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24. WHO - UNICEF Water Supply and Sanitation Sector Monitoring Report 1996 (Sector status as of 1994), WHO, Geneva. (1996).
25. WHO, Right to Water, available at [www.who.org](http://www.who.org) and [www.unhcr.ch/html/menu2/6/who\\_ohchr.pdf](http://www.unhcr.ch/html/menu2/6/who_ohchr.pdf). (2003)
26. WTO. *Guidelines and Procedures for the Negotiations on Trade in Services*, S/L/93, 29 (March 2001).
27. WTO. *Ministerial Declaration*, Ministerial Conference Fourth Session, Doha 9-14 November 2001. WT/MIN (01)/DEC/W/1, (14 November, 2001).
28. WTO. Note by the Secretariat. *The Relevance of the Disciplines of the Agreements on Technical Barriers to Trade (TBT) and on Import Licensing Procedures to Art. VI.4 of the General Agreement on Trade in Services*, S/WPPS/W/9, (1996).

### **International Instruments**

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1. Convention on the Elimination of all Forms of Discrimination Against Women Adopted and Opened for Signature, ratification and accession by the General Assembly Resolution 34/180 of 18 December 1979.
2. Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 November 1990.
3. International Covenant on Economic, Social and Cultural Rights 1996, adopted by United Nations General Assembly Resolution 2200a (XXI) of the 10 December 1996.
4. International Covenant on Civil and Political Rights, adopted 16/12/1996; GA Resolution 2200 (XXI), UN, Doc A/6316 (1996) 999 UNTS 171 (entered into force, 23/03/1976).
5. Limburg Principles on the Implementation of the International Covenant of Economic, Social and Cultural Rights, UN doc. E/CN.4/1987/17; Annex to 1987 (9) Human rights quarterly 122-235
6. Universal Declaration of Human Rights 1948, adopted by the United Nations General Assembly on 10 December 1948.

7. General Comment No. 3 (Fifth Session, 1990) ( Report of the Committee on Economic, Social and Cultural Rights, UN doc. E/1991/23, 83-87) The Nature of the State parties' Obligations (art.2, Para. 1 of the Covenant).
8. General Comment No. 7 (Sixteen Session, 1997) [Report of the Committee on Economic, Social and Cultural Rights, UN doc. E/1998/22, pp 113-118, The right to adequate housing (art 11(1) of the Covenant); Forced evictions.
9. General Comment No. 12 (Twentieth Session, 1999) [Report of the Committee on Economic, Social and Cultural Rights, UN doc. E/2000/22, pp 102-110, The Right to adequate food (art 11 of the Covenant).
10. General Comment No.14 (Twenty-Second Session, 2000) [Report of the Committee on Economic, Social and Cultural Rights, UN doc. E/c. 12/2000/4, The Right to the highest attainable standard of health (art 12 of the Covenant).
11. General Comment No. 15 (Twenty-ninth session, 2000) [Report of the Committee on Economic, Social and Cultural Rights, UN doc. E/C. 12/2002/11, The Right to Water (arts 11 and 12 of the Covenant).
12. Norms and responsibilities of transnational corporations and other business enterprises with regard to human rights, adopted by the Sub-Commission at ITS 22<sup>nd</sup> meeting, on 13 August 2003, document E/CN.4/2003/12/Rev.2.

### **Regional Instruments**

---

1. African Charter on Human and Peoples' Rights, O.A.U Doc. CAB/LEG/67/3/Rev.5 (1982) (Entered into force, 21/10/1986).
2. Protocol to the African Charter on the establishment of the African Court on Human and People's Rights by the 34<sup>th</sup> session of the OAU Heads of States and Government July 1998, OAU Doc OAU/LEG/EXP/ACHPR/PROT(111).
3. European Council of Environmental law (ECE) Resolution on the Rights to Water (2000).

## National Legislation and Regulations

---

### *Namibia*

1. The Constitution of the Republic of Namibia.
2. Namibia Water Corporation Act 12, of 1997.
3. Local Authority Act of 1992.
4. Water Resources Management Act, 24 of 2004.
5. Namibian Water Resources Management Review.
6. Water Supply and Sanitation policy, 1993.
7. MAWRD (2000). Namibia Water Resources Management Review, Theme Report; Financial and Socio-economic issues. Windhoek: MAWRD.
8. MAWRD (2000). Namibia Water Resources Management Review, Theme Report; Legislative and Regulatory Framework. Windhoek: MAWRD.
9. MAWRD (2002). White Paper on Water Policy in Namibia. Windhoek: MAWRD.

### **South Africa**

1. Constitution of the Republic of South Africa, 1996 as adopted on May 1996, Act 108 of 1996.
2. The National Water Act, 54 of 1956.
3. The Water Service Act, 36 of 1997.
4. Local Government Municipal System Act, 32 of 2000.
5. Municipal System Act, No. 32 of 2000.
6. Free Basic Water Policy.
7. National Water Resource Strategy, 2004.
8. White Paper on National Water Policy for South Africa, DWARF, 1997.
9. Draft White Paper on Water Services, DWAF, 12 October, 2002.
10. DWAF, Establishment of a pricing strategy for water use charges in terms of section 56 (1) of the National Water Act, 1998, Government Gazette 20615 (12 November 1999).
11. DWAF, Norms and Standards in Respect of Tariffs for Water Services in terms of section 10 (1) of the Water Services Act (11 June 2001).

12. DWAF, Regulation relating to compulsory national standards and measures to conserve water (Gazette 223555, Regulation Gazette 7079) (8 June 2001).
13. DWAF, Strategic Framework for Water Services: Water is Life, Sanitation is Dignity (September 2003).
14. DWAF, Water and Sanitation Business: The role and responsibilities of Local Government and related institutions (March 2001).

### **Argentina**

1. Argentina National Constitution
2. National Administrative Reform Law , No 23, 696
3. Water and Civil Code

## **Cases**

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### **South Africa**

#### **Constitutional Court Cases**

*Government of the Republic of South Africa & Others V. Grootboom* 2000 (11) BCLR 1169 (CC).

*Mazibuko and Others v The City of Johannesburg and Others*, 2009 (39) (09) ZACC 28 (CC).

*Minister of Health v Treatment Action Campaign No. 22002* (5) SA 721 (CC).

*S V Makwanyane*, 995 (3) SA 391 (CC).

#### **Lower Court Cases**

*Bon Vista Mansions V South Metropolitan Local Council*, 2002 (6) BCLR 625 (W)

*City of Johannesburg and Others v Mazibuko and Others*, 2009 (3) SA 592 (SCA); 2009 (8) BCLR 791 (SCA).

*Highveldridge Residents Concerned Party v. Highveldridge Transitional Local Council and Others, Transvaal Provincial Division, , 17 May 2002* (South Africa).

*Manqele v Durban Transitional Metropolitan Council*, 2002 (6) SA 423 (D)

*Mazibuko and Others v City of Johannesburg and Others*, 2008 (4) All SA 471 (W)

### **Argentina**

- 1) *Quevedo Miguel Angel v Otros c/Aguas Cordobesan S.A*, 2002
- 2) *Marchision Jose` Bautista y Otros*, 2004



3) *User and Consumers in Defense against del gran Buenos Aires S.A, 2002.*

### Internet Sources

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1. Aguas Argentinas, [www.aguasargentinas.com](http://www.aguasargentinas.com). [accessed 20 September 2009].
2. Barlow, Maude and Tony Clarke., “Water privatisation: the World Bank’s Latest Market Fantasy” Global Policy Forum., [www.globalpolicy.org/soecon/bwi-wto/wbank/2004/01waterpriv.htm](http://www.globalpolicy.org/soecon/bwi-wto/wbank/2004/01waterpriv.htm). [accessed 20 September 2009].
3. Charles, m., more protests flare over lack of services, available <http://www.thetimes.co.za/PrintEdition/Article.aspx?id=1032366>. [accessed 3 September 2009].
4. Daniel Santoro, The ‘Aguas’ Tango: Cashing in on Buenos Aires’ Privatisation,- International Consortium of Investigative Journalists, November 2009, see [www.icij.org](http://www.icij.org). [accessed 4 February 2010].
5. David Hall., Water multinationals in retreat: Suez withdraws investment, 2003 [www.psiu.org](http://www.psiu.org). [Accessed on 28 September 2009].
6. Delfina J. , Casarin A., The Reform of the utilities sector in Argentina, Helsinki: UNU/WIDER..2001 [www.wider.unu.edu/search.htm](http://www.wider.unu.edu/search.htm). [accessed 25 September 2009].
7. DRC Community angry over water problems, Shacks fires- The Namibian, 8 October 2001. [www.larri.com.na/files/water%20privatisation%20report-text.pdf](http://www.larri.com.na/files/water%20privatisation%20report-text.pdf). [accessed 3<sup>rd</sup> July 2009]
8. Kessler, T. 2004. The Pros and Cons of Private Provision of Water and Electricity Services, Citizens’ Networks on Essential services. [www.servicesforall.org/html/policy\\_toc.shtml](http://www.servicesforall.org/html/policy_toc.shtml). [accessed 20 September 2009]
9. LARRI., Water Privatisation in Namibia: Creating a New Apartheid, available at [www. http://www.larri.com.na/files/water%20privatisation%20report-text.pdf](http://www.larri.com.na/files/water%20privatisation%20report-text.pdf). [accessed 20 September 2009].
10. Lucky Sindane, High Price for operation Gcin’amanzi., Online version., [www.joburgnews.co.za](http://www.joburgnews.co.za). 14 October, 2005. [Accessed 1 November 2009].
11. Picolotti.J., The rights to water in Argentina., [www.righttowater.org.uk/pdfs/argentinas\\_cs.pdf](http://www.righttowater.org.uk/pdfs/argentinas_cs.pdf). [accessed 24th September 2009]
12. Rundu Resident urged to use water meter system- The Namibian, 9 July 2003, <http://allafrica.com/stories/200303260223.html>. [accessed 28 June 2009].

13. Shigwedha A., Water Progress is Praised- The Namibian, 26 March 2003. <http://allafrica.com/stories/200303260223.html>. [accessed 27 February 2010].
14. Suez website [www.suez.com](http://www.suez.com). [accessed 20 September 2009].
15. Water Barons- Centre for Public Integrity, Promoting Privatisation, [www.projects.publicintegrity.org/water/report.aspx?aid](http://www.projects.publicintegrity.org/water/report.aspx?aid). [Accessed 23 October 2009].
16. Third World Water Forum, Kyoto/Osaka, Japan, Summary Forum Statement, at <http://www.world.water-forum3.com/en/statement.html>. [accessed 27 September 2009]
17. The on-line Oxford English Dictionary, available at <http://dictionary.oed.com>. [accessed 4<sup>th</sup> May 2009].
18. U.N Global Compact. [www.unglobalcompact.org/docs/about\\_the\\_c/2.0](http://www.unglobalcompact.org/docs/about_the_c/2.0). [accessed 26 September 2009].
19. Water woes worsen for DRC resident- The Namibian, 7 August 2002. <http://allafrica.com/stories/200303260223.html>. [Accessed 28 June 2009].
20. Winker, I ' Judicial enforcement of the human rights to water- case law from South Africa, Argentina and India', Law, Social Justice & Global Development Journal (LGD). Available at [www.go.warwick.ac.uk/elj/lgd/2008\\_L/winker](http://www.go.warwick.ac.uk/elj/lgd/2008_L/winker)>. [Accessed 3 February 2010].