

European Citizens' Initiative

Water and sanitation are a human right

Water is a public good, not a commodity!

Explanatory note

(Annex to ECI Water and sanitation are a human right)

Introduction

The United Nations have recognised the universal human right to water and sanitation (UN General Assembly Resolution A/64/L.63/Rev.1). On 28 July 2010, through [Resolution 64/292](#), the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights. The Resolution calls upon States and international organisations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all. (United Nations, 2010)

In November 2002, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 15 on the right to water. Article I.1 states that " Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights". (UN-CESCR, 2002)

The continuing contamination, depletion and unequal distribution of water is exacerbating existing poverty. States parties have to adopt effective measures to realize, without discrimination, the right to water. (Albuquerque, 2011a)

The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements. (UN-CESCR, 2002)

In 2010 Sanitation was added: "The Committee is of the view that the right to sanitation requires full recognition by States parties in compliance with the human rights principles related to non-discrimination, gender equality, participation and accountability". (Un-CESCR in Albuquerque, 2012)

The rights to water and sanitation entitle everyone to sufficient quantities of safe water and sanitation services that are affordable, accessible, culturally acceptable,

and which are delivered in a participatory, accountable and non-discriminatory manner. Governments are obliged to ensure that everybody gains access to these services over an acceptable timeframe, through adopting appropriate legislation, policies, programmes and ensuring that these are adequately resourced and monitored. The rights to water and sanitation provide not only a legal framework for holding States accountable for delivering these services, but also a set of principles that assist States in prioritising where resources should be dedicated, using the principles of participation and non-discrimination to ensure access for all. (Albuquerque, 2012)

It is clear that water and sanitation have everything to do with human dignity. Ensuring that everyone has access to adequate sanitation is not only fundamental for human dignity and privacy, but is one of the principal mechanisms for protecting the quality of drinking water supplies and resources. In accordance with the rights to health and adequate housing States have an obligation to progressively extend safe sanitation services, particularly to rural and deprived urban areas, taking into account the needs of women and children.

The lack of access to clean water and sanitation, in terms of sheer numbers affected, is arguably the single biggest human rights issue of our time. Without the recognition of this right, and the obligations it places on governments to find a solution that is supported by adequate financial resources, the suffering will only deepen. (Barlow, 2011)

But the most crucial dimension of human rights is its potential to empower people. Water and sanitation, as rights, are no longer matters of charity which a Government can give or take away. They are human rights, which people can claim. States become more accountable, and once people know that they have this right, the entire dynamic changes as they hold the authorities to account. (Bustelo, 2011)

“Without water, we can never fight hunger, without toilets in schools, girls will continue to drop out before finishing their education, and without adequate sanitation and hygiene, disease will continue to spread, resulting in increasing child mortality and bad maternal health.”- (Berntell, 2011).

Recognition of the human right to water by the UN General Assembly

On 28 July 2010 the UN General Assembly stated:

that approximately 884 million people lack access to safe drinking water and that more than 2.6 billion do not have access to basic sanitation, and alarmed that approximately 1.5 million children under 5 years of age die and 443 million school days are lost each year as a result of water- and sanitation-related diseases,

Acknowledging the importance of equitable access to safe and clean drinking water and sanitation as an integral component of the realization of all human rights,

Reaffirming the responsibility of States for the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the commitment made by the international community to fully achieve the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, 17 to halve, by 2015, the proportion of people who are unable to reach or afford safe drinking water and, as agreed in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"), 18 to halve the proportion of people without access to basic sanitation.

On 28 July 2010 the UN General Assembly:

(1) recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;

(2) called upon States and international organizations to provide financial resources, capacity-building and technology transfer, through international assistance and cooperation, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all;

(3) welcomed the decision by the Human Rights Council to request that the independent expert on human rights obligations related to access to safe drinking water and sanitation submit an annual report to the General Assembly,¹³ and encourages her to continue working on all aspects of her mandate and, in consultation with all relevant United Nations agencies, funds and programmes, to include in her report to the Assembly, at its sixty-sixth session, the principal challenges related to the realization of the human right to safe and clean drinking water and sanitation and their impact on the achievement of the Millennium Development Goals. (United Nations, 2010)

Realization of the right to water is a state obligation

States have immediate obligations in relation to the right to water, such as the guarantee that the right will be exercised without discrimination of any kind and the obligation to take steps that are deliberate, concrete and targeted towards the full realization of the right to water. Realization of the right should be feasible and practicable, since all States parties exercise control over a broad range of resources, including water, technology, financial resources and international assistance. (United Nations, 2010)

States have the primary responsibility to ensure the full realization of all human rights, and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, to achieve progressively the full realization of the right to safe drinking water and sanitation by all appropriate means, including particularly the adoption of legislative measures in the implementation of their human rights obligations. (UN-HRC, 2011)

The Human Rights Council resolution 15/9 reaffirms that States have the primary responsibility to ensure the full realization of all human rights and the delegation of safe drinking water and sanitation to a third party does not exempt the State from these obligations. (UN-HRC, 2010) States must make efforts to change their current behaviour in focussing predominantly on urban areas. While it is true that urban areas are easier to reach, States' primary obligation is to realise the human rights to water and sanitation, prioritising the most vulnerable and marginalized individuals and communities, which are mostly in rural areas or in deprived urban areas. They have moreover to ensure respect for the principles of non-discrimination and equality.

The Human Rights Council calls upon States to:

- (a) develop appropriate tools and mechanisms, which may encompass legislation, comprehensive plans and strategies for the sector, including financial ones, to achieve progressively the full realization of human rights obligations related to access to safe drinking water and sanitation, including in currently unserved and underserved areas;
- (b) To ensure full transparency of the planning and implementation process in the provision of safe drinking water and sanitation and the active, free and meaningful participation of the concerned local communities and relevant stakeholders therein;
- (c) To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;
- (d) To integrate human rights into impact assessments throughout the process of ensuring service provision, as appropriate;
- (e) To adopt and implement effective regulatory frameworks for all service providers in line with the human rights obligations of States, and to allow public regulatory institutions of sufficient capacity to monitor and enforce those regulations;
- (f) To ensure effective remedies for human rights violations by putting in place accessible accountability mechanisms at the appropriate level. (UN-HRC, 2010)

Taking into account the evidence that the majority of resources are benefiting the relatively well-off rather than low-income communities, who lack even basic access, States must integrate a human rights based approach into national and local plans on water and sanitation. This will particularly require that States target their plans and financing on ensuring access to basic services in rural areas and in deprived urban areas. (Albuquerque, 2011a)

The right to water, like any human right, imposes three types of obligations on States parties: obligations to *respect*, obligations to *protect* and obligations to *fulfil*. The obligation to *respect* requires that States parties refrain from interfering directly or indirectly with the enjoyment of the right to water. The obligation includes, inter alia, refraining from engaging in any practice or activity that denies or limits equal access to adequate water. Liberalisation of water services de facto limits equal access.

The obligation to *protect* requires State parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes, inter alia, adopting the necessary and effective legislative and other measures to restrain, for example, third parties from denying equal access to adequate water; and polluting and inequitably extracting from water resources, including natural sources, wells and other water distribution systems.

The obligation to *fulfil* can be disaggregated into the obligations to facilitate, promote and provide. The obligation to facilitate requires the State to take positive measures to assist individuals and communities to enjoy the right. The obligation to promote obliges the State party to take steps to ensure that there is appropriate education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage. States parties are also obliged to fulfil (provide) the right when individuals or a group are unable, for reasons beyond their control, to realize that right themselves by the means at their disposal. The obligation includes, inter alia, according sufficient recognition of this right within the national political and legal systems; adopting a national water strategy and plan of action to realize this right; ensuring that water is affordable for everyone; and facilitating improved and sustainable access to water, particularly in rural and deprived urban areas. (UN-CESCR, 2002)

Determining why particular individuals and groups do not have access to water and sanitation and other essential services will open our eyes to a world of inequalities, often built into the fabric of society. Human rights challenge the existing power relations by stating that inequalities in access to water and sanitation are not only morally unacceptable, but also prohibited in international law. This requires States to revisit legislation, policies and practice, and to examine how to ensure that all people enjoy their rights equally. (Albuquerque, 2012)

Why this European Citizens' Initiative

Without prejudice to Article 4 of the Treaty on European Union or to Articles 93, 106 and 107 of this Treaty, and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Union and the Member States, each within their respective powers and within the scope of application of the Treaties, shall take care that such services operate on the basis of principles and conditions, particularly economic and financial conditions, which enable them to fulfil their missions. **The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish these principles and set these conditions without prejudice to the competence of Member States, in compliance with the Treaties, to provide, to commission and to fund such services. (art.14 TFEU)**

This is the basis on which we invite the European Commission to propose legislation to ensure the universal human right to water and sanitation. All citizens need potable water and a safe system of sanitation. The United Nations have recognised the universal human right to water and sanitation, but still many people do not enjoy this right. Water and sanitation are not implemented as human rights in all EU countries yet. Water and sanitation are essential to human life and essential to the realization of all other human rights. EU legislation should require governments to ensure and to provide all citizens with sufficient and clean drinking water and sanitation.

European cities and countries have implemented networks of water supply and sewerage over the past centuries at the same time that they developed their industries. One could not do without the other. This is also valid for developing countries. The Millennium Development Goals (MDG's) on water and sanitation are therefore a prerequisite for the other MDG's.

The EU seeks to take into account development cooperation objectives in non-development policies. The EU recognizes that some of its policies can have a significant impact outside of the EU and that either contributes to or undermines its development policy. The EU therefore seeks to minimise contradictions and to build synergies between policies other than development cooperation that have an impact on developing countries, for the benefit of overseas development. (European Commission, 2005)

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt the measures necessary for the implementation of development cooperation policy, which may relate to multiannual cooperation programmes with developing countries or programmes with a thematic approach. (Art. 209, TFEU)

In order to promote the complementarity and efficiency of their action, the Union and the Member States shall coordinate their policies on development cooperation and shall consult each other on their aid programmes, including in international organisations and during international conferences. They may undertake joint action. Member States shall contribute if necessary to the implementation of Union aid programmes. **The Commission may take any useful initiative to promote this coordination.** (Art. 210, TFEU)

The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. (Article 2 TEU)

However, the rule of law and human rights are not the only principles on which the European Union is founded. The expansion of a common market has arguably been more influential. (Both Ends, 2008)

The European Union shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter. (Article 3, TEU)

The supply of water is a service of general interest as defined in the Commission communication on services of general interest in Europe. (Water Framework Directive). Water and environment are shared responsibilities between the EU and Member States. Next to the Water Framework Directive other relevant legislation includes the Drinking Water Directive and the Urban Waste Water Treatment Directive. In addition the EU has comprehensive EU funding instruments at its disposal (Cohesion policy, Rural Development policy). The provisions for Water and Sanitation are binding to all Member States, although new member States have a transition period. According to the High Representative on Human Rights and Vice-President of the Commission, Mrs Ashton, scrutiny on delivering of Member States of their obligations is ensured through legal enforcement and compliance with the Acquis. (EEAS, 2011)

The right to water was already recognised by Member States in Recommendation Rec(2001)14 of the Committee of (Foreign) Ministers to Member States on the European Charter on Water Resources. This states: **“International human rights instruments recognise the fundamental right of all human beings to be free from hunger and to an adequate standard of living for themselves and their families. It is quite clear that these two requirements include the right to a minimum quantity of water of satisfactory quality from the point of view of health and hygiene”**.

We think the EU has to implement the human right to water and sanitation as far as water and sanitation services are subject to European Union law (= as a service of general interest). The EU has to promote national implementation of the human right by setting binding targets to achieve universal coverage in all EU Member States and putting the right to water and sanitation at the core of its water policy. We think the EU should promote the human right commitments, and in particular to ensure that the wastewater Directive 1998 requirement for mains sewerage in all settlements over 2000 people is implemented in full. Also the UN Human Rights Council calls for a rights based approach: “the Human Rights Council (...) urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and action plans related to the enjoyment of access to safe drinking water and sanitation” (UN-HRC, 2010)

The application of human rights principles and standards defined by the rights to water and sanitation can lead to greater levels of safe, acceptable and affordable water and sanitation in sufficient quantities. (Albuquerque, 2011b)

Commodification and commercialisation of water has induced inequalities and exclusion, and has often led to steep water-rate hikes, excessive leaks, water-service disruptions and unaccountable management. (EP resolution 2006)

A lack of investment in water infrastructure caused by the siphoning off of money for profit and other purposes has led to excessive leaks, water-service disruptions and unaccountable management. Governments have a clear obligation to provide their citizens with safe and clean water and sanitation. The charges for providing these essential services must be affordable to all.

We see a parallel towards extending water and sanitation services to the poor in other countries. For the last 20 years, the orthodox paradigm for financing water and sanitation in has treated the state as having inadequate capacity to either finance or operate water and sanitation services. It has instead promoted the primacy of private direct financing of investment, and the market model, with pricing mechanisms providing incentives and signals for investments, supported by targeted aid designed to 'leverage' the maximum amount of commercial investment. In recent years, it has become apparent that these approaches have not succeeded in generating a flow of investment adequate to meet developmental needs. (Hall, 2010)

To truly fulfil the promise of the Millennium Development Goals (MDG's) in relation to water, much more money needs to be put towards the crisis. 'The MDG's have increased awareness of the scale of the problems. However, the MDG in water is being achieved through public finance committed by national governments, with little effective help from donors and no significant contribution from the private sector at all. The MDG for sanitation is not being achieved, and extra commitment needs to be made by donors and governments to end the scandal of towns and cities without sewerage systems, and inadequate sanitation in rural areas. (Barlow, 2011)

The public service Trade Unions have since long promoted quality public services for all. Water is a special public service because of its nature and its essentialness to life. No one can live without water. Over the years trade unions have supported the recognition of the human right to water and sanitation and underlined the obligation and responsibility of states to provide these public services in a transparent, accountable and participative manner. We have seen and experienced the negative effects of liberalisation of public services in job losses, price hikes and increasing inequality. Experiences that must be avoided in the most essential service to life and to our societies.

Situation in Europe: EU-27

According to the Joint Progress Monitor by WHO and Unicef not all EU-27 countries have achieved full access to water supply and sanitation for their populations. (WHO and Unicef, 2010) The World Water Assessment Programme (WWAP) assesses that in the EU still over one Million people lack access to safe and clean water and nearly

2% of the population lacks access to sanitation. Some countries have made little or no progress since 1990.

EU Member States that have **not** reached 100% coverage of improved water supply and sanitation (WHO-Unicef, 2010):

1. Romania (16% unimproved drinking water, 28% unimproved sanitation¹)
2. Latvia (1% unimproved drinking water, 22% unimproved sanitation²)
3. Lithuania (8% unimproved drinking water, 14% unimproved sanitation³)
4. Estonia (2% unimproved drinking water, 5% unimproved sanitation)
5. Czech Republic (2% unimproved sanitation)
6. Greece (0.5% unimproved drinking water, 2% unimproved sanitation)
7. Poland (2% unimproved drinking water, 4% unimproved sanitation)
8. Portugal (1% unimproved drinking water)

Universal access

The EU itself plays a major role in public financing of water systems in poorer states through the cohesion and solidarity funds, and through low interest loans from its public sector development instrument, the European Investment Bank. (Hall, 2010)

Over 800 million people still lack access to water and even 2,5 billion still lack access to improved sanitation at this moment. The Millennium Development Goals set a target to half the number of people without access to water and sanitation by 2015. At the time the goals were set, these numbers were: 1,2 Billion without water and 2,6 Billion without sanitation. Concretely this means that the figure of people without access to water should be reduced to under 600 Million and the number of people without access to sanitation should be reduced to 1,3 Billion by 2015.

Improved access to sanitation and water produces economic benefits that range from US\$ 3 to US\$ 34 per US\$ 1 invested, increasing a country's gross domestic product (GDP) by an estimated 2% to 7%. "Unsafe water, inadequate sanitation and the lack of hygiene claim the lives of an estimated 2.2 million children under the age of 5 every year. (WHO, 2010)

Sanitation and drinking-water receive a relatively low priority for both official development assistance (ODA) and domestic allocations. The total aid for all aspects of water, as measured by the Organisation for Economic Co-operation and Development (OECD), fell from 8% to 5% of total ODA between 1997 and 2008. (WHO, 2010)

We think that the European Commission can propose legislation that helps to reach the MDG's; that goes beyond these goals to reach universal access to water and sanitation and that scales up efforts that are being taken by Member States. Legislation supplements voluntary efforts like is shown by the French "petit loi Oudin" and in the Netherlands by legislation known as "motie Koppejan".

¹ Figures 2000

² Figures 2000

³ Figures 2000

Although the expectations on achievement of the MDG on water are positive, the outlook on sanitation is not. The world is far off-track in reaching this goal. Extra efforts are needed to achieve the ultimate goal of universal access to water and sanitation.

The implementation of the human right to water and sanitation: establishing the principles and setting conditions to provide these services (art.14 TFEU)

As stated in our European Citizens' Initiative we urge:

1. That the EU institutions and Member States are obliged to ensure that all inhabitants enjoy the right to water and sanitation.
2. That water supply and management of water resources must not be subject to 'internal market rules' and that water services are excluded from liberalisation.

Therefore EU water policy should include:

- That in all communications on water and sanitation the Human Right to Water and Sanitation is put central, instead of references to (the completion of) the internal market. For too long the market has been seen as a solution to problems in water supply and sanitation. Creating a market in the case of water services would only mean creating problems and move the focus away from achieving 100% coverage of water and sanitation services.
- That implementation is given to the demand that 'the management of water and water resources should not be subject to internal market rules' (EP Resolution P5_TA(2004)0183). As stated before water is a natural monopoly that cannot be subject to competition. Competition will not improve access for the people in the EU that currently are deprived of good water services.
- That the EU will defend policies consistent with the statement introducing the Water Framework Directive: "Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such".

This means that water distribution and waste water management services cannot be run according to usual economic criteria. They should be regarded as essential public services; i.e. services provided to the public and as services of general interest. The European Commission can propose legislation to establish the principles to provide these services. A responsible management of those services entails that constant improvement is a must. Besides dealing with environmental and climate aspects of water management, the European Commission should develop transparency, accountability and participation (TAP) criteria and comparison as means to improve the performance, sustainability, cost-effectiveness and so forth, of the water services.

Recently a number of cities have returned to public management of services. Water is a necessity, essential for human life. There should be no market for water, there

should be no chance for profit seeking over peoples most basic need. It is clear that the market cannot deliver on human rights. These are government responsibilities and governments have to deliver. They might search for private sector involvement in delivering services, but they cannot leave their responsibility; to provide water and sanitation to all of their population and especially the focus on the marginalized that is needed, to the market.

The market in services has increased disparities between the better off and the marginalized in Europe. That is how a market works, those who can pay more, get more, those who can afford less, get less. The EU has been overly concerned with their aim to complete the internal market. Creating a market for water and sanitation will not guarantee the human right to water and sanitation for anybody.

We suggest that the commission sets up a benchmarking system (on coverage, affordability, leakages, water quality, sustainability, etc) to improve quality public water supply and sanitation services in the EU. Privatisation as promoted in the eighties and nineties of the past century has not led to improved services.

The EC should introduce a governance code for water companies. This code should prevent water companies from taking profit out of the company and out of the service provision. Moreover it should make sure that gains are being reinvested into the water supply system or invested in improvements of water supply and increasing access to water and sanitation for the poor and unconnected, also in other parts of the world. The code of conduct should also entail that water companies cannot be sold to or taken over by private equity firms that are only interested in taking out quick profit and leave behind a broken down company.

The implementation of the human right to water and sanitation: initiatives to promote coordination in development cooperation (art. 210 TFEU)

As stated in our European Citizens' Initiative we urge:

3. That the EU increases its efforts to achieve universal access to water and sanitation.

The EU and Member States can increase their efforts through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, to achieve progressively the full realization of the right to safe drinking water and sanitation. The EU should make universal access to safe drinking water and sanitation part of its development policy and give a higher share in Official Development Assistance (ODA) to increase access to water and sanitation worldwide and to improve water and sanitation services. The EU can promote Public-public partnerships (Water Operator Partnerships) based on not-for-profit principles and solidarity between water operators and workers in different countries. The High Representative, Commissioner Ashton declared to be willing to support public-public partnerships in water services (EEAS, 2011), but does not explain how the EU will concretise this.

Extension of public water and sanitation services to those communities and people not now served is necessary and urgent, regardless of their ability to pay. This will mean a re-prioritization of domestic and international budgets. The practice by the

World Bank and its regional counterparts to promote privatization of water services in the Global South must be challenged and changed. The EU has a large voice to change World Bank policy. Also the EU should urge every UN agency as well as the UN General Assembly to support public water and sanitation services. Public-public partnerships are gaining increasing support as a cost-effective and sustainable way of improving capacity among public water utilities in developing countries. While the number of such partnerships has grown significantly in recent years, insufficient funding remains a serious obstacle to public-public partnerships fulfilling their full potential. Funding and political support are needed to mobilise the tremendous expertise that exists in the public water sector in Europe and elsewhere to help improve water services in developing countries.

Ten proposals to implement the human right to water and sanitation in EU law

Our proposals to the European Commission to implement the human right to water and sanitation in the EU:

1. To use the Human Right to Water and Sanitation in all communications on Water or Sanitation and to introduce the human rights approach in all the water and sanitation operations.
2. To guarantee provision of water (safe, clean and affordable) and sanitation services to all of the populations in EU Member States, following international standards on sustainability, Transparency, Accountability and Participation (TAP) criteria, and non-discrimination.
3. To refrain from turning water services into commercial services by excluding water from internal market rules. This can be achieved through a commitment of the European Commission:
 - a. Not to liberalise water and sanitation services.
 - b. Not to include water and sanitation services in Trade Agreements such as CETA.
 - a. To promote Public-Public Partnerships (PuP's) through EU Development Aid and other mechanisms such as the European Water Facility. PuP's generally have low costs and focus on capacity building and equity, and have the potential to support more holistic approaches to services and the water cycle.
 - b. To enshrine the "water is not a commodity" principle of the Water Framework Directive in all EU water and water-related policies.
 - c. To define that protecting our water environment (sustainable development, public health and well-being) will prevail over commercial policies.
 - d. To initiate support programmes for people who are unable to pay their water bills, with the aim to prevent disconnections of users. These programmes can be part of social protection mechanisms, focused on non-discrimination principles.

- e. To ensure that private water companies operating water services provide complete transparency and openness regarding their contracts (no role for commercial confidentiality in this public service).
 - f. To promote citizen participation in accordance with the water framework directive in the policy setting or governance structure of water services (e.g. through municipal councils or citizens' boards).
4. To make the achievement of universal access to water and sanitation part of EU Development policy and give a higher share in Official Development Assistance (ODA) to increase access to water and sanitation worldwide and to improve water and sanitation services. The EU should provide more funds to countries that lack necessary capital to invest in extension of Water and Sanitation services to the poor. The EU should ensure that aid is provided in a manner consistent with human rights standards. In addition it should never be conditional to any form of privatisation.
5. To promote Public-public partnerships (Water Operator Partnerships) based on not-for-profit principles and solidarity between water operators and workers in different countries. Reference to WHO that states: "Human resource capacity constraints also need to be considered by both external support agencies and developing countries, as the improvements required are likely to take a long time". (WHO, 2010) This is specifically addressed in WOPs where peer-to-peer cooperation is central in the partnership.
6. To enshrine into law that control over water and water resources must remain in public hands. Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such.
7. To support public water companies, in the EU and other countries, who lack the capital to extend water supply and sewage services to the poor from their own funds. (As opposed to giving support for repayment of debts to banks). The austerity measures that countries have to impose as conditions to their debt relief have the biggest adverse effect on the poor. Countries cannot invest in pro-poor policy when they are required to cut public spending.
8. To support and promote water companies who invest a certain part of their yearly turnover in water operators partnerships in developing countries (following the examples of the Netherlands and France). These are not-for-profit partnerships that aim to achieve universal access to water and sanitation. This way all European water companies and indirectly all European citizens will contribute to the achievement of universal access to water and sanitation.
9. To support in establishing a voluntary European benchmarking system for public enterprises to promote high-quality water services.
10. To design a governance code for water companies in the EU to prevent water companies from taking profit out of the company and out of the service provision. This governance code should make sure that gains are being reinvested into the water supply system or invested in improvements of water supply and increasing access to water and sanitation for the poor and

unconnected. This investment can also be in other parts of the world. The governance code should also entail that water companies cannot be sold to or taken over by private equity firms that are only interested in taking out quick profit and leave behind a broken down company. It should promote and support the sustainability of the water company and of the water services itself.

Final remarks on the implementation of the Human Right to Water and Sanitation

Important areas that could support a rights-based approach to water and sanitation are commitments to strengthening democracy and freedom of expression, combatting discrimination and protecting human rights. These involve strengthening the voice of civil society groups in respect of claims for economic, social and cultural rights, in addition to focusing on disadvantaged groups. (Both Ends, 2008)

In the implementation of the right to water and sanitation, special consideration must be given to certain groups.

Women are disproportionately responsible for water management in their families and communities, and disproportionately affected by the absence of clean water and the lack of private sanitation facilities. Yet as the Women's Environment & Development Organization reminds us, women are often left out of policy and decision-making spheres. (McDonald, 2011) They should be involved and participate in all decision-making in matters that affect their rights.

Workers are another important component of this network. When water services are privatized, workers are inevitably laid off while the private company looks for ways to make profit. The public sector unions have been a tireless fighter for the rights of workers and their families and the need for governments to provide clean, public, accessible water for all. Water services are essential for life and should not be a commodity for profitmaking. Water services should remain public services and not be liberalised and left to market forces. Workers deserve to be respected for the job they do for all people and our societies. They should be involved in all aspects of the provision of water services, also in decision-making processes.

Rural communities are vulnerable as big urban centres fan out looking for new sources of water. An inseparable part of the right to water and sanitation is control and sovereignty of local communities over their natural heritage, and therefore, over the management of their sources of water and watersheds. Sustainable and equitable allocation of water resources depends on cooperation among community members; local water sources must be managed with the community's full participation. Local stewardship is the best guardian of the principles of sustainability and justice.

Next steps in the realization of the human right to water and sanitation must be built on justice for all these groups.

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