



CHARTER

*“Ko te puna ora, he wai.”
(Water is the wellspring of life)*

We, Aotearoa Water Action Incorporated, declare and affirm the following:

Water protection

1. It is self-evident that thriving natural habitats are essential for humanity’s survival and wellbeing. Therefore, the natural environment must be actively protected, regenerated and maintained in the highest interest of all humanity. The environment’s welfare is our own.
2. Healthy freshwater, in all its forms, being critical to ecosystem functionality and wellbeing, must likewise be actively protected, restored and maintained, as a priority. This includes protection of water quality (e.g. from sewerage, industrial waste, toxins and other contaminants) and quantity (in terms of the volume of water or rate of flow in our aquifers, lakes, rivers and wetlands).

Democracy

3. The views and wishes of affected local communities, obtained through meaningful ‘participatory democracy’ processes, must be given priority consideration when making water access, use, control and management decisions that affect the catchment within which the community is located.
4. Citizens must be actively encouraged and enabled to participate in democratic processes regarding the management of their water, including the creation of any governance structures for the purpose of managing water catchments and 3 waters infrastructure and services.
5. We support the development of school civics programmes to nurture and normalise lifelong citizen engagement in the management of the water commons. We also support constitutional transformation in Aotearoa that entrenches te Tiriti o Waitangi, and the protection of environmental values and human rights.

Human rights and obligations

6. We recognize te Tiriti o Waitangi, in particular as concerns tangata whenua rights and Crown obligations regarding the protection of wai Māori / water as a taonga (a thing of high value). We call on the New Zealand Government to fully respect and meet its Tiriti obligations, ensuring the principle of free, prior and informed consent is upheld.
7. The internationally-recognized human right to safe, clean, accessible and affordable drinking water and sanitation¹ (the human right to water) is indispensable for the happy, free and dignified social, cultural, spiritual, economic and political life of all. Water sovereignty of, by

and for the people must be recognized and upheld. A corresponding obligation is therefore imposed on those who (whether elected or appointed) hold relevant decision-making offices - including central and local Government, corporations, business and industry² - to implement meaningful, outcome-oriented action to advocate respect for, realise and enforce this right.

8. We believe that declaring fluoride not to be a medicine (for the purposes of the Medicines Act) is wrong,³ and should be overturned. On principle therefore, the human right to refuse to undergo any medical treatment⁴ via fluoridated public water supplies should be respected and upheld.
9. Te Tiriti and the human right to water also call on every citizen, both individually and collectively, to exercise a duty of care regarding access to, use, control and management of all water. Such duty may extend, at times, to the legitimate need to take forceful, yet peaceful action to hold Government, corporate or other water rights violators to account.

Water access, use, control and management – the precautionary principle

10. We join numerous experts, organisations and civil society groups in expressing profound alarm at the perilously vulnerable state of the World's freshwater quality and quantity – particularly in this time of climate crisis and uncertainty. With the real risk of unprecedented and increasing water insecurity, we therefore demand of any and all holding a duty or obligation concerning the human right to water (whether in the public, corporate or civil society sectors) to advocate and exercise the precautionary principle, particularly as concerns resource management decision-making.
11. The Resource Management regime, in particular the principal RMA legislation, must be reviewed with all due haste to provide for the highest standards of environmental and human rights protection. This must include integrated regenerative management of the take and use of water which, at an absolute minimum, must prioritise water allocation for sustainable purposes, but ideally regenerative purposes. This is vital to achieve community wellbeing.
12. We consider that the issue of 'who owns the water' must be resolved urgently to ensure our regulations governing water allocation can be properly reviewed. We believe, however, that the issue should be more constructively framed. For example, better quality questions may relate to equitable access, use, control and management rights, and safeguards for water as a vital resource of, by and for the sovereign people of Aotearoa and 'the commons', rather than legal 'ownership' within the context of a capitalistic economic operating system per se. Meanwhile, we condemn as at best ignorant and at worst insidious any argument that 'no-one owns the water' equates to the right to exploit the resource to the detriment of nature, human rights (including indigenous rights) or community aspirations.

Failed economics

13. Similarly, we note with deep concern the harmful effects of systemic, neo liberal, capitalistic economic violence on our natural world and society. This includes the relentless, delusional drive for infinite economic growth on a finite planet, and corporate impunity for externalization of production costs onto our environment and society. We remain deeply

concerned at how industrial activities such as water bottling (rapidly fuelled by the degradation of municipal supplies on a global scale), horticulture and agriculture, are rapidly worsening water insecurity. Unfortunately, this high and increasing demand for our country's purest accessible aquifer water coincides with an overly-permissive, inequitable resource management regime. This includes overseas investment regulations that do not require consent for the purchase of land with associated permits to take large volumes of water, and which suppress sufficient consideration of environmental costs. This also includes inadequate laws governing the take and use of water, water allocation, permit variations and permit transfer.⁵ The result is a water management system that produces, or risks producing, unacceptable net costs including the degradation of water quality and supply and reduced access for Aotearoa's citizens and communities.

14. Radical transformation is therefore urgently needed to create an economic system aligned with environmental and human rights values and priorities. Water commodification and other market mechanisms – whether imposed on the industry specifically, or on water 'takes' in general, or whether created as a consequence of inadequate allocation regulations - are part of an unethical extractive business model which we condemn as fundamentally incompatible with the urgent, full realisation of environmental protection and human rights.
15. For these reasons, and because of the industry's horrendous contribution to the plastic pollution crisis, we call for a moratorium on all new industrial water bottling activities in New Zealand. This prohibition should remain in place at least until regulations are implemented requiring preferential water allocation to activities that safeguard our ecosystems, Tiriti rights and the human right to water as determined by tangata whenua and local communities via statutory consultative processes.
16. We note demands for an urgent independent review of councils' inability to charge for the privilege of water extraction for industrial water bottling. We acknowledge the premise that, in the interests of fairness, equitable benefit-sharing with the affected community should be imposed. However, a royalty scheme would perpetuate the dangerous ideas that industrial water bottling for private profit (unfettered by community values and aspirations) is acceptable, and that monetary value is paramount. Royalties could never compensate for the loss and prejudice suffered should flawed resource management decision-making lead to irrevocable aquifer depletion, or even reduced access to water for activities (community or otherwise) that would produce real, non-monetary value for affected communities. Therefore, because it will fail to mitigate the root cause of water insecurity (i.e. excessive industrial water extraction in a time of water crisis), we deem water royalties to be at best optimising a failed space, and at worst a dangerous distraction from the meaningful policies and regulations that urgently need to be implemented.

(Dated: 19 March 2019)

¹ Ref "The human right to water and sanitation" website at http://www.un.org/waterforlifedecade/human_right_to_water.shtml; and references in the United Nations Declaration on the Rights of Indigenous Peoples (2007), https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf, and the UN Sustainable Development Goals website, <https://www.un.org/sustainabledevelopment/water-and-sanitation/>. See also the New Zealand Human Rights Commission's "Human Rights and Water – Tika Tangata me te Wai" (2012),

<https://thehub.sia.govt.nz/assets/documents/HRC-12-Human%20Rights%20and%20Water%20Tika%20Tangata%20me%20te%20Wai.pdf>.

² See the United Nations “Guiding Principles on Business and Human Rights” (2011) at https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf, and the UN Intergovernmental Working Group which is developing an international legally binding instrument to regulate transnational corporations and other business enterprises’ activities, at <https://www.ohchr.org/EN/HRBodies/HRC/WGTransCorp/Pages/IGWGOntNC.aspx>.

³ E.g. see “Fluoridation is mass medication, NZ Supreme Court rules” (28 June 2018), <http://www.scoop.co.nz/stories/PO1806/S00336/fluoridation-is-mass-medication-nz-supreme-court-rules.htm>.

⁴ E.g. see “Medical Consent: What Do Human Rights Have To Do With It?”, <https://rightsinfo.org/medical-consent-human-rights/>; and “Patients' rights”, <https://www.who.int/genomics/public/patientrights/en/>.

⁵ In Canterbury this regulatory environment has allowed for the creation of a market for water where water permits are, for all intents and purposes, bought by bottling companies via the purchase of land at grossly inflated prices.