the United Nations to take appropriate steps to organize the activities of the decade, taking into account the results of the International Year of Freshwater and the work of the CSD on Sustainable Development. The resolution further calls upon the relevant UN special agencies, regional commissions, and other organizations of the UN system to deliver a coordinated response to make the Water for Life Decade, a decade for action.

The resolution has been strengthened further by General Comment No. 15, declaring a human right to water, and by the establishment of the Advisory Board on Water and Sanitation. Although the resolution does not have a special measurable and monitorable action plan for gauging the progress during the decade 2005 to 2015, it
reiterates the internationally-agreed, water-related goal contained in the Millennium Declaration, as well as the sanitation goal added by the JPOI.

The resolution underscores and highlights the relevance, and the importance, of water, not only as a component of the MDGs, but also the centrality of water to the achievement of the other goals. The United Nations Millennium Project, which has been set up to oversee the implementation of the MDGs has itself highlighted the challenges for the Decade. Analyzing the achievements since the MDGs were adopted five years ago, the project stated in 2005 that rural access to improved water supply remained limited in most regions, with sub-Saharan Africa, the Commonwealth of Independent States (CIS), and the Oceania countries specifically off-track. Lack of funding has been cited as one of the major reasons for this unsatisfactory situation (UN 2005).

Highlighting the water-related goal from among all other MDGs and requiring action from a large number of actors certainly underscores the challenges facing the water sector and confirms the increasing attention given to it by the world community. Thus, the resolution, being the first follow-up resolution with regard to any of the goals specified in the Millennium Declaration, confirms the urgency of water issues. Furthermore, it provides the different actors in the field – international and civil society organisations and local communities – with a renewed momentum for planning and implementing activities towards achieving the goal of reducing by half the proportion of people without sustainable access to safe drinking water and sanitation.

**Thirteenth Session of CSD: A Strong Recommendation to UN General Assembly**

The thirteenth session of the CSD, which took place in April 2005 was the second session to the new multi-year programme of work was adopted at CSD-11 in 2003. During the deliberation, delegates from the UN agencies and other intergovernmental organisations and others discussed issues related to water, sanitation and human settlements. During the later part of the meeting, ministers and senior officials
negotiated CSD-13's main outcome document, intended to identify policy decisions on practical measures and options to expedite implementation of commitments on water, sanitation and human settlements (ENB 2005). After numerous formal and informal meetings and extensive discussions, the draft 'Chairs element for Decision' was finally adopted. During the formal discussion the G-77/China, most of the Major Groups and the EU proposed additional text, while the US, Australia and a number of other developed countries preferred to keep the text more concise. After suggestion from delegates and discussion, a shorter final Chair's text was circulated, and differences over the document were finally resolved.

The EU insisted that CSD-13 send a strong message to the High-level Plenary Meeting of the General Assembly. Accordingly, it suggested that the Chair's text underline the complementarily of the JPOI targets and the MDGs. The most contentious issues remained were the ODA and the 'good governance'. Each having alternative texts the EU, US and G-77/China wanted to negotiate on those lines. The US was also vocal in seeking to restrict UN activities to the confines of "existing resources," opposed references to "rights-based" approaches. The G-77/China insisted on deleting 'good governance' reference over the objections of the US, the EU, Switzerland and a number of other countries.

The negotiated outcome was not very drastic and innovative. The final document explicitly reaffirms the Rio Declaration, Agenda 21, the Johannesburg Declaration, the JPOI, with addition the Monterrey Consensus and the Mauritius Strategy, and notes the New Partnership for Africa's Development (NEPAD) initiative and outcomes of several other international conferences (ENB 2005). It also reaffirms the commitment to achieving the internationally agreed development goals, including those contained in the Millennium Declaration, and in the outcomes of major UN conferences and international agreements reached since 1992, and recognises the urgent need for actions to achieve these goals.

Global Environmental Ministers Forum and Governing Council
In 1972 the UNGA established the UNEP Governing Council (GC) to promote international cooperation in the field of environment, recommend policies, coordination of environmental programmes within the United Nations system, to
review periodic reports, national and international environmental policies and measures on developing countries, review and approve the programme of utilization of resources of the Environment Fund (UNGA 1972). The GC’s responsibilities include the promotion of international environmental cooperation and the recommendation of policies to achieve this, and the provision of policy guidance for the direction and coordination of environmental programmes in the UN system.

The GC reports to the UN General Assembly, which also elects the GC’s 58 members for four-year terms, taking into account the principle of equitable regional representation. From South Asia, India, Bangladesh and Pakistan are presently representing South Asia region in the GC between 2006 and 2009. The GC, as envisaged in UN General Assembly resolution 53/242 (UNGA 1999) constitutes the Global Ministerial Environmental Forum (GMEF). The purpose of the GMEF is to institute, at a high political level, a process for reviewing important and emerging policy issues in the field of the environment.

Till 2007, there have been 24 GC sessions, nine GC special session and seven ministerial meeting held under the GMEF/GC. The Malmö Declaration was adopted by over 100 of the world’s environment ministers which discussed environmental threat and fresh water crisis in 21st Century (UNEP 2000). The GC-23/GMEF met in Nairobi in 2005 and considered the implementation of internationally agreed development goals, and adopted UNEP’s water policy and strategy; gender equality and the environment; poverty and the environment; and strengthening environmental emergency response and developing disaster prevention, preparedness, mitigation and early warning systems. The GCSS-9/GMEF was held from 7-9 February 2006, in Dubai. Ministerial consultations addressed, inter alia, policy issues relating to energy and environment, chemicals management, and tourism and the environment. The plenary discussion on environmental governance, outcome of the 2005 World Summit, and GC universal membership did not produce an agreed outcome and delegates decided that the report of the meeting should reflect the divergent views expressed.

However, the challenges of political commitment to attaining the goal and of funding for water projects remain real, pose a grave threat to the achievement of the goal, and
could be exacerbated by the failure of the resolution to include measurable and monitorable indicators for gauging progress during the decade. Especially, when the private participation comes to the picture for attainment of MDGs, the campaign against involvement of private actors are increasing around the world.

"If the United Nations is to be a useful instrument for its Member States and for the world's peoples...it must be fully adapted to the needs and circumstances of the twenty-first century....Its strength must be drawn from the breadth of its partnerships and from its ability to bring those partners into effective coalitions for change across the whole spectrum of issues on which action is required to advance the cause of larger freedom" (UN 2005). Partnering with business and civil society has turned into a necessity for the UN in order to 'get the job done' as fully endorsed by the Secretary General (UN Global Compact 2005). As the major funding instrument of water and sanitation in developing countries, the MDBs strategy from Private Sector Participation (PSP) to Public Private Partnership (PPP) to presently Water Sector Reforms (WSP) has faced tough resistance from the NGOs and peoples movement. ‘Who owns water?’ is the challenging question asked by many NGOs in response to the trend in privatising water resource and in the light of the fact that the poorest of the poor in many developing countries frequently do not have access to fresh water or other basic services.