UN Committee Declares Water a Human Right

"W

Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights."

With these words, the United Nations Committee on Economic, Social and Cultural Rights (CESCR or the Committee) took the historic step of declaring a human right to water for personal and household use in General Comment No. 15 on the Right to Water, which it adopted in November 2002. A General Comment is a document that provides interpretive guidance to assist States parties in meeting and reporting on their obligations under the Covenant.

One of the premises of human rights is that every human being has a right to those things that are essential to human life. Among those fundamentals are clean air, food, safe water, housing and clothing. However, air and water are not mentioned in the International Covenant on Economic, Social and Cultural Rights (ICESCR or the Covenant). At the time the International Covenant was drafted, in the 1950s, clean air and water were so abundant that it may not have occurred to the drafters that they needed to write them explicitly into the Covenant.

Fresh water is no longer abundant, and there is widespread awareness of issues of water quantity, quality and distribution. More than one billion people in the world do not have access to a basic water supply and an estimated 2.4 billion lack access to adequate sanitation. Unless effective action is taken, these trends will continue and further exacerbate a precarious situation. Water was a major theme at the recent World Summit on Sustainable Development in Johannesburg, and the United Nations has declared 2003 the International Year of Freshwater. In March 2003, a major international conference—the Third World Water Forum—will take place in Kyoto, Japan.

Because their right to water does not appear in the Covenant per se, the Committee derived the right from its interpretation of other provisions, locating it in Articles 11 (the right to an adequate standard of living) and 12 (the right to health). The General Comment deals with adequate water for personal and domestic purposes, defining adequacy in terms of factors such as availability, accessibility, quality and quantity.

In simplified terms, a human right imposes legal obligations on states to respect, protect, and fulfill the normative content of the right, and to do so in a way that reflects the fundamental human rights principles of equality and non-discrimination. States must give special attention to the needs of marginalized and vulnerable people. In economic, social and cultural rights, every human being has a claim on

Continued on page 2

AAAS Celebrates 25 Years of Science and Human Rights

On December 10, 2002, International Human Rights Day, the AAAS Science and Human Rights Program (SHR) organized a program to celebrate its 25th anniversary. The Science and Human Rights Program grew out of the Clearinghouse on Science and Human Rights, which was established in 1977 by the AAAS Committee on Scientific Freedom and Responsibility. Dr. John Edsall, the eminent Harvard scientist and founder of the Committee, believed that scientific associations “have not only a right but a responsibility to concern themselves with the defense of human rights of scientists.” Documenting and publicizing cases of abuses of scientists in other countries continued to be priorities when the Clearinghouse was transformed into the Science

Continued on page 4
AAAS Hosts Roundtable on Traditional Knowledge

On December 14, 2002, the Science and Human Rights Program hosted a roundtable on traditional knowledge and intellectual property at World Intellectual Property Organization (WIPO) headquarters in Geneva. The roundtable, a collaborative effort with Francisca International, a Geneva-based NGO, took place after a week of debate in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore (IGC). Approximately twenty-five participants, representing NGOs, funding organizations, academia, WIPO member-states, indigenous organizations, and the WIPO secretariat, attended. This was the first time that the NGO observers had been brought together with the WIPO secretariat and member-state delegates for informal discussions of WIPO’s work on traditional knowledge.

The roundtable was moderated by SHR Senior Program Associate Stephen Hansen. SHR staff member Justin Van Fleet made a presentation on the application of existing intellectual property (IP) protections to traditional knowledge and introduced the “AAAS Handbook on IP Management and Methodologies.” The handbook, co-authored by Hansen and Van Fleet, will be published in 2003.

In 2000, the WIPO General Assembly established the IGC to explore topics related to the protection of traditional knowledge. The IGC serves as a forum for dialogue among the various bodies in WIPO on issues at the intersection of traditional knowledge and intellectual property. Although not a legislative authority, the IGC can make suggestions and recommendations to other WIPO bodies.

The fifth and final IGC is scheduled for June 2003. After the final IGC meeting, traditional knowledge activities are likely to continue in the form of working groups focused on specific tasks.

SHR will continue to collaborate with the WIPO secretariat on the human rights components of intellectual property and traditional knowledge. For more information on the IGC, visit: http://www.wipo.int/globalissues.

Water, continued from page 1
the state to meet it’s minimum core obligation with respect to that right, through direct provision if other means are not available. Human rights also provide forms of recourse and redress if a state violates its obligations.

The international human rights system has weaknesses, notably in its lack of effective enforcement mechanisms. Still, the existence of human rights gives people legal claims, and as they press their claims and come to believe in their rights, they begin to make the rights real.

Participation of AAAS and Other NGOs

The Committee on Economic, Social and Cultural Rights has traditionally been receptive to participation in its work by non-governmental organizations. As in other parts of the UN system, the resources of the Office of the High Commissioner for Human Rights are scarce, and the involvement of NGOs has been very useful to the Committee in leveraging these scarce resources.

The Committee had the assistance of academic, UN, NGO and other experts in drafting and reviewing the General Comment on water. The Science and Human Rights Program and in particular its Director, Audrey Chapman, have a longstanding relationship with the Committee and have worked with it on similar initiatives.

The Committee sent SHR a draft of General Comment No. 15 in October 2002, with a request to review it and provide feedback. Believing that the combined input of environmental, human rights and community development NGOs would be most useful in providing recommendations on a topic like water that touches all these areas, SHR organized an informal consultation of about a dozen NGOs to discuss the draft and make recommendations. The consultation took place on October 30. SHR collected and synthesized the recommendations in a document that was sent to the drafters in November. Audrey Chapman attended the CESCR’s session in November, participated in a general discussion and assisted with the final drafting of the General Comment. Input from the NGO consultation organized by SHR is reflected in the final document in a variety of ways, including the emphasis on sanitation and on community participation in decision-making.

Awareness is growing in the human rights and environmental communities of the extent of their common ground. Human rights like health and food cannot meaningfully be understood without taking account of their environmental dimensions, and human rights mechanisms can be invoked to protect the environment. Formal acknowledgment that adequate and accessible water of acceptable quality for personal and domestic use is a human right is a major step forward in strengthening these connections and ensuring that all people have access to the water they need for their survival.

More than one billion people in the world do not have access to a basic water supply and an estimated 2.4 billion lack access to adequate sanitation.
Conference Brings Together Social Scientists to Discuss Truth Commissions

In recent years, truth and reconciliation commissions have become popular tools for newly elected democratic governments to address past periods of human rights violations, consolidate democracy, and heal the wounds of the past. In the last twenty years, more than twenty truth commissions have been established in such diverse countries as Argentina, Chile, Nigeria, South Africa and East Timor, and commissions are currently operating in Peru, Ghana, and Sierra Leone.

Truth commissions have also become a popular subject for researchers and international policy analysts in the developing field of transitional justice. Much of the early literature has taken a descriptive approach. However, new research has begun to use empirical social science methods to examine the impact of truth commissions on their societies.

In November 2002, the AAAS Science and Human Rights Program and the South African-based Centre for the Study of Violence and Reconciliation co-organized a conference in Stellenbosch, South Africa, which brought together transitional justice researchers to discuss design and methodological issues in empirical studies of truth commissions. Sixty social scientists from a variety of disciplines, including political science, statistics, criminology and sociology, attended the conference.

In his welcoming remarks, CSVR Director Graeme Simpson outlined the goals of the conference and set the tone for the three days of reflection and discussion, saying that “this conference is vital because of the demand it represents that our research must be rigorous and empirically defensible, not merely for its own sake, but because of the forward-looking

policy implications and interventions that this facilitates both within and between countries.”

The conference featured three days of thematically oriented sessions. During the first day, keynote speakers Neil Kritz, Director of the Rule of Law Program at the United States Institute of Peace, and Brandon Hamber of Democratic Dialogue in Northern Ireland addressed the relevance of research in making policy determinations and the transferability of lessons learned, respectively. The afternoon session was devoted to clarifying the key concepts of “truth,” “justice,” and “reconciliation.” The following two days were dedicated to panel discussions on specific methodologies currently in use to assess transitional justice mechanisms. Panelists from a variety of countries and academic backgrounds discussed the relevance, usefulness, challenges, and limitations of public opinion surveys, institutional impact assessments, perpetrator and victim studies, community studies, and comparative analyses.

The conference gave participants an opportunity to examine the different methodologies from a wide range of perspectives. While it is clear that no one method is appropriate in all circumstances, each of the methodologies has advantages and disadvantages when used to study particular social phenomena. The conference highlighted the need for further discussion on how researchers can best use social science methods in their work.

Several of the participants were concerned with how to make their research more relevant and influential, not only in the area of policy-making, but also for sharing their findings with the victims and survivors who participated in their studies. There is a critical need to bring this information back to the community so that people have an opportunity to make sense of their individual experiences in a larger context, and use the research results in their efforts to lobby for further truth and justice in their respective societies.

The conference also highlighted the need to reinforce the many international partnerships and networks that were formed and engage in cooperative research and comparative studies. New, more holistic investigations are needed into underexplored areas such as the role of judiciaries, multinationals, and other governments in human rights abuses; the attitudes and needs of people who choose not to participate in transitional justice mechanisms; the experiences and needs of children, youth, and women; and the ways in which political violence becomes part of criminal networks.

The full agenda of this conference is available online at http://shr.aas.org/mj. Selected papers will be published in an edited volume.
25 Years, continued from page 1
and Human Rights Program in 1989.

Through the years the Program has
continued to carry out human rights doc-
umentation and advocacy in three areas:
(1) violations of scientific freedom and the
professional rights of scientists; (2) violations
of the human rights of scientists in their capacity as citizens; and (3) participation
by scientists in practices that infringe
upon the human rights of others. Begun
in 1993, the AAAS Human Rights Action
Network (AAASHRAN) uses email and the
World Wide Web to inform subscribers
of cases and developments deserving
special attention and to coordinate scientists’ efforts to appeal
to governments on behalf of their
colleagues. SHR also organizes
humanitarian and fact-finding missions to investigate human rights
issues; prepares documentation for
Congress and other U.S. government
officials and international
human rights groups; and
organizes programs on human rights
issues related to science.

Although it is difficult to
quantify the contributions of the
Program to the protection of the
human rights of individual scientists and scientific groups, SHR’s
efforts have played an important
role in energizing the involvement of scientists and other scientific
associations in human rights-related activities. Many of the scientists, engineers,
and medical professionals for whom we have advocated have credited our efforts as
contributing to their improved treatment or their release from prison.

In a recent communication, Dr.
Moncef Marzouki, a former professor of
public health and human rights detainee
in Tunisia, explained that solidarity from
outside one’s group is especially welcome
because it is direct proof that one’s struggle
is understood and appreciated. He
remembered “the day I got the first
message from Victoria Baxter on behalf of
the American Association for the
Advancement of Science. It was a happy one.” He
therefore asks that we keep writing letters,
showing interest, and lobbying on behalf
of human rights. “It has much more effect
than one can imagine. It keeps alive the
light of a fire refusing to die, called human
brotherhood.”

In addition to these efforts to bring
human rights to the science community, the
Science and Human Rights Program has
pioneered the application of a variety of
scientific methodologies to protect and
promote human rights. In 1984 when Argentinia had recently returned to civilian rule,
President Raul Alfonsin and the Mothers
of the Plaza de Mayo, a nongovernmental
human rights organization, requested the
help of the Program in exhuming the mass
human rights violations. Human rights organizations and commissions increas-
ingly undertake projects that require an
understanding of large-scale violations,
such as mass killings and genocide, depor-
tations and ethnic cleansing, and system-
atic detention and torture. However, the
usual tools of human rights documenta-
tion are inadequate for dealing with such
phenomena. In order to understand large-
scale violations, human rights groups need
to be able to collect, organize, and analyze
massive amounts of information. SHR has
developed technical and scientific meth-
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tions and has provided technical
assistance and training to truth
commissions, tribunals, ombuds-
men, and non-governmental orga-
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Honduras, South Africa, Cambo-
dia, East Timor, Kosovo, Sierra
Leone and Sri Lanka.

The Program has also de-
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There has been increasing aware-
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states and holding them accountable
for violations of these rights.

In the 1980s, AAAS sent forensic scientists to Argentina
to conduct training on identifying skeletal remains.

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Staff Updates

In addition to giving numerous talks at scientific, technical, and human rights meetings and getting the Human Rights Data Analysis Group (see page 6) up and running, Patrick Ball traveled twice to Sierra Leone to work with the Truth and Reconciliation Commission there. He helped the Commission plan the data collection process and make a preliminary assessment of the first 1,320 statements they have collected.

Audrey Chapman's article on the human rights dimensions of intellectual property was published in the December issue of the Journal of International Economic Law. She co-organized the conference on empirical methodologies for studying the impact of transitional justice mechanisms, which took place in Stellenbosch, South Africa in mid-November, and made a presentation at the conference on approaches to research on reconciliation (see page 4). In November, she attended part of the fall session of the UN Committee on Economic, Social, and Cultural Rights to participate in the discussions related to drafting a general comment on the human right to water (see page 1).

Victoria Baxter recently published the 2003 edition of the Directory of Persecuted Scientists, Engineers, and Health Professionals. Baxter also continued her work on transitional justice, organizing the international meeting in South Africa, which is described in the article on page 4.

Stephen Hansen and Justin VanFleet spoke at the U.S. Patent and Trademark Office TechFair in August, on the role of traditional knowledge as prior art in the patent examination process. At the December 2002 WIPO Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, Hansen chaired a roundtable on traditional knowledge and VanFleet made a presentation on the application of the existing intellectual property framework to traditional knowledge systems.

Sage Russell organized the NGO consultation to discuss draft General Comment 15 on the Right to Water. Exploring the Core Content of Socio-economic Rights:

South African and International Perspectives, a book she co-edited with Danie Brand of the Faculty of Law, University of Pretoria, was published by Protea Book House in Pretoria in September 2002.

SHR welcomed two new staff members to the Human Rights Data Analysis Group (HRDAG) in fall. Miguel Cruz, Computer/Network Engineer, manages the technology used to gather, exchange, and analyze human rights data. Cruz has 15 years of Internet experience and has provided technical consulting for public and private institutions worldwide. He holds a B.A. from the University of Michigan and an M.A. in International Relations from Yale University. Rafe Kaplan is the senior developer of Analyzer, the next generation of database software for recording and analyzing large amounts of human rights data. Kaplan holds a B.Sc. degree in Computer Systems Science from the University of Manchester, UK. Prior to joining SHR, he worked professionally for six years writing software in New York City.
New Human Rights Data Initiative Begins

During the fall of 2002, the Science and Human Rights Program launched the Human Rights Data Analysis Group. We welcome Rafe Kaplan (software engineer) and Miguel Cruz (systems and networking expert) to AAAS; statistician Jana Asher will formally join HRDAG in a few months.

Together with Patrick Ball, the new staff members are developing extensive new software applications and providing technical assistance to many new projects, including the truth commissions in Ghana, Sierra Leone, and Peru, as well as to non-governmental data collection efforts looking at human rights violations in Chad.

http://shr.aaas.org/report

Report on Science & Human Rights

The Report on Science & Human Rights (ISSN 0895-5999) is published by the American Association for the Advancement of Science, 1200 New York Avenue, NW, Washington, DC 20005, phone 202 326 6790, fax 202 289 4950, email shrp@aaas.org. Articles submitted for publication in the Report will be considered by its editors.

The AAAS Science and Human Rights Program collects and disseminates information about scientists, engineers, and health professionals who are victims of human rights abuses or whose academic freedom is infringed. It also develops applications of scientific methods and techniques for the documentation and prevention of human rights abuses. The concerns of the Science and Human Rights Program are universal and independent of the ideology of any government or individuals it attempts to aid.

The Science and Human Rights Program is part of the AAAS Directorate for Science and Policy Programs. The Directorate and its Committee on Scientific Freedom and Responsibility monitor actions of the governments of the United States and other nations which may circumscribe the freedom of scientists or restrict their ability to exercise their professional responsibilities, and report on developments affecting scientific freedom and responsibility. ♦

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