

## **Water and human rights<sup>1</sup>**

and fish-inhabited waters, and to the water resources of the First Nations, whose affairs are constitutionally federal. I'll come back to them.

In addition to provincial responsibility, we have a longstanding tradition of public ownership of both water and the means for its purification and delivery. Even in those few recent situations where the operation of facilities is contracted out, underlying ownership rests with the Crown. In this we are like most other countries, with the notable exception of the United Kingdom, whose utilities were consolidated in 1974 and sold off by the Blessed Margaret in 1989.

It's worth noting that water is dirt cheap in most parts of Canada. Urban dwellers typically pay \$1.50-\$2.00 per cubic meter for water. In the US, the typical rate is \$4.00 per cubic meter for water of the same quality and quantity. In the UK, the typical rate is \$1.00 per cubic meter for water of the same quality and quantity. In the EU, the typical rate is \$1.50 per cubic meter for water of the same quality and quantity. In the Middle East, the typical rate is \$2.00 per cubic meter for water of the same quality and quantity. In the rest of the world, the typical rate is \$1.00 per cubic meter for water of the same quality and quantity.







week, to fill this legal gap, and I look forward to



Fourth, a principal reason for Ottawa being chary about signing up is because they think they should not promise things they cannot deliver. (One wishes they had thought of that before Kyoto.) A national strategy would require all ten provinces and three territories to sign on. This is an enormous hill to climb. To all my former colleagues in government, however, I would simply say that it's all pensionable time. Further, if this really is the principal reason for Canadian reluctance, it's hardly a matter of human rights, just a consequence of our fusty and unchangeable constitution.

Fifth, there is a danger of debasing the currency. The core elements of human rights – the dignity and importance of every individual human being, and a person's right to be free of the crimes committed by states – are too important to be extended too far. Maybe there's a human right to safe water, but must it be esthetically pleasing as well, as a basic human right?

Sixth, defining what's really at issue would help Canadians decide whether they ought to sign up. Someone has to say unambiguously just what a human right to water means, and what obligations it places on state parties. If at its core it is non-discriminatory, reasonably priced access to a small amount of potable water for personal uses, as Lynda Collins suggests,<sup>13</sup> or if, as Susanne Schmidt says,<sup>14</sup> all this is about improving the moral claims of poor people in other countries, no problem. If it's everything that the Committee says in General Comment 15, it's clear that we should have strong reservations.

Bottom line: if, after some further work, an unambiguous statement of what obligations would accrue to Canada on joining this declaration could be made; and if, as discussion at the conference would lead a lay observer to believe, such a statement would simply improve the moral claims of poor people in desperate circumstances, Canada should have no difficulty in signing. But it is incumbent on the proponents to tell the rest of us what they mean.

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<sup>13</sup> Lynda M. Collins, "Implementing the human right to water: a discussion paper," United Nations Association of Canada, March 2007

<sup>14</sup> Conference remarks under the topic, "Practical aspects of the implementation of the human right to water"