



New African Union guidelines on the right to water set strict limitations to privatisation of water

Corporate Accountability and Public Participation Africa and the Global Initiative for Economic, Social and Cultural Rights welcome the [*Guidelines on the Right to Water in Africa*](#) that were officially launched by the African Commission on Human and Peoples' Rights during its 68th Ordinary Session on 24 April.

The *Guidelines* establish the legal framework applicable in countries of the African Union with regard to the right to water. They set strict limitations on the delegation of the provision of water services to a private actor. In particular, they stipulate that water services must not be outsourced where this could “constitute or contribute to the marketisation or commercialisation of water”. The guidelines also state, more generally, that private actors' involvement in water must not “lead to the commercialisation of water”.

This framework calls into question the trend observed in many African countries towards the commercialisation of water, in particular by outsourcing water services to multinational corporations. In Nigeria, for instance, the Government has made repeated attempts to introduce legislation, supported by the World Bank, providing for public-private partnerships in both water service delivery and in water resource infrastructure. In October 2020, the U.N. Special Rapporteur on the human rights to water and sanitation dedicated a report to the issue of privatisation of water ([UN Doc A/75/208](#)). The report outlines how the privatisation of water and sanitation services gives rise to specific human rights risks, including with regard to the availability, accessibility, quality and sustainability of water services.

The ongoing COVID-19 crisis has underscored the vital importance of quality, transparent, gender-responsive, participatory and democratically governed public services, including water management and delivery. In this context, the *Guidelines* are a timely addition to a growing number of normative texts that have reaffirmed in the last few years the State obligations to provide quality public services, such as education, healthcare, housing, water and sanitation, in order to realise economic, social and cultural rights. In particular, they echo the concepts from the [Abidjan Principles on the right to education](#), a landmark text adopted in February 2019 that sets out the human rights obligations to States to provide public education and to regulate private involvement in education.

The *Guidelines* are a welcome reaffirmation of the crucial need for States to ensure that water is managed and delivered in a non-commercial way, with public participation, for the public good. CAPPA and GI-ESCR are committed to continue working, with partners, to challenge the violations of human rights that occur

as a result of the privatisation and commercialisation of water services and to mobilise for strong, universal public alternatives that ensure the realisation of the right to water for all.

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