



Expert Consultation on Private Sector Participation in Water and Sanitation Services Provision 25/26 January 2010

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On 25-26 January 2010, the UN Independent Expert (IE) on the issue of human rights obligations related to access to safe drinking water and sanitation and the Friedrich-Ebert-Stiftung convened a workshop to discuss States' human rights obligations in the context of private sector participation (PSP) in water and sanitation services provision. As part of her mandate, the IE is preparing a report on PSP in the provision of water and sanitation services to be presented in fall 2010.

The objective was to benefit from the experts' various backgrounds and experiences to contribute to the IE's report. The general approach was not to assess the pros & cons of PSP but rather a collective brainstorming to identify possible solutions and strategies. The IE stressed from the beginning that from a human rights perspective, there is no specific model of service provision to be favored and that in any case the State remains the primary duty-bearer for the realization of human rights.

The consultation was divided into seven working sessions, each addressing a different set of issues and challenges. The major areas included the decision-making and contract-negotiating processes with participation, transparency and power differentials being prominent issues; service extension to marginalized groups, connected with the question of subsidies, cross-subsidies and the status of small independent providers (SIP); regulation and standards, comprising a legal framework as well as regulatory mechanisms; and the problems of accountability and enforcement, namely institutional reforms and the creation of mechanisms to effectively fight corruption. These sessions were designed to find a possible set of elements that have to be in place to enable States to comply with their human rights obligations related to access to safe drinking water and sanitation.

In the course of the consultation it was soon possible to identify several tendencies. Generally, normative human rights targets were

formulated, and discussed against current shortcomings.

As a bottom line of this consultation with regard to States' obligations vis a vis private service provision, States need to ensure in the context of PSP that the necessary regulatory framework is in place, respecting human rights. Otherwise, unclear contractual rela-

tions might lead to a problematic situation for both water providers and States and their populations in their capacities as clients and rights holders.

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