

Expert Workshop in Post-Conflict Situations and the Role of the Security Council

Introduction: Experience and relation to water in post-conflict/peacebuilding.

Many thanks for the invitation to this panel and this workshop, it has been an extremely interesting and informative couple of days!

I must make a confession – when I was first invited to join you here, my immediate reaction was to wonder what I had to contribute. But on consideration, and even if my experience is not directly related to ‘peace-building’, I thought about

- a) Some of the countries I visited; as well as about
- b) The work that together with other UN Special Rapporteurs we did some years ago, about the underlying causes of conflict and on the preconditions for sustainable peace,

I do in fact have something to contribute from my experience in working in the field of economic, social and cultural rights, and specifically with the human rights to water and sanitation, and more recently in my role as Executive Chair with the multi-stakeholder global partnership, Sanitation and Water for All.

Hence the participation in this workshop has led me to consider again questions such as: What are the preconditions for peace? How can we restore these conditions after a conflict?

To answer this question, I have gone back to the human rights framework, a framework that provides us with clear principles and sets specific standards for duty bearers, or states, to work towards.

As the OHCHR’s report, “Early Warning and economic, social and cultural rights” states, the denial of economic and social rights is increasingly at the heart of violence and social unrest. My second mission as Rapporteur was to Egypt – and I remember two very clear issues. On the one hand the clear idea that water was scarce, that all water the country had come from the Nile and that any transboundary water discussion was political sensitive and could threaten peace and security: water is critical for peace between nations. The other idea was of inequalities. Being a water scarce country – a desert, it was shocking to see how more affluent areas in Cairo had swimming pools; how the diplomats I met had no idea of how much they were paying for their water (indeed water tariffs in Egypt were among the lowest in the world); how the cars in the ministries I had meetings were being constantly washed; meanwhile the people in the slums had no access to water (even though this did not show up in official statistics as – as I was told – “they are illegal and don’t count” for the statistics).

Then the Arab Spring happened – and we clearly saw that the underlying causes of this unrest and protests were connected with economic, social and cultural rights – including lack of access to the rights to water and sanitation.

We also saw vindications for economic, social and cultural rights and civil unrest in Brazil shortly before the 2014 World Cup, as people protested their lack of access to service, including water and sanitation while the country was preparing for rich visitors who would have access to as much of these resources as they wanted.

In December 2007, in the State of Orissa, India, 30,000 farmers demonstrated against the government because it had allowed industries to draw water from the Hirakud dam, limiting farmers' own access to water for irrigation.

In 2010, the Special Rapporteur on the right to food identified food insecurity in the Syrian Arab Republic as a possible trigger of conflict. He was not wrong, as we know to our cost. The OHCHR report outlines various risk factors, including extreme inequality, lack of access to an effective grievance mechanism, lack of meaningful consultation and unequal distribution of resources, which of course includes water.

When I visited Jordan on a Mission in 2014, I could observe how the challenges of distributing very scarce water resources can lead to tensions between populations groups – the haves and the have not. Between those who can afford, those who can bribe, those who live in the better neighborhoods and the others. Furthermore, I found that the conditions both in the country generally and particularly in the refugee camps would lead to a public health crisis if not adequately addressed, and the fear was that this level of dissatisfaction could lead to greater unrest.

The UN human rights processes provide opportunities for early warning of a possible crisis brewing, identifying where human rights violations, including for economic social and cultural rights are reaching dangerous levels.

What can we do to react more proactively to these warning signs?

I have been using the human rights framework for many years to focus on how to ensure that everyone has access to water and sanitation, but it is a universal framework that may give us some pointers for the issue of water and peace, post-conflict. I will try to keep this brief!

The first principle to consider is non-discrimination and equality. Where there are inequalities, in this case in access to water, and specific groups within a population are excluded from accessing water, either through design or 'accident' this can lead to unrest. We have seen this in situations such as the Arab Spring that was triggered by a widespread dissatisfaction with issues such as a lack of access to water. Likewise, the Columbia Peace Agreement specifically identifies several underlying causes for the conflict including extreme inequalities, and poor living and working conditions. The agreement then mentions social sustainability and the promotion of access to water as key conditions for long-term peace.

The second principle is directly related to addressing discrimination, namely Participation. This is a human rights principle that has been integrated into the SDGs, and which guides the work that we do at the SWA partnership. Without the engagement of all sectors of society, and without its sister principle, access to information, peace processes cannot address causes of civil strife, let alone find the solutions. For this a strong monitoring process, as well as a platform where individuals can find information relating to plans for accessing water either during or after a crisis, they will be better prepared to manage any water scarcity – and providing the information is correct, will trust the authorities to communicate accurately on these issues.

Accountability – and the people's ability to hold the appropriate bodies to account – is absolutely central to ensuring that human rights are respected. Effective accountability mechanisms allow for and support stability, trust between the population and the government, or other warring factions. Institutions that can be relied on to follow and protect the rule of law are essential. Or – looking at it the other way - systematic violations of human rights that go unchecked provide fertile ground for conflict.

In my work, as Special Rapporteur on the human rights to water and sanitation, and as the Executive Chair of SWA, these principles have guided me, and I see and hear from this meeting that they are also serving the work that you are all doing well.

These principles demand the creation of strong institutions, inclusion of all population groups, and sustainable economic opportunities for all – these are issues that have been discussed over the last couple of days. Water is central to all these issues.

Stimuli for a solidarity and cooperative economy: with the aim of stimulating different associative forms of work for and between small and medium-sized producers, based on solidarity and cooperation, which promote gender equality, economic independence and organizational ability, especially in rural women, and which strengthen the ability of small producers in terms of access to goods and services, marketing their goods and, in general, improving their living, working and production conditions, the National Government will set up and implement the National Plan to Foment the Rural Solidarity and Cooperative Economies.

1. What are the main obstacles when dealing with water issues in peace-building?

Where access to water has been used as a weapon of war, post-conflict governments will have huge barriers to overcome in not only restoring water services, but also trust in those water services. A good strategy may be to priorities reconstruction efforts into addressing the lack of water, in the hope that this will also reconstruct social contract.

But even when water is not used as a weapon, but was one of the underlying causes that contributed to the war – along with the lack of other economic, social and cultural rights; inequalities and deprivation – for peacebuilding to be successful, strong institutions must be put in place to ensure that strong systems are in place to make sure that water becomes a real and tangible human rights for all. In this context parliaments, but also regulators, governments, service providers, NHRI's all have a crucial role to play to making sure that access to water and sanitation becomes universal, safe, sustainable for all and everywhere.

One of the most significant issues for ensuring access to water is the often complex system of institutions that is required. Institutions such as water providers and regulators either did not exist before a conflict, were weak before the conflict or will invariably have been weakened by conflict and the process of rebuilding these institutions, understanding what is required from a water service, or from water resource management can take time.

The good news is, that the development of the right institutions for water can promote better institutions, including regulatory bodies for so many other aspects of civil life. As we all know, without water, we cannot survive – water is central to so many aspects of our lives, including social and cultural demands. These are among the first institutions to be resurrected during a post-conflict peace-building process, and if this is done well in a multi-stakeholder manner, taking into account the needs of all – and I want to stress the needs of women in particular – this provides a backbone for other sectors.

People living in fragile states are the least likely to have access to water– this is not a coincidence, but is a consequence of the lack of strong institutions to guide and regulate water services.

2. How to strengthen the potential of water in reconciliation processes?

I don't want to labor the point that I made earlier – but the impact of conflict is weak institutions and the marginalization of specific groups of people. Addressing water requirements, which are universally recognized as a prerequisite for human life, for human economic, social, cultural activities requires institution-building – with the participation of everyone who uses water – in other words everyone. Using water as the tool, a resource that may be scarce and therefore must be shared, demands discussions that will go to the heart of understanding injustice and could lead to reconciliation. Water plays such a central role in protecting public health, in promoting economic activity, that an immediate response to rebuild water systems strengthens the trust between a population and the government.

As long as this system is also seen to be equitable, distributing resources fairly between different population groups and uses (and not just being sold off to the highest bidder) it can also strengthen ties between communities that may otherwise be at odds. Struggles over land are often strongly linked to struggles over water, and these can happen at any level, not just at the level of nations, but between neighbors, or between corporations and local communities.

Of course, a better process would be to use water, and the necessary institution building before conflict breaks out. This is certainly what has been attempted in the development of Nile River Basin cooperative framework agreement.

The contribution to the political and economic stability of fragile and conflicted-affected states of improved access to water, and specifically equality in access to water should not be underestimated.

These discussions have convinced me that I can also describe the work that I do in the water and sanitation sector is necessary for ensuring peace, and for rebuilding peace post-conflict!