

September 24, 2020
Jorge Rivas Chaparro
Superintendente de Servicios Sanitarios
Moneda 673, 9° Piso
Región Metropolitana, Santiago

CC: Presidente Sebastián Piñera Echenñique, Presidenta del Senado Adriana Muñoz D'Albora, Presidente de la Cámara de diputadas/os Diego Paulsen Kehr, U.N. Special Rapporteur Léo Heller

Dear Superintendent Rivas:

We write to you as an international community gravely concerned about Essal's violations of the human right to water in Osorno, and its parent corporation, Suez's, attempts to evade accountability and justice. Recent news indicates Suez/Aguas Andinas is attempting to wash its hands of the crisis in Osorno by selling its majority stake in Essal.¹ Regardless of the corporation's shareholding, the people of Osorno have made clear their demands for the concession to be terminated and for Essal and its affiliated corporations to be held accountable. We echo the demands of civil society in Osorno, and urge you to conclude the accountability process quickly and transparently—and deliver justice for the people of Osorno.

As you well know, the incident that took place in July of 2019, which left 97.9 percent of the population of Osorno without water for over 10 days,² represents a grave violation of the human right to water. In January of this year, over 90 percent of voters voted to end the Essal contract in a citizen's referendum.³ Due to Essal's flagrant abuses, and out of respect for the democratic expression of the will of the people, it is clear that you must finish the evaluation and subsequent recommendation to the national government to end the contract.

Suez's threat to take Chile to international arbitration⁴ is an outrageous intimidation tactic and must not be tolerated. The contract termination process was triggered by Essal's own negligence and failure to deliver a clean water supply to residents for a prolonged period—impacting the health and well-being of thousands of residents.⁵ This move, frequently used by Suez and other transnational corporations,⁶ is a

¹ "SUEZ Reaches an Agreement to Dispose Its 53.51% Stake in ESSAL," Suez, September 11, 2020, <https://www.suez.com/en/news/press-releases/suez-reaches-an-agreement-to-dispose-its-53-51-percent-stake-in-essal>.

² "In Wake of Osorno Health Emergency in Chile, SUEZ Is Served Notice to Amend Vigilance Plan," International Federation for Human Rights, July 9, 2020, <https://www.fidh.org/en/issues/globalisation-human-rights/in-the-wake-of-the-osorno-health-emergency-in-chile-suez-is-served>.

³ Gerson Guzmán D., "Sobre 90% de Participantes En Consulta Ciudadana Votaron Por Caducar Concesión a Essal En Osorno," BioBioChile, January 13, 2020, <https://www.biobiochile.cl/noticias/nacional/region-de-los-lagos/2020/01/13/sobre-90-de-osorninos-votaron-a-favor-de-caducar-concesion-a-essal-en-consulta-ciudadana.shtml>.

⁴ "Suez Pide Suspensión Del Procedimiento de Caducidad Contra Essal," País Lobo Prensa, June 15, 2020, <https://www.paislobo.cl/2020/06/suez-pide-suspension-del-procedimiento.html>.

⁵ "Iniciarán Proceso Para Terminar Con La Concesión de Essal," Tele 13, August 2, 2019, <https://www.t13.cl/noticia/nacional/Superintendencia-abre-expediente-de-caducidad-de-la-concesion-de-Essal-y-anuncia-millonaria-multa>.

blatant attempt to subvert accountability—and to take advantage of the public’s limited ability to participate in democratic processes during a pandemic. The international community supports you in standing up to this intimidation by Suez.

Therefore, we echo the following demands of local Osorno civil society:

1. Do not succumb to pressure from transnational corporations like Suez by abandoning the contract termination process.
2. Ensure that the contract termination process is expedient and transparent.

We urge you to take all steps necessary to hold Essal and its affiliated corporations accountable for the abuses in Osorno. People’s lives depend on it.

If you have any questions or concerns, please reach out to Lauren DeRusha, Corporate Accountability campaign director, at LDerusha@CorporateAccountability.org.

Sincerely,

AbibiNsroma Foundation, Ghana

Aitec, France

Alianza Colombiana por la Salud Alimentaria, Colombia

Asamblea Social del Agua Solidaridad, México

Asha Parivar, India

Asociación Centro Nacional de Salud Ambiente y Trabajo (CENSAT Agua Viva), Colombia

Asociación Comunitaria Unida por el Agua y la Agricultura (ACUA), El Salvador

Asociación de Municipios y Entidades por el Agua Pública (AMAP), Catalonia

Asociación de Usuarios del Agua de Saltillo, México

Asociación Equidad, Sostenibilidad y Derechos Ambientales (ENDA), Colombia

Asociación Argentina de Filosofía Antigua, Argentina

Asociación Catalana d'Enginyeria Sense Fronteres, Spain

Blue Planet Project, Canada/International

CatholicNetwork.US, United States

Central Única dos Trabalhadores do Estado do RJ, Brazil

Centro di Volontariato Internazionale (CeVI), Italy

Citizen News Service (CNS), India

Colectivo Educación para la Paz y los Derechos Humanos A.C., México

Comisión en Defensa de la Laguna del Cisne, Uruguay

Comisión Nacional en Defensa del Agua y la Vida (CNDAV), Uruguay

Comité Ambiental en Defensa de la Vida, Colombia

Community Action Works, United States

Confederação Nacional Dos Urbanitarios, Brazil

⁶ Shiney Varghese, “Investor-State Dispute Settlement: Milestone around the Right to Water?” (Institute for Agriculture & Trade Policy, December 2017), 8–9, https://www.iatp.org/sites/default/files/2017-12/2017_12_11_ISDSWaterRights_SV_f_0.pdf.

Coorasan, Dominican Republic
Corporación Ecológica y Cultural Penca de Sábila, Colombia
Corporate Accountability and Public Participation Africa, Nigeria
Corporate Accountability, United States
Council of Canadians, Peterborough Chapter, Canada
Council of Canadians, Kawarthas Chapter, Canada
Earth Action, Inc., United States
Ecos El Salvador, El Salvador
Educar Consumidores, Colombia
Equity and Justice Working Group, Bangladesh
European Water Movement, Europe
EuSain, Netherlands
Federação Nacional Dos Urbanitarios, Brazil
FENTAP, Peru
Flint Rising, United States
Food & Water Action, United States
Food & Water Watch, United States
Food Empowerment Project, United States
Food Chain Workers Alliance, United States
For Love of Water (FLOW), United States
Fresh Eyes, United Kingdom
Fundación para la Comunicación Popular (FUNCOP-CAUCA), Colombia
Fundación Salvadoreña para la Promoción Social y el Desarrollo Económico (FUNSALPRODESE), El Salvador
Gestos, Brazil
Global Initiative for Economic, Social and Cultural Rights, Global
Growthwatch, India
Hazards Centre, India
HUE, Argentina
International Baby Food Action Network (IBFAN), Colombia
Indian Social Action Forum (INSAF), India
Indigenous Peoples Rights International, Philippines
Institute for Agriculture and Trade Policy, United States
K 136 Thessaloniki, Greece
KRuHA (People's Coalition for the Right to Water), Indonesia
Lady Freethinker, United States
Movimento dos Atingidos por Barragens (MAB), Brazil
Macroamb, Brazil
Mesa Colombiana de Incidencia por las Enfermedades Crónicas, Colombia
Mesopotamia Ecology Movement, North Kurdistan
Michigan Welfare Rights Organization, United States
Movimiento por el Agua Pública y Democrática en Barcelona (MAPiD), Cataluña
Mujer y Medio Ambiente, A.C., México
National Fisheries Solidarity Movement, Sri Lanka
Nature Coast Conservation, Inc., United States

Observatoire des Multinationales, France
Observatorio Ciudadano de Servicios Públicos, Ecuador
Observatório Nacional dos Direitos a Água e ao Saneamento (ONDAS), Brazil
Occupy Bergen County (New Jersey), United States
Oil Change International, International
Otros Mundos AC/Chiapas, México
Plataforma Global El Salvador, El Salvador
Public Services International, Global
Public Utility Workers Union of TUC, Ghana
Rapid Shift, United States
Real Food Media, United States
Red Colombiana de Semillas Libres, Colombia
Red Internacional Waterlat Gobacit, Brazil
Vigilancia Interamericana para la Defensa y Derecho al Agua (Red Vida), Latin America/International
Rural Area Development Programme (RADP), Nepal
Samen duurzaam, Holland
Sisters of Charity Federation, United States
SLO CLEAN WATER, United States
Small Planet Institute, United States
Socialist Party, India
The Gaia Foundation, United Kingdom
The Springs Foundation, United Kingdom
The Story of Stuff Project, United States
Thomas Merton Center, United States
Thousand Currents, United States
Topanga Peace Alliance; MLK Coalition of Greater Los Angeles, United States
Transnational Institute, Netherlands
United Services Trade Union (ver.di), Germany
Universidad de Guanajuato, México
Water Citizens Network, Ghana
Water is Life Alliance, Canada/United States
Water Justice & Gender, Netherlands
WATERLAT-GOBACIT Network, United Kingdom
Wellington Water Watchers, Canada
Syndicat National Autonome des Travailleurs de l'Energie, de l'Eau et des Mines du Cameroun(SYNA-TEEC), Cameroon