

Annual report 2010-2011



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- 3 Thematic Fact Sheets
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Advocacy

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Knowledge sharing

- 4 Presentations at International Conferences
- 3 National Conferences
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Improving Water Governance Worldwide

This first Report of Activities, which I have the pleasure to present here, aims at demonstrating the effort of building up the credibility of WaterLex in the very short period covering its first two institutional building years.

The setting up of WaterLex was started in April 2010 by Julie Aubriot and Jean-Benoit Charrin. They were convinced that present strategies as currently pursued by the different stakeholders could not efficiently respond to water governance challenges. They were in particular struck by the lack of comprehensiveness of those strategies and their inability to foster steps to harmonize competing dynamics, demands and practices. They also believed that solutions can only emerge as a result of joint efforts from individuals as diverse as possible.

These convictions were shared, and soon after the launch, field experts, academics, diplomats, and private and non-profit actors agreed to join WaterLex as members to support the initiative. At that time their shared hope and expectation was that WaterLex would start bringing credible contributions to meet such challenges. Their support was vital. This annual report is therefore a strong expression of thanks to all our members.

The mission of WaterLex lies in the development of innovative solutions that aim at improving worldwide water governance. Water governance is neither about building water points, nor about marketing a new water technology. It is about making sure that all stakeholders who impact water are aware of their impact, that they acknowledge their responsibility

and that they work jointly to ensure a sustainable use of the resource. In order to ensure this, working on legal and institutional frameworks, performance standards, monitoring and accountability systems, is at the core of WaterLex work.

This Report offers a glimpse of first initiatives and projects, current activities, as well as future strategies. It contains detailed information on four projects that are emblematic of 2010-2011 successes. They all reveal promising activities and initiatives in the areas of research, training, advocacy and mediation that are planned for 2012-2013.

I would like to conclude by underlining that these two years would not have been as successful, without the exceptional commitment of highly competent young professionals working for the International Secretariat (IS) of the organization based in Geneva.

I am convinced that this Report will promote the soundness of a human rights-based approach to improve water governance and that it will favor support to WaterLex by all stakeholders. Indeed, WaterLex appeals to all of us to share our experiences, continue volunteering, convince others to become members, support financially existing projects and challenge the organization with innovative requests. Let's get to work!

María Francisca Ize-Charrin
President of the Board



Water governance is neither about building water points, nor about marketing a new water technology. It is about making sure that all stakeholders who impact water are aware of their impact, that they acknowledge their responsibility and that they work jointly to ensure a sustainable use of the resource.

A Dynamic Structure for an Ambitious Mission

In my capacity as Executive Director of WaterLex, I have the pleasure to present the structure of our organization. WaterLex from its beginning has tried to articulate non-profit, values-driven activities and high professional standards.

The International Secretariat (IS) warrants WaterLex professionalism. The IS is responsible for the implementation of WaterLex projects and the involvement of members and volunteers in the Organization. It also acts as the organization's focal point for external stakeholders.

WaterLex activities are grouped in four areas: research, training, advocacy and mediation. These four areas gained consensus through an internal and external consultation process involving our partners.

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Desk and Field-based Research: The Stem of WaterLex

The development of evidence-based water policies and innovative solutions requires research. WaterLex undertakes research in cooperation with academic institutions, such as the University of Essex Human Rights Clinic and the University of Dundee UNESCO Center for Water Law, as well as field-based stakeholders (cf. p.4) to ensure that the research outputs meet both academic standards and grassroots relevance.

WaterLex develops innovative solutions that aim at improving water governance worldwide using a human rights based approach

Advocacy & Training: Providing Information and Transferring skills

The field-evaluations undertaken by WaterLex, such as the Country Water Governance Mappings, are an opportunity to discover training demand but also advocacy targets. To pursue its advocacy and training objectives, WaterLex operates through on-site activities and an online campus. This leads WaterLex to be present in major international conferences and negotiation forums as well as at the grassroots level.

Mediation: Diplomats in the Field

In some circumstances, due to tensions and even conflicts among stakeholders, WaterLex is asked to engage in mediation work. The mediation work applies to national conflicts involving



different stakeholders such as local populations and water providing companies, as well as transnational conflicts between two or more States. A pool of senior experts and former diplomats ensures the confidentiality and efficiency of WaterLex mediation services.

The Vital Role of Members and Volunteers: the Support and Project Teams

For each of the four areas of activities, a coordinator is assisted by a Support Team (ST) that is composed of members of the organization. These Support Teams have a purely advisory function.

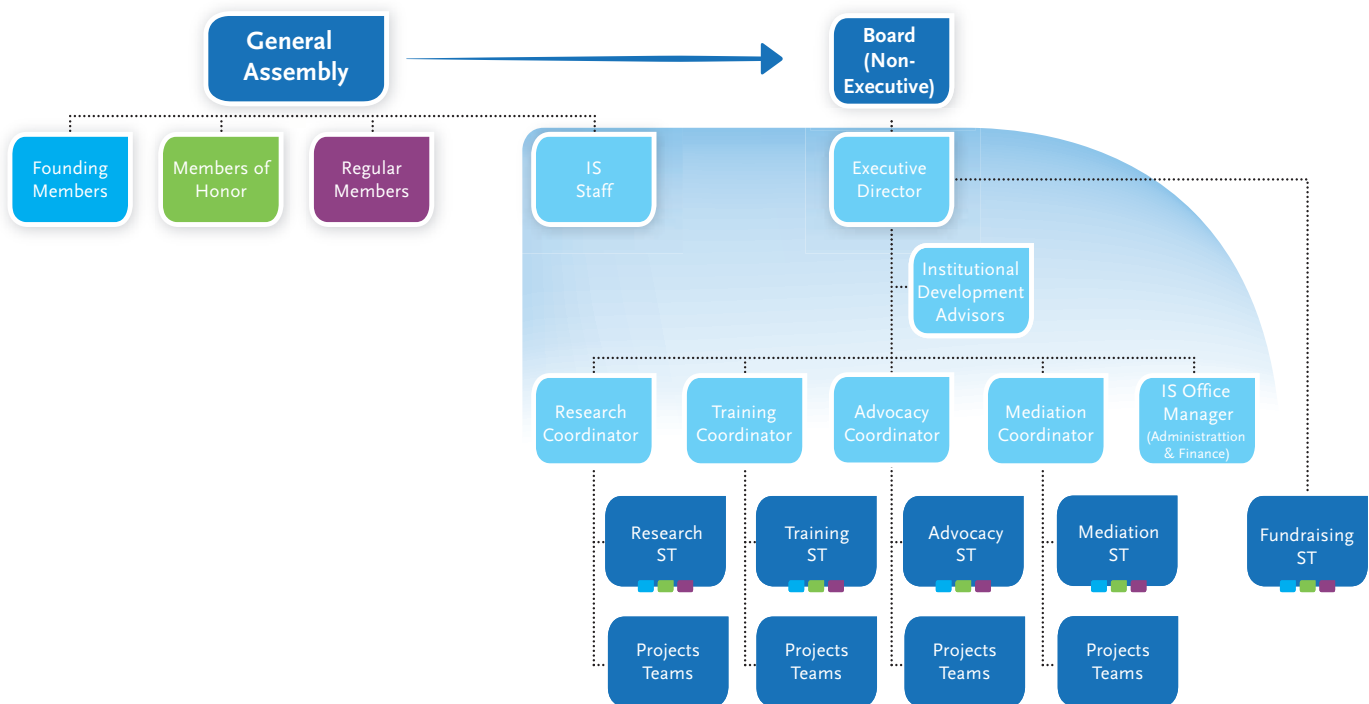
WaterLex membership requires a voluntary experience with the Organization. Only individuals who have already proven through their career a remarkable contribution to the mission of WaterLex are exempted from the volunteering experience. Following their admission as Members by the General Assembly, new Members have the opportunity to join one or more Support and Pro-

ject Teams to assist the organization with their experience and advice on a purely voluntary basis. To wrap it up, WaterLex is an initiative I have been pleased to serve from its beginning in 2010. I have seen the varied contributions at different levels, diverse professionals and geographical backgrounds, convinced UN experts, committed volunteers and professionals in different countries. I therefore really look forward to our upcoming achievements.

Jean-Benoit Charrin
Executive Director



WaterLex membership requires a voluntary experience with the Organization.



WaterLex among Water Governance Stakeholder

Dealing with water governance challenges requires an understanding of the inter-actions between all stakeholders which impact directly or indirectly water use and management. WaterLex therefore is directly in contact with **national & local public authorities**, as well as legislative and judicial bodies. Executive bodies such as decentralized authorities need alignment of policies and adequate funding which contribute to the realization of the human right to water and sanitation. Legislative bodies such as law commissions are key to ensure legal compliance with international human rights commitments of a given State. Last but not least, the effectiveness of judicial bodies is a condition for stability in a given country, as they constitute the first redress mechanisms in case of human rights violations.

Civil society organizations are key partners in WaterLex projects to guarantee long-term sustainability.

In order to develop sustainable solutions, it is vital to involve **inter-governmental organizations**, who assist States in improving

their governance, as well as **international legal bodies**, such as human rights treaty bodies, which monitor State compliance with their international commitments.

Among other actors strongly impacting **national governance** are foreign States. Foreign States become governance stakeholders when providing financial support to a given **private sector** in the country, or development assistance (cf. work of **governmental cooperation agencies**). In this context, WaterLex pays close attention to understanding the local populations' situation, expectations, concerns and demands.

Accordingly, **civil society organizations** are key partners in WaterLex projects to guarantee long-term impact. These organizations include: media, community-based organizations, non-governmental organizations, trade unions, faith-based organizations and research institutes.

Linking water governance stakeholders using a human rights based approach – the added-value of WaterLex





“As the UN Special Rapporteur on the human right to safe drinking water and sanitation, I favour the establishment of innovative think-tanks to discuss challenges and identify innovative solutions so as to implement the human rights to water and sanitation.

Among existing organizations, WaterLex plays a specific role I would like to honour. First, WaterLex went beyond traditional human rights organization’s ambitions to tackle the whole body of international and national laws affecting water governance focusing on human rights.

Secondly, the organization managed to create an environment of dialogue among the various stakeholders through its members who joined in their private capacity. This gives a unique added-value to the research outcomes which become suddenly pragmatic and understandable by every stakeholder, and therefore efficient in generating the expected impact.

These are the reasons that convinced me to join the non-executive Board of WaterLex in my private capacity. I clearly support and adhere to WaterLex’s ambition and I am happy to encourage and support its staff and members in the years to come.”

Catarina de Albuquerque
UN Special Rapporteur on the
Human Right to Safe Drinking Water
and Sanitation

OUR FIRST STEPS

2010-2011 Milestones



April 2010 – Decision by Julie Aubriot and Jean Benoit Charrin to set up an organization contributing to the realization of the human right to water and sanitation – Logo, Name and Statutes are defined by June.



July 2010 – The first Advocacy project takes place – A seminar in conjunction with ACRA, Both ENDS, UNDP and UNESCO Etexa at the Stockholm Water Week – Topic: Investigating a human rights based approach to improve water quality.



October 2010 – WaterLex coordinates 30 international and national NGOs at the 2010 Social Forum of the UN Human Rights Council, while engaging in governmental lobbying and promotion of an NGO joint-declaration.



November 2010 – WaterLex undertakes its first water governance country assessment in Paraguay to evaluate legal, policy and institutional frameworks, as well as stakeholders' practices.



March 2011 – WaterLex is mandated to assist as an expert in the United Nations Economic Commission for Europe (UNECE) compilation of good practices on equitable access to water in the Pan-European region.



November 2011 – WaterLex coordinates the NGO Group on extractive industries before the African Commission on Human and Peoples' Rights.



IS WATER TRANSPARENT?

From Lomé to Banjul: Mobilizing Civil Society for Extractive Industry Transparency

In 2012, the Rio+ 20 Summit will account for 20 years of implementation of the principle of state sovereignty over natural resources. In order to advance the reflection on good water governance, WaterLex undertook a multi-level (national, regional and international) project aimed at reassessing and strengthening the involvement of civil society in the control over extractive industry activities.

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From Extractive industry Transparency to Good Water Governance

Natural resources constitute a key asset in the development of many countries, especially in Africa. More than oil, uranium and gold, water constitutes a key condition for development and may constitute a major source of conflicts. Starting the discussion from extractive industry activities was the opportunity for WaterLex to reassess the principle of state sovereignty over natural resources vesting in people. This principle must be exercised *by* the State *with* and *in the interest* of the population. Extractive industry transparency constitutes an entry point to discuss water allocation and water pricing, while taking water as a natural resource and a common good. WaterLex, with its partner organizations, contributed to advance the linkages between extractives industries, human rights and water in Africa at both regional and country levels. The objective was to ensure the sustainability of two processes that are mutually strengthening. It is envisaged that advocacy activities for the Rio+20 Summit in 2012 will

channel messages and lessons learned from these two projects to the international arena.

Successful Mobilization of NGOs at the African Commission

The thirty-year anniversary of the African Charter on Human and Peoples' Right (ACHPR) celebrated in October 2011 constituted a unique backdrop to advance new human rights issues. At this occasion, 23 organizations met at the initiative of WaterLex and the Legal Resources Center (LRC) to create a group supporting the work of the Commission on natural resources management and extractive industries.

In the preparation of the Rio+20 Summit, it belongs to international human rights bodies to assess human rights issues raised by extractive industry activities, and the African Commission has a major task in that respect given alarming situations in Africa. The creation of an NGO group on the subject was the opportunity to give new impetus to the ACHPR Working Group on Extractive Industries

The principle of state sovereignty over natural resources must be exercised *by* the State *with* and *in the interest* of the population.



Village committee for the protection of community rights in iron exploitation, Bangeli, Togo

For the first time, a government participating in the Extractive Industries Transparency Initiative (EITI) has listed water among natural resources under economic transparency.

and to tackle in a transversal manner the human right to water.

The mission of the NGO group is to strengthen the activities of its members, while supporting the work of the African Commission in developing case law and standards in relation to extractive industries. The well-diversified attendance of the seminar reveals the potential of such a working group tackling the issue from different angles, such as access to information, displacements and forced evictions, community rights, water issues, impunity, and fight against HIV/AIDS.

The constitution of the NGO group was completed by further advocacy actions at the NGO Forum and at the session of the African Commission on behalf of most of the members of the NGO group. This mobilization had immediate impact. One month after the session of the African Commission, the ACHPR Working Group on Extractive Industries held its first meeting in Nairobi and developed an action plan. This working group had been waiting to start its activities since its creation in 2009.

Publish What You Pay for Water in Togo!

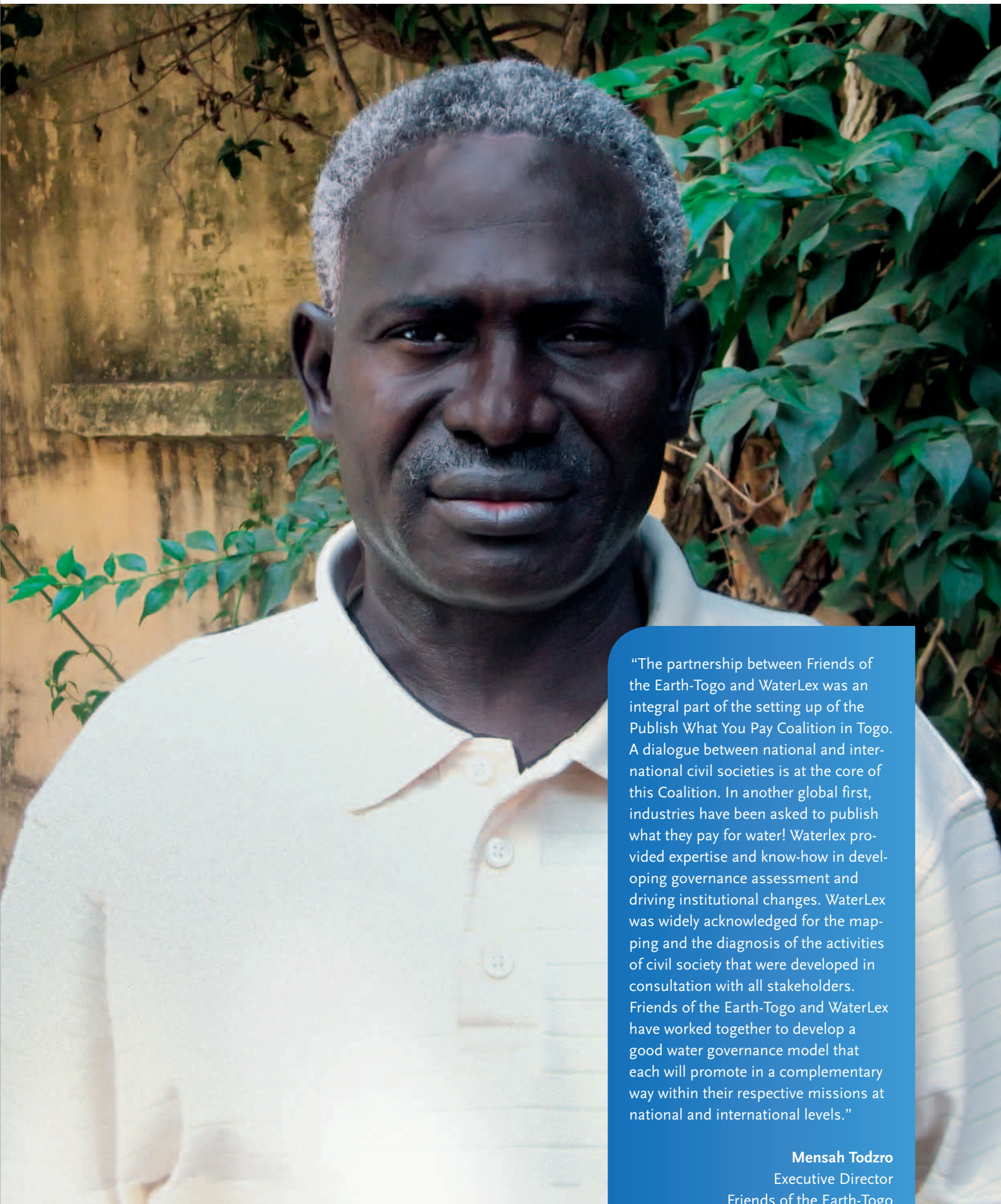
In Togo, a unique opportunity was given by the Government to start a dialogue on water governance with civil society. For the first time, a government participating in the Extractive Industries Transparency Initiative (EITI) has listed water among natural resources under economic transparency. Together with the adoption of a Water Code, such an initiative constituted a major step towards good water governance.

In order to consolidate the participation of civil society to this dialogue, Friends of the Earth-Togo took the lead to set up the **Publish What You Pay-Togo Coalition with a “Water Cluster”** – the first initiative of its kind worldwide. WaterLex supported the project through a first mapping of civil society organizations in the sector and a quick diagnosis of their current activities. To that end, WaterLex interacted with all key stakeholders, such as the Ministry of Water, the National Water Partnership and the NGO Water Platform, to ensure that the future Coalition would gain support from all and function in a coordinated system of governance.

The Togo project is envisaged to be replicable not only in EITI members, but in all countries committed to improve water governance.

Project Budget (in CHF)

Personnel	27,200
Travel costs	4,734
Operations	215
Total	32,149



“The partnership between Friends of the Earth-Togo and WaterLex was an integral part of the setting up of the Publish What You Pay Coalition in Togo. A dialogue between national and international civil societies is at the core of this Coalition. In another global first, industries have been asked to publish what they pay for water! Waterlex provided expertise and know-how in developing governance assessment and driving institutional changes. WaterLex was widely acknowledged for the mapping and the diagnosis of the activities of civil society that were developed in consultation with all stakeholders. Friends of the Earth-Togo and WaterLex have worked together to develop a good water governance model that each will promote in a complementary way within their respective missions at national and international levels.”

Mensah Todzro
Executive Director
Friends of the Earth-Togo



“Supporting an organization requires alignment with your own organization’s vision, strategy and goals. Swedish Water House is a program established since 2003 at Stockholm International Water Institute (SIWI) and funded by the Swedish Ministry for Foreign Affairs and the Ministry of the Environment. This program engages in water-related policy development with a particular view to stimulate Swedish actors’ participation in international water processes.

We got to know WaterLex through a seminar on the Human Right to Water during the Stockholm Water Week in July 2010. At that time, we enjoyed WaterLex’s contribution and noticed the organization’s specificity among the organizations engaging in global water governance issues.

Following an innovative project proposal, which also met our expectations in terms of its long-term viability, we were pleased to support financially WaterLex. We enjoyed working so far with the organization and we look forward to future collaborations.”

Ann-Mari Karlsson
Programme Officer,
Swedish Water House (SIWI)



Advancing a Human Rights Dialogue with Water Decision-Makers

The World Water Week constitutes a unique opportunity to monitor and influence world water governance. By co-organizing workshops in 2010 and 2011, WaterLex was assigned a leadership role to promote a human rights-based approach to world water governance.

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As a think tank, WaterLex takes part in political processes and attends international fora with a view to further advancing a human rights-based approach to water governance. The Stockholm World Water Week constitutes an annual event, where decision-makers and the water community meet and exchange on current practices and governance models. One of the objectives of WaterLex is to ensure that key water players come and discuss the implementation of a human rights-based approach to water governance.

Developing a Common Language for Water decision-makers

The World Water Week gathers high-level water decision-makers from different horizons. Among them, governmental cooperation agencies and intergovernmental organizations are in the drivers seat to support national water governance models. Ever-growing attention has been given to the water and sanitation sector from an international human rights law perspective over the last decade. However, insufficient attention has been given to the adoption of human rights language in the development arena. The question of a common language is crucial to harmonize international processes and improve coherence. WaterLex is committed to promote the implica-

tions of a human rights-based approach to water governance in a language understandable by each stakeholder.

In 2010, WaterLex, newcomer in the international arena, chaired the human rights session of the World Water Week.

A number of key players, ie. ACRA, Both Ends, UNESCO Etxea, UNDP and Swedish Water House, participated in the session. The session focused on the articulation of two paradigms: the human rights dynamic and the IWRM (Integrated Water Resources Management) approach promoted by the World Bank and its Global Water Partnership network (GWP).

The 2011 workshop presented a different configuration. Two main bilateral cooperation agencies, namely, the US Department of State and UK's Department for International Development, and a key network of NGOs, the Freshwater Action Network (FAN), took part in the event. The fact that two key donors, whose State has formally expressed restriction to the recognition of the human right to water and sanitation, took part in the discussion constituted a unique opportunity to openly share ideas and concerns, and advance the search for a common understanding.

The question of a common language is crucial to harmonize international processes and improve coherence.



© WASH Advocacy Initiative 2011

Roundtables on sustainable WASH outcomes, World Water Week, Stockholm, 25th August 2011

2010: Advancing the implications of the international legal recognition of the human right to water

In the effervescence of the recognition of the human right to water, the 2010 World Water Week explored commonalities with regard to the specific implications of the human right to water and sanitation mainly for the management of water quality, by clarifying general legal obligations and by exploring a range of cases in different settings from four different continents, i.e. Bosnia-Herzegovina, Ecuador, Indonesia and Tanzania. In this side event, first linkages were made between the human right to water and IWRM. Indeed, the realization of the human right to water imposes a range of “upstream” demands on those impacting upon water resources.

2011: Taking stock of fifteen years of human rights development to pave the way to good water governance

While a common understanding of a human rights-based approach to development is promoted by United Nations agencies, little research has been done to give account of the approaches followed by development partners at the country level, or to evaluate the extent to which their approach meets the principles and objectives of a human

rights-based approach. The other way around, for more than two decades, a number of tools have been developed by intergovernmental and non-governmental agencies that aim at implementing a human rights-based approach to development or at implementing one specific human right, such as the human right to water. However, no cross-linkages have been made between these tools and decision-making support tools promoting either good governance or good water governance. What lens is adopted while looking at situation analysis? What indicator is retained to improve country situations? The contribution presented in Stockholm by WaterLex offered a meta-analysis of situation analysis tools to understand their rationale and limits. The objective was to develop a common understanding of a human rights-based approach that each stakeholder can develop on its own.

In 2012, two major events will take place that will contribute to refine world water governance. Namely, the World Water Forum (Marseille, France) and the UN Conference on Sustainable Development (Rio de Janeiro, Brazil). The water governance framework developed by WaterLex during the past two years will offer a unique analytical reference point to develop this common understanding and the derived solutions that inter-connect water issues through all sectors.

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Project Budget 2011 (in CHF)

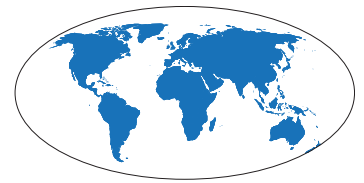
Personnel	20,400
Coordination	978
Travel costs	978
Meeting	4,500
Total	25,878



Why I committed and enjoy being a WaterLex volunteer

“It was a coincidence that I started an internship with WaterLex this year from May to July. But it was indeed a very lucky coincidence: not only for my professional, but also for my personal development my time with WaterLex has been a very important one. I not only got a glimpse of how the international system works and how Human Rights lawyers do their job, but I also developed a growing consciousness and interest about water issues. While the world fears a further economic crash, nobody seems to care about the threatened resources we existentially depend on. But in a world of 7 bn. people we cannot ignore these issues anymore and must find sustainable and long-term solutions – in order to maintain and to enlarge the quality of life for all people. In order to make this voice stronger, I want to do my best to further support WaterLex and its very important targets. As the Social Media has been a very decisive platform for the Arab Spring, I believe that it can also be a powerful weapon in the struggle for water and sanitation issues. That is why I committed after my internship to assist in the management of WaterLex Facebook pages as a volunteer.”

**Igor Vasiljevic (27),
Volunteer**



Online Tools to Assist National Law Commissions

Bridging water governance and human rights law and ensuring consistency of national water laws with international human rights commitments is a key challenge to many parliamentarians, law commissions and law-makers in general. WaterLex responds to this challenge through innovative information sharing techniques and high level consulting services.

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Following the recognition of the human right to water and sanitation by 122 States in July 2010 at the United Nations, WaterLex identified as a priority the need to disseminate the information required to assist national parliaments and law commissions in the implementation of this new international commitment. In fact many States undertake new international commitments without a clear picture of the consequences of such recognition on their national laws.

In 2011, WaterLex started developing a methodology to screen national laws and their compliance with the human right to water and sanitation. Normative and procedural criteria were identified so as to assess whether in a given country the implementation was complete or missing, or whether national norms would violate the human right to water and sanitation. These criteria were developed with the input of treaty body experts who themselves contributed to define the content of international human rights commitments.

Among the choices faced by the Project Team was that of the best dissemination opportunity for this methodology. Parliamentari-

ans and legal practitioners are always concerned about potential abuses of any new legal provision, which they might not have foreseen at the drafting stage. In order to prevent such abuses, they will often draw inspiration from the legal framework of neighboring countries rather than from any abstract methodology.

As a result it becomes critical **to make legal provisions from neighboring countries which are complying with the new international commitment available to all**. Given the complexity of the human right to water and sanitation, the growing use of online sources and the flexibility of online search functions, WaterLex engaged in the development of its own *Right to Water and Sanitation Online database*.

This database only lists provisions that comply with the human right to water and sanitation. In addition, the search function makes sure that the user can also question the database according to only one specific dimension of the human right to water and sanitation. For example, “physical accessibility of water points”, or “public information disclosure”.

Parliamentarians and legal practitioners are always concerned about potential abuses of any new legal provision, which they might not have foreseen at the drafting stage.



Initial and Future Project Partners

From the beginning, WaterLex believed that such a project could only be sustainable in the long term if it was strongly supported by several organizations, both from the information providers and users group.

In December 2010, WaterLex confirmed the need of such a database through the commitment of two major advocacy networks in the field of the human right to water and sanitation. They agreed to assist in the initial phase of the project for information gathering and on a long-term basis for information dissemination. These two partners are **Freshwater Action Network (FAN)**, an international civil society organizations' network linked to WaterAid (UK), and **WASH-United**, an international multi-stakeholder initiative linked to Bread for All (Germany).

Beyond the promotional aspects, WaterLex considered it fundamental to create a Research Steering Committee which would be joined by qualified experts, academic and research institutions. So far, the project enjoys the support of the UN Special Rapporteur on the Human Right to Safe Water and Sanitation (Ms. Catarina de Albuquerque), the Swiss Federal Institute for Comparative Law (ISDC), the University of Essex – Human Rights Clinic, and the UNESCO Center for Water Law, based at the University of Dundee.

Next Steps – A Parliamentary Help Desk on the Right to Water and Sanitation

In the coming years, the Project Team looks forward to increasing the network of law centers and NGOs with a legal base, which will join as country focal points to provide updated national laws and policies.

For now the online database is available only in English. Discussions have already started regarding the availability and therefore the translation of the database to other UN languages such as French or Spanish.

For WaterLex this *Right to Water and Sanitation Online Database* project is the first step towards a broader *Parliamentarian Help Desk Program*. The years to come will show whether the investment in ensuring availability of information related to the harmonization of water laws with human rights obligations, the provision of high level consulting services to assist in these harmonization processes any requesting stakeholder are crowned with the expected success. To ensure this, WaterLex enjoys strong advantages in terms of neutrality, independence and expertise.

WaterLex confirmed the need of such a database through the commitment of two major advocacy networks in the field of the human right to water and sanitation.

Project Budget 2010-2012 (in CHF)

Personnel	183,400
Software Development	30,500
Total	213,900



SIERRA LEONE

Challenging Traditional Investment Practices

Traditional private sector investment practices pay close attention to national laws and risk reduction with the help of government support. However, beyond a good communication strategy, it may completely disregard local public opinion. WaterLex builds on the voluntary commitment of companies that seek to lead in the field of human rights to refute the short-term and more costly approach.

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Short term neglect for basic human rights becomes a long-term threat for the investment itself.

Responsibility with regards to a population's enjoyment of their human rights is not a priority question for the majority of businesses. However, maximization of profit sometimes opposes short-term profitability and long-term viability of investment. Indeed, short-term neglect for basic human rights becomes a long-term threat for the investment itself, in particular when the local population identifies the company as one of the causes of their suffering.

Unfortunately, most risk assessments undertaken today by companies on whether to invest or not, rarely take into consideration a population's enjoyment of basic human rights or the enjoyment of their human right to water and sanitation in particular.

Biofuel Production – The Scenario

Following a request from *Bread for All*¹, the Development Service of the Protestant Churches in Switzerland, WaterLex undertook a human rights impact assessment (HRIA) focused on the right to water of an investment project in Sierra Leone.

Biofuel production is today a very trendy investment area. Energy demand is growing fast and environmental friendly alternatives to traditional fossil sources are more eager to attract investments. An under-developed country like Sierra Leone, just recovering from a civil war, with

large areas of fertile land, seems a unique opportunity. This led several foreign companies to invest in biofuel production in the country.

Among these, *Addax Bioenergy*, a division of the Swiss-based energy corporation Addax & Oryx Group (AOG), is developing an agricultural project in the Makeni region to produce fuel ethanol for European markets. If the practical and technical burdens were relatively quickly overcome, the company faced more complex difficulties with the legislation of the country. Indeed, the property rights of lands in the Makeni region are regulated by customary law. Lands tend to belong to families who agree to hand over the management to their traditional Chief and their Chiefdom Council. It is not an easy task for companies to clarify whether this 'hand over' entitles Chiefdom Chiefs to sign, for example, a lease agreement in the name of the entire community. Regarding environmental regulations and national laws, they are unfortunately either outdated or simply nonexistent.

Water Pollution – What Responsibilities for a Company?

Setting aside the legal issues which directly affected the feasibility of the investment project, some unplanned social issues arose: amount of compensation for leased land, and damage to drinking water quality through pesticides and agro-

¹ *Bread for all empowers people in Asia, Latin America and Africa to free themselves from poverty and dependency and it motivates people in the North to commit to a fairer world. Bread for all empowers people to build sustainable livelihoods through over 350 development projects and programs in 50 countries in Asia, Latin America and Africa.*



© BFA

Project pumping station
at Rokel river

fertilizers. These issues were not clarified by the law which the company had to abide by as a matter of compliance. However, the project was peculiar to the extent that the company specifically acknowledged its commitment to comply with human rights standards, to the extent it would not affect negatively the current state of enjoyment of human rights of the local population.

Such voluntary commitments are not new since the UN Global Compact initiative launched in 2000 by then UN Secretary General Kofi Annan. At the same time, their effects on project planning and implementation are still being clarified. In this case, the WaterLex evaluation clearly presented the methodology and legal foundations of its approach to characterize potential violations.

The WaterLex evaluation clearly identified that several gaps were threatening the local population's access to safe drinking water. Indeed the major concerns were related to ground water pollution by nitrates and phosphates and the lack of purification systems available for the local population. Further the report also identified a risk for the access to sufficient water quantity downstream during the dry season: the project will use 26% of the river flow during the driest months.

In order to overcome these gaps, the report concludes the need for the Company to respect a minimal depth of the river, and make drinking water purification systems available to the local

population. It would also have to accept a revision of some of the provisions of the land lease agreement to ensure the local population's **access to an effective complaint process** which currently requires that the Sierra Leonean farmers go to a London arbitration court.

The Consequences of the WaterLex Evaluation

The WaterLex evaluation provided the mandating NGO with the legal and practical assessment to undertake two advocacy campaigns. These were launched in November 2011 by *Bread For All* targeting the company and the benefactors of the project, on the one side, but also the local population in Sierra Leone on the other side. The campaign targeting the Company and the benefactors was hoped to generate awareness to create change among all stakeholders, who benefit directly or indirectly from the project. Primary targets were the Swiss population, the Swiss Authorities and the European Investment Banks. The campaign targeting the local population aimed at raising awareness and empowering the local population to make sure it stands up for its rights.

The WaterLex evaluation clearly identified that several gaps were threatening the local population's access to safe drinking water.

Project Budget (in CHF)

Personnel	27,200
Travel costs	2,800
Total	30,000

A DESIRE TO MAKE CHANGE HAPPEN: 38 PROJECTS IN 18 MONTHS

WaterLex – Projects List 2010-2011

Starting Period	Duration	Title of the Project	Partners
April 2010	4 months	Side event to the 2010 Stockholm World Water Week – “The Added-value of the Right to Water and the Human Rights-based Approach to Improving Water Quality”	ACRA, BothENDS, UNESCO-Etxea, UNDP, Swedish Water House (SIWI)
August 2010	2 months	Conference on Climate Change & Human Rights – “Human Rights? An Approach to Respond to the Challenges of Climate Change”	CCIG, IEF, World Council of Churches (WCC)
August 2010	2 months	UN Human Rights Council Session (Sept.) – Lobbying	ANew, BothENDS, Brot für die Welt, FAN, Green Cross International (GCI), Simavi, WASH United, WWF
September 2010	4 months	Country Water Governance Assessment – Paraguay	BothENDS
September 2010	2 weeks	UN – Consultation with the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation	
September 2010	1 month	French Translation of ‘An Activist Handbook on the Right to Water and Sanitation’ – Published by Freshwater Action Network (FAN)	Freshwater Action Network (FAN)
October 2010	2 weeks	Coordination of NGO Coalition at the UN Human Rights Council – Social Forum 2010	30 International and national NGOs ¹
October 2010	2 years	Online Legal Database on the Human Right to Water & Sanitation	FAN, Human Rights Clinic (Univ. of Essex), Pierre Lanthemann (Software Development), UNESCO Center for Water Law (Univ. of Dundee), SDC, SICL & WASH United
November 2010	2 weeks	UNECE – 2nd Meeting of the Parties – Protocol on Water & Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes	EarthJustice

¹ Africa Europe Faith and Justice Network (AEFJN), ANPED – Northern Alliance for Sustainability, Australian Climate Justice Program, Both ENDs – Netherlands, Capacity Global – United Kingdom, Center for Law Information – Indonesia, Civil Society Biofuels Forum – Zambia, EarthJustice, Ecumenical Advocacy Alliance, FIAN – International, Franciscans International, Freshwater Action Network – Central America (FANCA), Friends of the Earth – Togo, Greenpeace International, Indonesia Law Report (ILR) – Indonesia, International Catholic Center of Geneva, International Council of Women, International Environment Forum, International Youth and Student Movement for the United Nations (ISMUN), Just Strategies - Business for a Better Planet, Lutheran World Federation (LWF), North-South XXI, Mines, Minerals & People – India, Samata – India, Society of Catholic Medical Missionaries, Stand up for your rights – Netherlands / Germany, UNESCO – Etxea, Vzw’t Uilekot Herzele – Netherlands, Women in Europe for a Common Future (WECEF) – Germany, World Council of Churches (WCC)

December 2010	2 weeks	University of Geneva – MAS in Commodity Trading – Lecture on the Human Right to Water & Water Rights Trading	University of Geneva
January 2011	2 weeks	IELRC Workshop – the Right to Sanitation – Lessons from India – Presentation “Implementation of the Right to Sanitation – Political, Administrative and Financial Responsibilities”	IELRC
January 2011	6 months	Publication – “Manual on the Right to Water and Sanitation”	Franciscans International (FI)
February 2011	2 months	Side event to the UN Human Rights Council Session (March) – Climate Change & Human Rights	EarthJustice, Friedrich Ebert Stiftung (FES)
February 2011	3 months	UN ISDR – Global Platform for Disaster Risk Reduction – Lobbying & Statement	Global Network for Disaster Reduction (GNDR)
February 2011	5 months	Side event to the 2011 Stockholm World Water Week – “Do Rights-based Policies Enhance Women’s Leadership and Contribute to Sustainable WASH Outcomes?”	UK DFID, FAN, US Dept. of State & WASH Advocacy Initiative
March 2011	2 weeks	AGUASAN Meeting – Presentation “Human Right to Water and Sanitation – an Added-value for Water and Sanitation Sector Governance Reforms?”	AGUASAN (Swiss Community of Practice)
March 2011	2 weeks	Henry Dunant Foundation – Diploma on Economic, Social and Cultural Rights and public policies – Lecture on Climate Change & Human Rights	Henry Dunant Foundation UNESCO Extea
April 2011	7 months	UNECE – Expert Group – Publication on equitable access to water and sanitation	UNECE
April 2011	1 month	African Commission on Human and Peoples’ Rights (ACHPR) – Lobbying & Statement	WaterAid
April 2011	2 months	Development of training module – Human Rights Impact Assessments (HRIA) for private sector entities	
May 2011	1 month	UNECE – Convention on the Protection and Use of Transboundary Watercourses and International Lakes – PWH-WG on Monitoring and Assessment / WG on Integrated Water Resources Management – Standard setting	
May 2011	1 month	UN-Water, WSSCC & Deutsche Welle (DW) Conference ‘Human Rights in a Globalized World – Challenges for the Media’ – Bonn	
May 2011	6 months	UNDP 1% Initiative to Secure Funding for Water and Sanitation Services through Decentralized Cooperation – Steering Committee (incl. Meetings in Tunis and Geneva)	BothENDS, UNESCO Extea, UNDP

June 2011	5 months	Human Rights Impact Assessment (HRIA) – Addax Bioenergy Project in Sierra Leone	Bread for All (BFA)
June 2011	2 months	Singapore Water Week – Lobbying	
July 2011	2 weeks	University of Dundee – UNESCO Center for Water Law – Lecture on the Human Right to Water, Human Rights & Water Sector Governance	University of Dundee
August 2011	8 months	Preparatory Process of the 6th World Water Forum (Marseille 2012) – Butterfly Effect (NGO Coalition) – Steering Committee and Political Process	80 International and National NGOs
August 2011	2 weeks	CAUX Conferences – Human Security / Trust and Integrity in the Global Economy (TIGE) – Intervention “Preventing Water Related Conflicts, the Added-value of Human Rights Law”	SDC , Initiatives of Change (IofC)
August 2011	1 month	UN Human Rights Council Session – Statement under Item 3 – Interactive dialogue with the SR on the Human Right to Safe Drinking Water and Sanitation	Franciscans International (FI)
August 2011	4 months	Togo Project – “Strengthening Civil Society Participation in Extractive Industry Transparency in Togo”– Mapping and diagnosis of civil society activities	Friends of the Earth – Togo
August 2011	2 months	African Commission on Human and Peoples’ Rights (ACHPR) – Coordination of the NGO Group on extractive industries & Statement	Legal Resource Center, WaterAid
September 2011	2 weeks	Collège Henry Dunant – Human Rights Summer School – Lecture on the Right to Water	
September 2011	2 weeks	Side event to the UN Human Right Council – Statement “The World’s Youth Contribution to Realize the Right to Safe Drinking Water”	VIDES
September 2011	2 months	UNECE – Protocol on Water and Health – 4th meeting of the Task Force on Target Setting and Reporting	UNECE
October 2011	2 weeks	Bonn +10 – PrepCom to Rio+20 on Water-Food-Energy nexus – Lobbying	
October 2011	2 weeks	G20 – Meeting in Cannes	Butterfly Effect NGO Coalition
November 2011	5 months	AGUASAN Toolkit for cooperation agencies and development community to integrate a human rights based approach (HRBA) in project cycle management (PCM)	SDC
December 2011	5 months	Side publication to UNESCO-WWAP – 4th World Water Assessment Report	UNESCO, World Water Council (WWC)

Financial Statements

FINOVA

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**Rapport de l'organe de révision sur le contrôle restreint
à l'assemblée générale ordinaire des membres de
l'association Waterlex**

En notre qualité d'organe de révision, nous avons contrôlé les comptes annuels (bilan, compte de profits et pertes et annexe) de Waterlex pour l'exercice 2011 arrêté au 31 décembre 2011 (premier exercice du 10 novembre 2010 au 31 décembre 2011).


La responsabilité de l'établissement des comptes annuels incombe au Comité alors que notre mission consiste à contrôler ces comptes. Nous attestons que nous remplissons les exigences légales de qualification et d'indépendance.

Notre contrôle a été effectué selon la Norme suisse relative au contrôle restreint. Cette norme requiert de planifier et de réaliser le contrôle de manière telle que des anomalies significatives dans les comptes annuels puissent être constatées. Un contrôle restreint englobe principalement des auditions, des opérations de contrôle analytiques ainsi que des vérifications détaillées appropriées des documents disponibles dans l'entreprise contrôlée. En revanche, des vérifications des flux d'exploitation et du système de contrôle interne ainsi que des auditions et autres opérations de contrôle destinées à détecter des fraudes ne font pas partie de ce contrôle.

Lors de notre contrôle, nous n'avons pas rencontré d'élément nous permettant de conclure que les comptes annuels ainsi que la proposition concernant l'emploi du bénéfice ne sont pas conforme à la loi et aux statuts.

Genève, le 19 avril 2012

FINOVA GENEVE SA


Robert Derigo


Walter Stapfer

Annexes :

- Compte annuels (bilan, compte de profits et pertes et annexe)
- Proposition relative à l'emploi du bénéfice au bilan

FOR THE PERIOD RANGING FROM 01 JANUARY 2010 UNTIL 31 DECEMBER 2011

Financial Statements

WaterLex is funded through donations, public subsidies and mandates. All funds are allocated to predefined activities according to the objectives of the organization and contracts. All accounts were audited externally and internally and were unconditionally approved.

Balance sheet (in CHF)

Assets	2010	2011
Underlying Assets		
Cash	200	200
Bank account – CHF	4,846	21,238
Bank account – EUR	1,329	620
Transitional Asset	14,000	0
Advance Payment	0	2,695
Subtotal – Underlying Assets	20,376	24,752
Fixed Assets		
WaterLex Brand	12,258	16,982
Subtotal – Fixed Assets	12,258	16,982
Total Assets	32,634	41,735

Liabilities

Third Party Liability	734	14,319
Transitional Liability	0	22,650
Tranfered Profit	0	31,900
Profit/Loss of the Year	31,900	-27,135
Total Liabilities	32,634	41,735
Transferred Profit for 2012	–	4,765

Income Statement (in CHF)

Expenditure	2010	2011
Personnel		
International Secretariat	78,200	255,300
Consultants	500	45,388
Training	0	632
Sub-total Personnel	78,700	301,319
Administration		
Paris Office	0	2,145
Printing	594	374
Webdesign & maintenance	140	8,730
Bank	23	162
Change difference	0	1,079
Audit	0	4,000
Sub-total Administration	757	16,490
Travel		
WaterLex meetings	0	826
Projects	0	12,930
Sub-total Travel	0	13,756
Total Expenditure	79,457	331,565

Income

Member financial contributions	17,011	15,765
Member inkind contribution	78,200	255,300
Other inkind contribution	0	2,850
Swedish Water House (SIDA)	14,000	0
Swiss Development Cooperation (SDC)	0	20,515
Mandates	2,145	10,000
Bank interest	1	1
Total Income	111,357	304,431
Profit/Over-expenditure of the Year	31,900	-27,135

TAKING OPPORTUNITIES

Project Prospects for 2012



WaterLex will launch its online campus and first thought courses will be available online. Current courses in development include: a module on building good water governance and a module on the right to water and sanitation in emergency situations.



The 6th World Water Forum will take place in March, in Marseille (France). WaterLex will be presenting several projects including a toolKit to assist governmental cooperation agencies and non-governmental organizations in respecting and contributing to the realization of the human right to water and sanitation, and good water governance.



In 2012, WaterLex will follow up on the mobilization and coordination of civil society organizations in economic transparency in Africa through key research activities with the NGO group at the level of the African Commission and training activities with the Publish What You Pay-Togo Coalition.



RIO+20
United Nations Conference
on Sustainable Development

In June 2012 – Rio+20 – the follow-up conference to the 1992 United Nations Conference on Sustainable Development will take place in Rio (Brazil). WaterLex will be presenting a publication in conjunction with the UNESCO World Water Assessment Program (WWAP) and the World Water Council.

WaterLex wishes to take this opportunity to thank all its partners who contributed to successfully launch the organization:

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(in alphabetical order)

ACRA - Cooperazione Rurale in Africa e America Latina • African Civil Society Network on Water and Sanitation (ANEW) • AGUASAN - Swiss Community of Practice • BothENDS • Bread for all (BfA) • Brot für die Welt - WASH United • Butterfly Effect - NGO Coalition • EarthJustice • Franciscans International (FI) • Freshwater Action Network (FAN) • Friedrich Ebert Stiftung (FES) • Friends of the Earth – Togo • Global Network for Disaster Reduction (GNDR) • Green Cross International (GCI) • Henry Dunant Foundation – Latin America • Initiatives of Change (IofC) • International Catholic Center of Geneva (ICCG-CCIG) • International Environment Forum (IEF) • International Environmental Law Research Center (IELRC) • Pierre Lanthemann - Software Development Services • Simavi • Swedish Water House (SWH) - Stockholm International Water Institute (SIWI) • Swiss Development Cooperation Agency (SDC) • Swiss Federal Institute for Comparative Law (SICL) • UNESCO Etxea-UNESCO Centre Basque Country - Basque Country Center • United Kingdom Department for International Development (DFID) • United Nations Development Programme (UNDP) • United Nations Economic Commission for Europe (UNECE) • United Nations Educational • Scientific and Cultural Organization (UNESCO) - World Water Assessment Programme (WWAP), United States of America Department of State • University of Dundee - UNESCO Center for Water Law • University of Essex - Human Rights Clinic • WASH Advocacy Initiative, WaterAid • World Council of Churches (WCC) • World Water Council (WWC) • World Wide Fund for Nature (WWF).

WaterLex (non-executive) Board

Catarina de Albuquerque
G  rard Aleton
Maria Francisca Ize-Charrin (President)
Christophe Lanord
Jean Lap  gue

WaterLex – International Secretariat

Julie Aubriot (Paris Office Liaison Officer)
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Jean-Beno  t Charrin (Executive Director)
Natalia Uribe (Advocacy and Mediation Coordinator)

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