

January, 2003

Minister of Water Affairs and Forestry, Mr Ronnie Kasrils  
Minister for Provincial and Local Government, Mr Sydney Mufamadi  
Minister of Justice and Constitutional Development, Mr Penuel Maduna

Governmental Ministers

We are writing because it has come to our attention that Johannesburg Water in partnership with Suez is in effect violating one of the most celebrated achievements of South Africa's transition to democracy. The South African Constitution and the enshrined Bill of Rights provides that, "everyone has the right to have access to sufficient water".

Ministers, as you know, South Africa is also a signatory to the International Covenant on Economic, Social and Cultural Rights. This Covenant explicitly acknowledges, "water is a public good fundamental for life and health  
Ö the human right to water is indispensable for leading a life of human dignity, it is prerequisite for the realization of other human rights".

We believe the French multinational Suez (through partnership with Johannesburg Water) is effectively overlooking both this International Covenant and the South African Constitutional right of access to sufficient water by installing pre-paid water meter systems in poor and primarily black communities of Johannesburg.

Pre-paid water meter systems and the associated policy of 'cost recovery' has resulted in price increases, hitting poor communities the hardest. Unable to pay, poor families have been cut-off from their water supplies –as many as ten million people have been affected by cut-offs since the end of apartheid. Those poor communities without previous access to clean water have either suffered the same fate once infrastructure was provided or have simply had to make do with sourcing water from polluted streams and far-away boreholes.

The collective impact of water privatization on the majority of South Africans has been devastating. The desperate search for any available source of water has resulted in cholera outbreaks that have claimed the lives of hundreds. Inadequate hygiene and 'self-serve' sanitation systems have led to continuous exposure, especially for children to various preventable diseases.

There has been an increase in environmental pollution and degradation arising from uncontrolled effluent discharges. There is a scarcity of water for food production. And, the human dignity of entire communities has been ripped apart, as the right to the most basic of human needs, water, has been turned into a restricted privilege available only to those who can afford it.

Clearly, this policy and the reliance on foreign water corporations like Suez violate the spirit and intent of the Bill of the Rights and the International Covenant on Rights.

Ministers, there is also considerable evidence from Suez's international track record that your governments national and international obligations to provide South African citizens sufficient water services via Suez in particular, is in jeopardy.

Not long ago, Suez was the company leading the globalization of private water operations, declaring that bringing water to the poor is one mission that the company was committed to, yet in it's Strategic Action Plan

from January 2003 Suez revealed its new corporate strategy which essentially is to abandon projects which are problematic, risky or not as lucrative - mostly in the developing countries.

Ministers of South Africa, we urge you to examine the experiences of other countries with Suez and with pre-paid metering systems in general which have a deleterious impact on communities and have proven to be contravention of basic human rights.

Pre-paid water meters were declared illegal in the United Kingdom (U.K.) under the Water Act of 1998. The U.K demonstrated the courage to end a disastrous policy after research showed pre-paid water meters were linked to increased cases of dysentery and other diseases related to lack of clean water.

That lesson is already known to South Africans from the 2001 cholera outbreak in KwaZulu-Natal province, which showed conclusively this disaster was linked to policies of increased cost recovery, the installation of pre-paid meters, and the special vulnerability of people living with HIV or cholera.

The pricing or tariff structures for water are not sufficiently "progressive", penalizing those who consume relatively little while continuing to subsidize those who consume a lot.

Given, Suez's corporate retreat from less lucrative ventures there is reason to be concerned with Suez's capacity to honor the public policy intent behind the 'free water' policy.

Ministers, as you know, the resistance campaign to pre-paid water meters is growing and gaining support internationally - the likely outcome will be increased notoriety for Suez and its' supply chain manufacturers.

Ministers, finally we urge you to closely examine the track record of Suez in places like Manila, Philippines; Buenos Aires, Argentina; New Delhi, India; Halifax, Canada; New Rochelle, and Atlanta USA and their operations in France. You will find that Suez has a legacy of problems including early termination of contracts, fines from regulatory agencies, unfulfilled contractual agreements, angering local communities affected by groundwater impacts and they have also faced a number of corruption investigations.

It is no consolation that former senior Suez Executive Gerard Payen's has publicly commented that 'other businesses are worse than Suez'.

We call upon you now to show the world the strength of character that the new South African government demonstrated when your leaders crafted your constitution.

Now is the time to outlaw and remove from all communities pre paid meters where they have been installed.

Now is the time for government to reverse its policy of privatizing water and all other basic needs by canceling all 'service' contracts and management agreements with private water/waste corporations.

Now is the time for governments to publicly affirm the human and constitutional right of all South Africans to water by ensuring full public ownership, operation and management of public utilities in order to provide free basic services for all.

Now is the time for government to make a firm political and fiscal commitment to rollout universally accessible infrastructure for the delivery of water that will uphold human rights and human dignity.

Now is the moment to do the right thing.

**Signed by (organizations)**

Public Citizen  
Wenonah Hauter, Director Critical Mass  
United States

Polaris Institute  
Tony Clarke, Executive Director  
Canada

ACME  
France

Africa-Europe Network of the Netherlands  
Cor van den Brand, President  
The Netherlands

Africa Faith & Justice Network  
Larry J. Goodwin, Associate Director for  
Organizing  
United States

AidTransparency  
Senegal

Alliance for Democracy  
United States

ATTAC  
Denmark

Canadian Catholic Organization for Development  
and Peace  
Mary Durran, Researcher  
Canada

Canadian Union of Public Employees (CUPE)  
Brenda Wall  
Canada

Citizens' Network on Essential Services  
Tim Kessler, Research Director  
United States

Common Assets Defense Fund  
United States

Council of Canadians  
Canada

Dallas Water utilities  
Chris Kaakaty, Assistant Director  
United States

Development VISIONS  
Khalid Hussain, Chairman  
Pakistan

DMAE (The Municipal Department of Water and  
Sanitary Sewerage)  
Ing. Carlos Atilio Todeschini, General Director  
Brazil

Earth Action Network  
Mha Atma S. Khalsa, director  
United States

Food First/Institute for Food and Development  
Policy  
United States

Foundation for Global Community  
Tom Ferguson  
Georgia, United States

Friends of the Earth - Canada  
David B. Brooks, Director of Research  
Canada

Friends of the Earth - US  
Leslie Fields, Director, Global Sustainability  
Initiative  
United States

Fundacion Centro de Derechos Humanos y Medio Ambiente - (CEDHA)  
Juan Miguel Picolotti, Asesor Legal, Programa Acceso a la Justicia.  
Argentina

GRACE – Global Resource Action Center for the Environment  
Alice Slater  
United States

Global Trade Watch  
Michael Cebon  
Australia

Halifax Initiative  
Pam Foster  
Canada

Harris Co. Texas Green Party  
United States

Institute for Agriculture and Trade Policy  
Minnesota, USA

Ibon Foundation Inc  
The Philippines

Integrated Social Development Centre  
Rudolf N Amenga-Etego  
Ghana

KAHEA: The Hawaiian-Environmental Alliance  
Cha Smith, Executive Director  
Hawai'i

Kairos  
John Dillon, researcher  
Canada

Les Amis de la Terre  
France

Marcus Garvey Foundation  
Charles Chipungahelo  
Tanzania

National Coalition Against Privatisation of Water  
Al-hassan Adam, National Secretariat  
Accra-Ghana

ORCADE  
Dr. Moses K. Kambou, President  
Burkina Faso

Public Service Alliance of Canada (PSAC)  
Mandy Rocks, Political Assistant  
Canada

REDES-Friends of the Earth – Uruguay  
Alberto Villarreal  
Uruguay

Resident Peaceniks  
Amy Biskovich; Founding Director  
Washington, United States

Sweetwater Alliance  
Michigan, USA

The Leadership Council  
Sisters, Servants of the Immaculate Heart of Mary  
Michigan  
United States

The Sparrow Sings  
United States

Water Movement  
Trude Malthe Thomassen, General Manager  
Norway

Washington Office on Africa  
Leon P. Spencer, Executive Director  
United States

Water Stewards Network  
Michael Blazewicz, Resources Coordinator  
Vermont  
United States

Worldview, Ltd.  
John Friede, Executive Director  
New Hampshire  
United States

WTO Watch Qld  
Australia

**(individuals)**

Birgit Koldsø  
El Salvador

John Paul Coakley  
California, United States

Seth Shulman

Ignatius J. Wozniak  
New York, United States

Diana Roe

Mary Lebert

Tom Smith  
Texas, United States

Judi Poulson  
Minnesota, USA

Neal Elinoff  
United States

Clyde W. Everton  
Idaho, United States

Vivian Dean  
Vancouver Island, Canada

Christopher J. Roe

Stacy Ozesmi  
Indiana, United States

Ben Demar  
United States

Joan McBride  
United States

George H. Ferdinand  
Michigan, United States

C. Bradley  
Arizona, United States

Dianne Kocer

Stephen Kislock

Julie Pihl

Catherine Marciniak

Eileen Chieco, Ph.D.  
New York, United States

Kathleen R. Ferris  
Tennessee, United States

Lorraine Kitman  
California, United States

Robert E. Edmands, M.D.  
Indiana, United States

June Jaye Logie

Isabella K. Lacki  
North Carolina, United States

David R. Forest

Bob Baxter

Elaine Booth  
California, United States

Patricia Dugan  
Florida, United States

Carlos Milan  
Florida, United States

Scott Edmonson  
California, United States

Greg and Barbara Rupert  
Minnesota, United States

Barbara van Davis  
Illinois, United States

Ruth Main  
Canada

Lisa Cohen

Jen Flasko

Sam Duncombe  
The Bahamas

Tony Duncombe  
The Bahamas

Adam Duncombe  
The Bahamas

Khalila Duncombe  
The Bahamas

John Laituri

Dana L. Cohen

Barbara E. Ewing  
Nevada, United States

Adam C. Geisler  
Beijing, China

Jeffrey Schultz  
Gualala, California

Ellen Edmondson  
Florida, United States

Carlos Ruiz Escudero

Michael Belanger  
Canada

Madrid, Spain

Francisco Altemir Ruiz-Ocaña  
Madrid, Spain

Laeh Maggie Garfield

George Brooks

Peter C. Meissner  
California  
United States

William Potvin

Carol J. Griesemer  
Missouri  
United States

Rob Bleijerveld  
The Netherlands

Harvey Dobson

Mike Keefe-Feldman  
Missoula Independent

Colleen Llywelyn  
Oregon, United States

Nelson Cone

George H. Brooks  
United States

Helene Stone  
United States

Ann Hubbird  
Oregon, United States

Melissa Kaminsky  
New York, United States

Maggi Dotchuk  
Regina, Canada

Larry Cameron