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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by International
Organization for the Elimination of All Forms of Racial
Discrimination, Association Ma'onah for Human Rights and
Immigration, International-Lawyers.Org, Union of Arab
Jurists, United Towns Agency for North-South Cooperation,
non-governmental organizations in special consultative
status, International Educational Development, Inc., World
Peace Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 2021]

* Issued as received, in the language(s) of submission only.



Access to Water and Sanitation in Iraq

Introduction

Access to water and sanitation is a fundamental human right. They are also basic needs of every human being. On 28 July 2010, the United Nations General Assembly adopted Resolution 64/292 which acknowledges that access to clean drinking water and sanitation is essential to the full enjoyment of all human rights.

The authors of this joint statement raise their concern with the Iraqi government's failure to provide the Iraqi people with adequate supply and access to water and sanitation, in violation of their international law obligation to take positive action to facilitate the enjoyment of human rights (i.e. the obligation to fulfil).

The right to water and sanitation

The right to water and sanitation is grounded in the Universal Declaration of Human Rights, particularly Article 3 which recognizes that everyone has the right to life and Article 25 which identifies that everyone has the right to a standard of living adequate for their health and well-being. The right to water and sanitation is further grounded in the International Covenant on Economic, Social and Cultural Rights (ICESCR), particularly Article 11 on the right to adequate standard of living and Article 12 on the right to health. Despite the grounding of the right to water and sanitation in international law, many people in Iraq are not granted these rights. The lack of water and sanitation services and the unhealthy environment surrounding the civilians cause health problems and long-term displacements, but most importantly, costs many lives.

The Iraqi government must fulfil this right without discrimination, ensuring that the most vulnerable are not left behind. It must ensure that the poorest households in Iraq have equal access to an adequate supply of safe water and sanitation services.

Lack of access to water and sanitation in Iraq

The lack of access to safe and affordable water and sanitation services has significant consequences for people's livelihoods and could have severe effects on people's health. In Iraq, people have been experiencing a water crisis for many years. Civilians face challenges in accessing potable water due to pollution, water scarcity, and high levels of salinity. The water in Iraq is, therefore, not safe or clean enough for daily use.

The population in Iraq exceeds 40 million people, and according to numbers presented by governmental and semi-governmental reports from 2017-2020, 83.4% of the population has access to clean drinking water. However, these reports cannot be relied on, as the reality reflects that a higher number of people do not have access to clean and safe water and sanitation services. Additionally, many people lack state-issued civil documents, making it difficult to include them in such statistics.

Due to the Iraqi government's failure to facilitate access to adequate and safe water, Iraqi people are forced to purchase supplies. The mass purchases of plastic bottled water is a major contributor to the plastic pollution in water sources, which causes harm to fish, plants, and other animals, besides, much of it ends up littering thoroughfares.

Moreover, many people filter raw water for everyday use, such as handwashing, showering, or cooking, due to the high salinity level in the water. This makes people who do not have the ability to achieve such solutions particularly vulnerable to diseases, which is concerning during the COVID-19 pandemic.

Accessibility to potable water and sanitation services is, therefore, of great importance, as identified by the World Health Organization (WHO); water, sanitation, and hygiene are the primary factors to protect people from further spread of the COVID-19 virus.

Part of the wastewater in Iraq is discharged directly to water sources, without any treatment, as the amount of incoming water to the pumping stations is greater than its capacity. The neglect and mismanagement of water infrastructure, has also resulted in sewage mixed with drinking water, causing serious health problems. This was the case in Basra governorate, in southern Iraq, which faced a devastating water crisis in 2018 that is still ongoing. Hundreds of thousands of people were hospitalized due to pollution, industrial waste, and sewage in the Shatt al-Arab river and the freshwater canals. As the second-largest city in Iraq, Basra will continue to suffer from the severe water crisis in the coming years with no strategic solutions provided by the national authorities.

Furthermore, as the second-largest economic source in Iraq, agriculture is largely affected by the scarcity of water and the high levels of salinity in the southern governorates, especially Basra. This adversely affects the livelihoods of those that are dependant on the agriculture sector.

The main reason for the lack of clean and safe water and sanitation in Iraq is the administrative corruption. Dozens of huge pipes, carrying untreated water from factories, hospitals, and laboratories, into the Tigris river. Industrial waste and oil leakages are other issues that must be addressed. The national authorities have an obligation to prohibit activities that pollute water sources, yet the Iraqi government is not fulfilling its role in taking action to ensure people's safety. The polluted water has caused high rates of diseases and infections.

Moreover, the national authorities failed to provide and deliver appropriate information regarding the issue of polluted water, which marks a high level of irresponsibility and incompetency by the authorities to protect the Iraqi citizens.

In 2018, protests broke out against the corruption and the government neglect in Basra, which continued in 2019, not only in Basra but also in Baghdad and several other governorates as well, since these have also been largely affected by the polluted water and the high levels of salinity. Accessibility to potable water was one of the people's demands. Several factors have hindered the continuation of these protests, not only the spread of the COVID-19 pandemic that has resulted in curfew in several cities, but also the ongoing assassinations of protesters, human rights activists, and others such as journalists and security experts.

Lack of regional cooperation

Accessing safe drinking water and sanitation is essential for the survival of the population, and is, therefore, a fundamental right that must be guaranteed by the Iraqi government. Solving such problems requires a lot of planning, time, and money, but no solution will be achieved without the political will to do so. Government strategies must also consider the imperative of establishing regional cooperation to address the issue because without regional cooperation, its efforts will continuously be undermined.

Water scarcity, pollution, and the increase in salinity in Iraq, also results from the lack of regional cooperation. The share of water coming from Turkey has been reduced due to Turkey's dam and hydropower constructions on the Tigris and Euphrates, in addition to the Islamic Republic of Iran cutting the water flow of some tributaries of the Tigris river. Measures taken by these States are jeopardizing the agriculture in Iraq and largely affecting the livelihoods of the Iraqi people, with no action nor efforts being made by the Iraqi government to resolve the issue.

Recommendations

The authors of this statement recommends the following:

1. The international community must hold the Iraqi government accountable for its violation of the right to water and sanitation and pressure them to:

- Fulfil the obligation to provide and ensure safe and affordable access to water and sanitation services.
 - Provide the Iraqi people with the appropriate information regarding water pollution;
 - Develop a plan, in consultation with international organizations, non-governmental organizations, and civil society, to provide accessible and affordable water and sanitation services;
 - Establish an independent water and environmental task force to monitor the situation, coordinate with the various authorities, and consult with the affected population;
 - Devise and implement effective long-term plans and strategies to prevent a water crisis which must be made public to ensure transparency and accountability;
 - Take immediate and appropriate measures to ensure the Iraqi people's accessibility to water and sanitation services;
 - Cease the violent crimes committed against the protesters, who are exercising their fundamental right to freedom of expression and demanding their basic right to access potable water.
2. The international community must pressure Iraq's neighboring States, Turkey and the Islamic Republic of Iran, to stop cutting or blocking the flows of water to Iraq, as water scarcity has an immense negative impact on agriculture in Iraq and affects the Iraqi people's livelihoods.
3. The international community must further call for the dismantling of the sectarian system of government (Muhasasa) in Iraq, which was imposed by the United States of America after their 2003 invasion of Iraq. The international community must:
- Pressure the Iraqi government to devise a more just system of government reflective of the unified Iraqi people;
 - Devise a unified global strategy and mobilised effort to dismantle all militias in Iraq which thrive on the sectarian system to engrain and impose systematic violence on the Iraqi people.

Geneva International Centre for Justice (GICJ), Just Atonement Inc., The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.