



INSTITUTE FOR AGRICULTURE AND TRADE POLICY

June 30, 2010

To:

Ms. Catarina de Albuquerque,
Independent Expert on the issue of human rights obligations related
to access to safe drinking water and sanitation
ESCR Section, Special Procedures Division
UNOG-OHCHR, Palais des Nations
Geneva, Switzerland

RE: Response to request for input to help further clarify the content of human rights obligations related to access to safe drinking water and sanitation; make recommendations that could help the realization of the MDGs, and particularly Goal 7; and prepare a compendium of good practices related to access to safe drinking water and sanitation.

Dear Ms. de Albuquerque,

The Institute for Agriculture and Trade Policy (IATP) continues to be extremely grateful for the opportunity to share our views and experiences. We thank you for providing us an opportunity to help identify good practices on how human rights obligations related to water can be implemented.

The Institute for Agriculture and Trade Policy has been working on food security and the right-to-water for well over a decade. It is one of the very few organizations working at the intersection of international, national and regional policies as well as local practices around sustainable, just and healthy food systems.

Even though we were unable to participate in a workshop convened by the Independent Expert in Lisbon in October 2009 (which developed a list of normative and cross cutting criteria for stakeholder suggestions of good practices), we are happy to use this opportunity to suggest *“multi-functional agricultural practices”* as well as *“international and national institutional support for the promotion of ecological agricultural practices,”* as good practices through which

human rights obligations related to water can be implemented in the rural areas, and in agricultural economies in particular.

We applaud you on your commitment to identify good practices across all levels and sectors of society. The agricultural sector, accounting for close to 70 percent of world water withdrawals, is an extremely important sector when it comes to water related policy and practice, and key to realising right-to-water. Current chemical intensive industrial agricultural practices are such that they not only pollute water but also reduce the water retention capacity of soil, and thus increase water needs of agricultural sector. On the other hand, multifunctional agricultural practices help reduce water contamination, improve water retention and thus reduce water use in agriculture.

Several communities around the world meet their drinking water needs by undertaking watershed development activities in agricultural lands and thereby improving local water availability. Thus multifunctional agriculture that also incorporates water stewardship tends to leave water for ecosystem needs and for meeting other livelihood needs of the community.

In advocating multifunctional agriculture as a good practice, we refer to the recommendations of report by the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD, 2009) in the questionnaire. The IAASTD development and sustainability goals were endorsed at the first Intergovernmental Plenary. These goals are consistent with a subset of the UN Millennium Development Goals (MDGs): the reduction of hunger and poverty, the improvement of rural livelihoods and human health, and facilitating equitable socially, environmentally and economically sustainable development. The report recognizes that realizing the UN Millennium Development Goals (MDGs) requires acknowledging the multi-functionality of agriculture.

We request that the report by the Independent expert also recognize that realizing the UN MDGs on water requires recognizing the key role of multifunctional agricultural practices in implementing right to water.

We are confident that these practices, as practiced by several communities around the world will meet most of the normative criteria (*availability, accessibility, quality/safety, affordability, acceptability*), and all of the cross-cutting criteria (*non-discrimination, participation, accountability, impact, sustainability*;) that were developed through the stakeholder process.

As an example, I have attempted to answer the questionnaire regarding criteria, on the basis of the agricultural practices by the members of the Tamil Nadu Women's Collective, a civil society

group in Southern India. Through their 75,000 members in 20 districts of Tamil Nadu, the Women's Collective seeks to improve the lot of all women, particularly the most marginalized.

Women farmers and farm workers take vows not only to avoid the use of pesticides and inorganic fertilizers, but also to participate in ecologically sound and sustainable development of agriculture and industries. Despite living in semi-arid regions, such activities contribute to the water security of the community. In addition to farming, the issues the collective focus on include domestic violence; discrimination on the basis of caste, class, religion, and gender; exploitation of children; female infanticide; and economic and environmental violence.

In the fall/ winter of 2010 IATP will publish a case study on the role of multifunctional agricultural systems in meeting food and water security; we look forward to an opportunity to submit it to the office of the Independent Expert for further consideration.

Please see further below our answers to the questionnaire,
Thanks you once again,

Sincerely,
Shiney Varghese

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The Good Practices Questionnaire

The questionnaire is structured following the normative and cross-cutting criteria, mentioned above; hence the Independent Expert is looking for good practices in the fields of sanitation and water **from a human rights perspective**. Therefore, the proposed practices do not only have to be judged ‘good’ in light of at least one normative criterion depending on their relevance to the practice in question (availability, accessibility, quality/safety, affordability, acceptability), but also in view of all the cross-cutting criteria (non-discrimination, participation, accountability, impact, sustainability). At a minimum, the practice should not undermine or contradict any of the criteria.

Explanatory note: Criteria

Criteria 1-5: Normative criteria (availability, accessibility, quality/safety, affordability, acceptability). All these criteria have to be met for the full realization of the human rights to sanitation and water, but a good practice can be a specific measure focussing on one of the normative criterion, and not necessarily a comprehensive approach aiming at the full realization of the human rights. Hence, not all the criteria are always important for a given practice. E.g., a pro-poor tariff structure can be judged very good in terms of the affordability criterion, whilst the quality-criterion would be less relevant in the context of determining whether that measure should be considered a good practice.

Criteria 6-10: Cross-cutting criteria (non-discrimination, participation, accountability, impact, sustainability). In order to be a good practice from a human rights perspective, all of these five criteria have to be met to some degree, and at the very least, the practice must not undermine or contradict these criteria. E.g., a substantial effort to extend access to water to an entire population, but which perpetuates prohibited forms of discrimination by providing separate taps for the majority population and for a marginalized or excluded group, could not be considered a good practice from a human rights perspective.

Actors

In order to compile the most critical and interesting examples of good practices in the field of sanitation and water from a human rights perspective, the Independent Expert would like to take into consideration practices carried out by a **wide field of actors**, such as States, regional and municipal authorities, public and private providers, regulators, civil society organisations, the private sector, national human rights institutions, bilateral development agencies, and international organisations.

Practices

The Independent Expert has a broad understanding of the term “practice”, encompassing both policy and implementation: Good practice can thus cover **diverse practices** as, e.g., legislation (international, regional, national and sub-national), policies, objectives, strategies, institutional frameworks, projects, programmes, campaigns, planning and coordination procedures, forms of cooperation, subsidies, financing mechanisms, tariff structures, regulation, operators’ contracts, etc. Any activity that enhances people’s enjoyment of human rights in the fields of sanitation and water or understanding of the rights and obligations (without compromising the basic human rights principles) can be considered a good practice.

Please describe a good practice **from a human rights perspective** that you know well in the field of

- drinking water; and/or
- sanitation

Please relate the described practice to the ten defined criteria. An explanatory note is provided for each of the criteria.

The Independent Expert is interested to learn about practices which advance the realization of human rights as they relate to safe drinking water and sanitation. She has explicitly decided to focus on “good” practices rather than “best” practices, in order to appreciate the fact that ensuring full enjoyment of human rights can be a process of taking steps, always in a positive direction. The practices submitted in response to this questionnaire may not yet have reached their ideal goal of universal access to safe, affordable and acceptable sanitation and drinking water, but sharing the steps in the process towards various aspects of that goal is an important contribution to the Independent Expert’s work.

Description of the practice:

Name of the practice:

We request you to include “Institutional support for multifunctional agricultural systems with an emphasis on agro-ecological practices at multiple levels including International, national and local levels” as one of the key good practices related to access to safe drinking water/ sanitation especially in rural areas.

Such agricultural systems have multiple benefits that include food security, water security, ecosystem protection and they contribute to building the climate resilience of communities. This approach has been advanced by the authors of the Report, International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD report, 2009).

Several groups around the world are already practicing different aspects of this holistic approach. The Tamil Nadu Women’s Collective (henceforth also referred to as TNWC) working in about 1500 villages in Southern India practices something known as “Natural Farming.” According to Sheelu Francis who heads the organisation, Natural Farming goes beyond organic agriculture to incorporate cultural and spiritual aspects of agriculture in their attempt to meet food security and water security. While natural farming is one of the many [activities](#) they undertake, TNWC is one of the groups whose farming practices are closest to multifunctional agriculture as defined in IAASTD Report.

Thus in this submission I will be presenting TNWC’s work as an example of how community members have benefitted from the adoption of agro-ecological practice in meeting not only the food security needs but also the drinking water and other livelihood related water needs of local populations.

In the fall of 2010 IATP will publish a case study on the role of multifunctional agricultural systems in meeting food and water security, we look forward to an opportunity to submit to the office of the Independent Expert for further consideration.

Aim of the practice:

Aims of the practice include food security, water security, climate resilience building, biodiversity protection, ecological sustainability. In the specific case of TNWC, additional aims include women's empowerment and poverty alleviation.

Target group(s):

Target group(s) include rural inhabitants, including small farmers, indigenous groups and *pastoralists*. In the specific case of TWC, women farmers, landless women and women agricultural laborers.

Partners involved: (in the promotion of the good practices indicated)

The International Assessment of Agricultural Science and Technology for Development (IAASTD) was endorsed as a multi-thematic, multi-spatial, multi-temporal intergovernmental process with a multistakeholder bureau cosponsored by the Food and Agricultural Organization (FAO) of the United Nations, the Global Environment Facility (GEF), United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank, and World Health Organization (WHO). The IAASTD's governance structure is a unique hybrid of the Intergovernmental Panel on Climate Change (IPCC) and the nongovernmental Millennium Ecosystem Assessment. (From http://www.agassessment.org/docs/LAC_SDM_130508_English.htm)

Tamil Nadu Women's Collective is a collective of several women's organizations; they also partner with other like minded civil society groups (feminist groups, farmers groups, youth groups) and local governments.

Duration of practice:

While the IAASTD report came out in 2009, its recommendations are to be put into policy and practice by national governments and international Institutions. It is an ongoing effort.

The women's collective was set up in early 1994 and natural farming methods are being practiced for the last 5 years. The landholding of the members being small (about ½ an acre), groups of 10-15 women annually lease in about 10 acres of land for collective cultivation.

Financing (short/medium/long term):

IAASTD was financed through the WB and other international financing mechanisms.

TNWC was funded by Christian Aid till 2009. Currently self supported.

Brief outline of the practice:

It is difficult to summarize the multifunctional agricultural practices outlined in the report in a few lines. But a brief summary of the practices adopted by TNWC that help meet water needs of the community concerned is provided below. The answers to the questions (1-10) further below will also be provided in the context of Tamil Nadu Women's Collective's work.

Water quality preservation practices: Use of home-made, manure-based bio-fertilizer and bio-pesticide. (For fertilizer: cow-dung/ jaggri/ banana/ gram flour; for pesticide sprays: cow urine./ bitter leaves/ water) rather than agrochemicals to improve productivity and reduce water contamination.

Water quantity conservation Practices: Roof water harvesting, micro level on farm water shed development, inter-cultivation of 15-20 crops in one piece of land (multilayer cropping system), cultivation of local crops that need minimum water, pearl millet, finger millet, sorghum etc. and where there are paddy lands, practice system of rice intensification.

Since millets and other local crops grow even in nutrient depleted soils they can help meet food needs of poorer families, even when faced with climate challenges. Since these crops also are nutrient rich, TNWC advocates the inclusion of these in state run public food distribution system. According to TNWC, it advocates millets not only to meet the nutritional requirements of the communities, but also to help meet the challenges of climate induced food uncertainties.

In support of these activities the collective members run decentralized seed banks, of all the crops they cultivate, including a number of millets, vegetables, and paddy.

1. How does the practice meet the criterion of availability?**Explanatory note: Availability**

Availability refers to sufficient quantities, reliability and the continuity of supply. Water must be continuously available in a sufficient quantity for meeting personal and domestic requirements of drinking and personal hygiene as well as further personal and domestic uses such as cooking and food preparation, dish and laundry washing and cleaning. Individual requirements for water consumption vary, for instance due to level of activity, personal and health conditions or climatic and geographic conditions. There must also exist sufficient number of sanitation facilities (with associated services) within, or in the immediate vicinity, of each household, health or educational institution, public institution and place, and the workplace. There must be a sufficient number of sanitation facilities to ensure that waiting times are not unreasonably long.

Answer:

Most of these villages get their water supply through public water systems run at the village level. It is available throughout the year. However the source of the water supply is often bore wells whose water levels tend to fluctuate, depending on local water withdrawals and rainfall availability.

The improved natural farming practices have ensured that the water levels in bore wells have remained high enough to ensure regular availability.

2. How does the practice meet the criterion of accessibility?

Explanatory note: Accessibility

Sanitation and water facilities must be physically accessible for everyone within, or in the immediate vicinity, of each household, health or educational institution, public institution and the workplace. The distance to the water source has been found to have a strong impact on the quantity of water collected. The amount of water collected will vary depending on the terrain, the capacity of the person collecting the water (children, older people, and persons with disabilities may take longer), and other factors. There must be a sufficient number of sanitation and water facilities with associated services to ensure that collection and waiting times are not unreasonably long. Physical accessibility to sanitation facilities must be reliable at day and night, ideally within the home, including for people with special needs. The location of public sanitation and water facilities must ensure minimal risks to the physical security of users.

Answer:

The water connection is up to the street level, often up to a distance of about 500 meters from home. Women are the primary water collectors. While TNWC's farming practices do not play a direct role in ensuring easy accessibility, members are empowered to engage in local decision making practices which in turn ensure that gender concerns on accessibility are addressed.

3. How does the practice meet the criterion of affordability?

Explanatory note: Affordability

Access to sanitation and water facilities and services must be accessible at a price that is affordable for all people. Paying for services, including construction, cleaning, emptying and maintenance of facilities, as well as treatment and disposal of faecal matter, must not limit people's capacity to acquire other basic goods and services, including food, housing, health and education guaranteed by other human rights. Accordingly, affordability can be estimated by considering the financial means that have to be reserved for the fulfilment of other basic needs and purposes and the means that are available to pay for water and sanitation services.

Charges for services can vary according to type of connection and household income as long as they are affordable. Only for those who are genuinely unable to pay for sanitation and water through their own means, the State is obliged to ensure the provision of services free of charge (e.g. through social tariffs or cross-subsidies). When water disconnections due to inability to pay are carried out, it must be ensured that individuals still have at least access to minimum essential levels of water. Likewise, when water-borne sanitation is used, water disconnections must not result in denying access to sanitation.

Answer:

The water is made available **free** through this public water distribution system, for individual, family and community use. TNWC's Natural farming processes do not play a role in this. However members maintain that *free access to drinking water and sanitation is a right* that must be fulfilled by the state, as the community fulfills *their responsibility for water stewardship* through conservation practices.

4. How does the practice meet the criterion of quality/safety?

Explanatory note: Quality/Safety

Sanitation facilities must be hygienically safe to use, which means that they must effectively prevent human, animal and insect contact with human excreta. They must also be technically safe and take into account the safety needs of peoples with disabilities, as well as of children. Sanitation facilities must further ensure access to safe water and soap for hand-washing. They must allow for anal and genital cleansing as well as menstrual hygiene, and provide mechanisms for the hygienic disposal of sanitary towels, tampons and other menstrual products. Regular maintenance and cleaning (such as emptying of pits or other places that collect human excreta) are essential for ensuring the sustainability of sanitation facilities and continued access. Manual emptying of pit latrines is considered to be unsafe and should be avoided.

Water must be of such a quality that it does not pose a threat to human health. Transmission of water-borne diseases via contaminated water must be avoided.

Answer:

TNWC's work has contributed to reducing the agro-chemical contamination of water.

5. How does the practice meet the criterion of acceptability?

Explanatory note: Acceptability

Water and sanitation facilities and services must be culturally and socially acceptable. Depending on the culture, acceptability can often require privacy, as well as separate facilities for women and men in public places, and for girls and boys in schools. Facilities will need to accommodate common hygiene practices in specific cultures, such as for anal and genital cleansing. And women's toilets need to accommodate menstruation needs.

In regard to water, apart from safety, water should also be of an acceptable colour, odour and taste. These features indirectly link to water safety as they encourage the consumption from safe sources instead of sources that might provide water that is of a more acceptable taste or colour, but of unsafe quality.

Answer:

TNWC's work has not been directly relevant for acceptability of sanitation practices.

6. How does the practice ensure non-discrimination?

Explanatory note: Non-discrimination

Non-discrimination is central to human rights. Discrimination on prohibited grounds including race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status or any other civil, political, social or other status must be avoided, both in law and in practice.

In order to address existing discrimination, positive targeted measures may have to be adopted. In this regard, human rights require a focus on the most marginalized and vulnerable to exclusion and discrimination. Individuals and groups that have been identified as potentially vulnerable or marginalized include: women, children, inhabitants of (remote) rural and deprived urban areas as well as other people living in poverty, refugees and IDPs, minority groups, indigenous groups, nomadic and traveller communities, elderly people, persons living with disabilities, persons living with HIV/AIDS or affected by other health conditions, people living in water scarce-regions and sanitation workers amongst others.

Answer:

Natural farming contributes to the improvement of water quality and enhancement of water levels in the groundwater tables, which is a common property. The benefits of TNWC's Natural Farming Practices benefit community members in a non-discriminatory manner.

Given the existence of caste hierarchies in the area, discrimination could have been an issue at the level of accessing this water. Due to active engagement of TNWC members in the decision-making process, it is ensured that separate taps are provided to ensure non-discrimination, by implementing existing state policies on non-discrimination in water provision.

7. How does the practice ensure active, free and meaningful participation?

Explanatory note: Participation

Processes related to planning, design, construction, maintenance and monitoring of sanitation and water services should be participatory. This requires a genuine opportunity to freely express demands and concerns and influence decisions. Also, it is crucial to include representatives of all concerned individuals, groups and communities in participatory processes.

To allow for participation in that sense, transparency and access to information is essential. To reach people and actually provide accessible information, multiple channels of information have to be used. Moreover, capacity development and training may be required – because only when existing legislation and policies are understood, can they be utilised, challenged or transformed.

Answer:

The basis of TNWC's work is active, free and meaningful and effective participation by its members. Their experience of actively engaging in the democratic processes of TNWC enables its members engage effectively in local decision making processes and regional political processes.

8. How does the practice ensure accountability?

Explanatory note: Accountability

The realization of human rights requires responsive and accountable institutions, a clear designation of responsibilities and coordination between different entities involved. As for the participation of rights-holders, capacity development and training is essential for institutions. Furthermore, while the State has the primary obligation to guarantee human rights, the numerous other actors in the water and sanitation sector also should have accountability mechanisms. In addition to participation and access to information mentioned above, communities should be able to participate in monitoring and evaluation as part of ensuring accountability.

In cases of violations – be it by States or non-State actors –, States have to provide accessible and effective judicial or other appropriate remedies at both national and international levels. Victims of violations should be entitled to adequate reparation, including restitution, compensation, satisfaction and/or guarantees of non-repetition.

Human rights also serve as a valuable advocacy tool in using more informal accountability mechanisms, be it lobbying, advocacy, public campaigns and political mobilization, also by using the press and other media.

Answer:

It is one of the philosophies of the TNWC to be accountable to members and supporters; this is a value they encourage through the membership as well. The practices of the organization are discussed extensively and agreed upon before it is adopted for practice.

9. What is the impact of the practice?

Explanatory note: Impact

Good practices – e.g. laws, policies, programmes, campaigns and/or subsidies - should demonstrate a positive and tangible impact. It is therefore relevant to examine the degree to which practices result in better enjoyment of human rights, empowerment of rights-holders and accountability of duty bearers. This criterion aims at capturing the impact of practices and the progress achieved in the fulfilment of human rights obligations related to sanitation and water.

Answer:

As elaborated above the impact of the practices contribute towards food and water security at local levels.

TNWC is also using their natural farming practices as a model and advocacy mechanism to change agricultural and food policy at both national and state level to help meet food security and water security. For example, in addition to advocating natural farming they also advocate for the inclusion of millets in the basic food basket as part of the public distribution system. Towards these goals, they have also become part of advocacy networks that campaign to build climate resilience. While there is some recognition of these issues at policy making levels, there is a long way to go.

10. Is the practice sustainable?

Explanatory note: Sustainability

The human rights obligations related to water and sanitation have to be met in a sustainable manner. This means good practices have to be economically, environmentally and socially sustainable. The achieved impact must be continuous and long-lasting. For instance, accessibility has to be ensured on a continuous basis by adequate maintenance of facilities. Likewise, financing has to be sustainable. In particular, when third parties such as NGOs or development agencies provide funding for initial investments, ongoing financing needs for operation and maintenance have to be met for instance by communities or local governments. Furthermore, it is important to take into account the impact of interventions on the enjoyment of other human rights. Moreover, water quality and availability have to be ensured in a sustainable manner by avoiding water contamination and over-abstraction of water resources. Adaptability may be key to ensure that policies, legislation and implementation withstand the impacts of climate change and changing water availability.

Answer:

Promotion of ecological practices in agriculture is an absolute necessity in ensuring that the human rights obligations related to water and sanitation are met in a sustainable manner.

Final remarks, challenges, lessons learnt

The TNWC believes that, if the state continues with current agriculture policies despite the climate crisis, water and food security will be further compromised.

Submissions

Questionnaires can be transmitted electronically to iewater@ohchr.org (encouraged) or be addressed to

Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.
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OHCHR, Palais des Nations, CH-1211 Geneva 10, Switzerland
Fax: +41 22 917 90 06

Please include in your submissions the name of the organization submitting the practice, as well as contact details in case follow up information is sought.

Contact details:

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