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Draft

**Johannesburg Declaration
on
Guaranteed Access to Essential Services**

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INTRODUCTION

As part of the run-up to the World Summit on Sustainable Development to be held August 26 to September 4, 2002 in Johannesburg, the organizations consulted by France's national preparatory committee (CFSMDD) felt it would be useful for France to propose to the governments present, if possible with the support of the member states of the European Union, a

“Declaration on guaranteed access to essential services”

The **Declaration** could later take the form of an international agreement to be signed by the states concerned. It would include the role of stakeholder NGOs and specify mechanisms that would further motivate international financial institutions and corporations to reach ambitious goals.

The agreement should define the role of stakeholders contributing to the provision of essential services and the rules of governance that would guide the operation of those services. It would also determine the needs to be taken into consideration and the resources to be applied to achieve the objectives.

France enjoys a number of advantages for drafting such a **Declaration** because it has public sector organizations working in the field and partnerships between public- and private-sector operators. It has also set up mechanisms for financing and social solidarity, and promotes the French experience of public-private partnerships all over the world.

In this spirit, the primary objective of the draft **Declaration** would be to address the problems encountered in emerging and developing nations, as well as those of social groups or regions in industrialized countries that are likewise disadvantaged.

The approach proposed includes establishing an **implementation schedule**, together with **objectives** for the development of truly accessible essential services.

Prior to that, an **external assessment** should **quantify** the programs to be launched ab initio to serve the population still lacking services.

This assessment could be attached to the reports addressed by the states to the United Nations Commission on Sustainable Development.

Upstream of the assessment process, the stakeholders concerned should agree on national and local **programs**, and on **charters** that could be included in the “**local Agenda 21**” established at the pertinent territorial level.

This memo proposes a draft, which could be broadened by CFSMDD members and other working groups (water, energy, public-private partnership, etc.).

Claude Martinand

1. NATURE AND AIMS OF ESSENTIAL SERVICES

The aims have been defined within the framework of implementation measures provided for in articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights adopted by the United Nations on December 16, 1966, which came into force on January 3, 1976.

➤ ***Essential services are vital services or services that are indispensable for a decent and dignified life. In particular, these collective services include:***

- drinking water and water purification
- sanitation and waste removal
- energy
- daily public transportation
- access to information and telecommunications media.

The required levels of service and expected use must be defined for each service and for each territory. Other services may become essential as economic and social development progresses. Thus, to support the development of regions involved, it must be possible to extend the list of services to include access to basic communications and communication services (radio, telephone, internet).

➤ ***To provide essential services, natural resources must be preserved:*** water, air, non-renewable or scarce resources (energy, raw materials) and nature's heritage (biodiversity, virgin forests).

➤ ***The rights of access to essential services are based on the following:***

Access to essential services is inherent to human dignity. They are one of the foundations for sustainable development, and a major factor in the protection of the environment. They also contribute to the health, security and well-being of the human family.

The mission of these services is to satisfy both collective and individual needs around the globe at an adequate level of quality and at an affordable price for the consumer. They must be provided urgently through a carefully thought-out program that guarantees optimum utilization of scarce resources: natural resources, know-how, technology and capital, etc., while taking local characteristics into account.

Lastly, it is imperative that these services be organized in way that meets the expectations of the populations involved, in their roles as both consumers and citizens.

2. PRINCIPLES OF GUARANTEED ACCESS

The principles aimed at guaranteeing the provision of essential services cover both access and use. These are:

1/ *Water and air are not commodities.*

Air and water are collective assets. They cannot be the subject of **private appropriation**. Public authorities are responsible for the knowledge and distribution of natural resources. This includes taking inventory and determining sustainable levels of use.

2/ *Public authorities are responsible for organizing essential services.*

Public authorities are responsible for defining and implementing policies, generally at the state level, that guarantee access to essential services. Local authorities are, in most cases, responsible for organizing these services and setting user fees.

3/ *Essential services are for the benefit of everyone*

They satisfy the general interest criteria of **equality** of treatment, **continuity** and **performance**, and contribute to **social** and **regional** solidarity.

4/ *Public services infrastructure* which are in a monopoly situation and which are directly necessary for the provision of basic services, cannot be the subject of ***permanent or open-ended private appropriation***.

5/ *Citizens who are the consumers or users of public goods, employees and all stakeholders have a role in defining, organizing, assessing and controlling public services.*

Users and other stakeholders are associated in gathering **expectations**, **choosing** organizational solutions and making a joint **assessment** of the results obtained. To this end, they must have access to information and to indicators of service performance, whether technical, economic, social or environmental (in particular indicators of sustainable development). They have a right to call on independent expertise.

The participation of all parties concerned contributes to the performance of the services.

6/ *Effective implementation of guaranteed access includes systematic evaluation of the current situation and elaboration of goals to be attained, as well as a quantification and choice of the means to be employed and setting of a timetable.*

Every level of government and every category of stakeholders participates in the process by applying outside evaluations. Governments will give concrete form to a joint approach by adhering to the agreement that results from this Declaration. They will melt action proposals into national-level programs and reports. Local

authorities will adapt them in charters or action programs that can be included in the “local 21 Agendas” of their particular jurisdiction.

3. MECHANISMS FOR SOCIAL SOLIDARITY AND FINANCING

Given the disparities in the distribution of resources, revenues and populations, access for all to essential services presupposes the creation by public authorities of **mechanisms for social solidarity and financing**. Locally, **these mechanisms rely** on the sharing of costs and the application of appropriate tariff structures, as well as on national and international mechanisms for solidarity.

- ***at local level, there is a need to provide geographical and social balance, through:***
 - tariffs adjusted to the financial capabilities of populations
 - financial compensation among categories of consumers and/or provision of government funding
- ***at national level, there is a need to set up mechanisms for:***
 - resource management
 - investment subsidies where needed,
 - aid to stakeholder groupings for purposes of access to the skills and abilities needed to organize these services and set up balanced partnerships (“capacity building”).
- ***at international level, there is a need to develop:***
 - solidarity between developed and developing countries
 - aid to cooperation organizations, particularly at a decentralized level.

4. PARTIES INVOLVED IN ORGANIZING THE SERVICES

The principles for organizing services and involving stakeholders must be defined with a view to efficiency and rapid implementation.

- ***Organizing the services:***
 - **Identification of all stakeholders:** government authorities, population, communities, operators, employees, NGOs, local networks, financial institutions.
 - **Clear definition of the responsibility** of the different stakeholders, distinguishing between the different levels of accountability, local and national players, etc.

- **Mobilization of all resources that are available** or could be made available: local companies, information on tried and tested techniques for saving scarce resources, development organizations, existing networks in employment, health and education. This includes giving priority to demand management, to development of local capacities and of synergies between services and to eco-efficiency.
- **Creation of mechanisms for consultation, assessment, and demonstration** that bring together stakeholders, in particular the **consumer-citizens** and employees. Members of consultative commissions have a stake in defining local services and choosing the means for providing them. Performance indicators used to measure results must include indicators of sustainable development.
- Government organizations have the **freedom to choose between the different management models** to organize the services: direct management, creation of public authorities or contracting to public- or private-sector operators or non-profit entities.

This free choice, guided by objective standards of comparison and **assessment**, should be reviewed periodically and be **reversible**. Public authorities are responsible for assuring enduring service and renewing and modernizing infrastructure and equipment as necessary.

- **Partnerships between public authorities and public- or private-sector companies:**

The mobilization of all available resources calls for **multi-player partnerships**, especially in the fields of know-how, feedback, financing and the guaranteed continuity of actions to be taken.

Contractual relationships are the preferred form for companies' participation.

Contracting out responsibility for implementation (construction, operation, etc.) is carried out in compliance with the following principles: business efficiency, social progress, environmental protection, fair and healthy competition in the choice of contractors and establishment of mechanisms for assessment and control.

Multiservice operation and territorially-based contracts – exclusive of necessary – are organized to improve economic efficiency.

5. GOVERNANCE AND ETHICS

The appropriateness of the organizational choice, the fair mobilization of stakeholders and the effective functioning of financial mechanisms are premised on **respect for the general interest, control of service performance and quality as well as control of allocation of public resources**, especially financial resources.

To this end, public authorities, NGOs and public or private sector companies contracting to perform essential services need to define and apply the following transparency rules:

- **strict observance** of laws and regulations and of the rules of governance applied to public-private partnerships
- prevention of the emergence of dominant positions and **conflicts of interest**
- guaranteed application of **ethical principles** in relations between participants
- organization of **controls** and checking of the **exactness** of information supplied
- encouraging respect of objectives through **incentives** and **penalties**.

Citizens must have **access** both to relevant information and **means of appeal** against illegal practices and inadequate performance.