

The European Citizens' Initiative "Water is a human right!"

Potable water and a safe system of sanitation for all.

Autor:

Jerry van den Berge

Europäischer Gewerkschaftsverband
für den öffentlichen Dienst EPSU

www.epsu.org/

www.right2water.eu

Wichtiger Link:

**The human right to water
and sanitation**

www.un.org/waterforlifedecade/human_right_to_water.shtml

"... recognizes 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."

United Nations, Resolution
adopted by the General Assembly,
3 August 2010



The aims of this European Citizens' Initiative are

- to ensure water and sanitation for every person in the European Union
- to achieve universal (global) access to water and sanitation and
- to safeguard the limited public water resources for future generations by keeping water out of the European internal market.

The European Citizens' Initiative (ECI) allows citizens, with the support of at least one million signatures from at least seven EU Member States, to request that the European Commission proposes legislation in areas where it has the power to do so (e.g. environment, internal market, public health). This is a new tool for participatory democracy resulting from the Lisbon Treaty to bring European citizens closer to EU policies. It has been in force since April 2012.

Even if an ECI receives the required amount of signatures and complies with all the regulations, the Commission can still decide to reject the initiative. The ECI must be seen for what it is: an agenda setting tool that enables citizens to turn not only the Commission's attention, but also the media's and the general public's attention to a certain topic and to initiate a Europeanwide debate on it.¹⁾

The European Federation of Public Service Unions (EPSU) decided to take up the challenge and start such an initiative to obtain one million signatures for "water as a human right". For EPSU this included: mobilizing workers and citizens in support of this right and against the negative effects of liberalization and procompetition policies which are predominant within the European Commission and amongst European governments.

The United Nations have recognised the universal human right to water and sanitation. On 28 July 2010, through Resolution 64/292, the General Assembly of the United Nations explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are key

factors to the accomplishment of all human rights. The Resolution calls upon states and international organisations to provide financial resources, help in capacity-building and technology transfer with the objective to provide safe, clean, accessible and affordable drinking water and sanitation for all.²⁾ However, since that date little progress has been made in the implementation of this human right into national legislation. Therefore, the ECI calls on the European Commission to turn this human right into European legislation, this way forcing EU Member States to comply and to make the human right to water and sanitation a reality for all people in the EU-27.

The aims of this European Citizens' Initiative are to ensure water and sanitation for every person in the European Union, to achieve universal (global) access to water and sanitation and to safeguard the limited public water resources for future generations by keeping water out of the European internal market. All citizens need potable water and a safe system of sanitation. Still, many people do not enjoy this right, even within Europe. The initiators of the European Citizens' Initiative (ECI) for the right to water and sanitation depart from the point of view that implementation of the human right to water and sanitation is a prerequisite to achieve universal access to water and sanitation and to achieve all other human rights.

We believe that the fulfilment of the goal "water and sanitation for all" cannot be reached through the market. The European Commission is biased towards completion of the European single market and considers this its final goal. Nevertheless, water is not a commodity that can be allocated

1) ec.europa.eu/citizens-initiative/public/welcome?lg=en

2) www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292

through market mechanisms. It is a public (common) good and it is a natural monopoly in the sense that it has to be provided in the same region where it is produced. We are talking about drinking water in the form of tap water delivered to the people's homes, not about bottled water.

The human right implies a responsibility of local and national authorities. They have to provide their population with water and sanitation services. A market will not deliver to every single person who is without water because the market simply offers no incentive at all. Delivering water to the most remote and poorest areas is the most expensive service. A market departs from the point of view that people have to pay first before a service can be delivered and that profits must be guaranteed. These profits can be made in wealthy urban areas but not in the poor and rural parts. Therefore water operators must crosssubsidise water supply to rural areas through the gains they make in urban areas. The second important aspect of the human right to water is affordability. Water and sanitation are relatively cheap services, compared to electricity, internet, or public transport and other public services. But investments into the extension or construction of a pipe network are very high. Market led companies do not invest into service delivery to the (rural) poor, as the return on these investments is simply too low. It must be crosssubsidised, but companies that have to compete in a market environment do not use the profits they make in urban areas to crosssubsidise services for the poor and in rural areas. Profits are divided between shareholders.

The worldwide resistance to privatisation of public water supplies also adopted the argument that water services should not be put in the hands of private companies because the need for water and sanitation was too important and too fundamental for it to be dependent on commercial decisions based on profitability. The common element in the right to water and the right to water resources is the assertion of equality, not only

of equal needs to a fundamental element of life, but also of equal political power – democracy – and of equality before the law. This implies that conflicts will be resolved by democratic politics, not by markets and the 'allocation of water to higher value uses'. 'Water is to be governed by human rights, not corporate strategies'³⁾.

The demands

The ECI gives three directions in which the European Commission can turn the objective of implementing the human right to water into practice.

1. Guaranteed water and sanitation services for all in the European Union.
2. Human rights before market interests: no liberalisation of water services.
3. Global/universal access to water and sanitation for all.

With regard to the first demand, the initiators believe that the European Union must implement the human right to water insofar as water and sanitation services are subject to European law (but with a special status as a service of general interest). The European Union can promote national implementation of this human right by setting binding targets for all Member States to achieve universal coverage. With regard to the second demand, the initiators want the European Union to change their mindset from its current focus on competition and a fully marketbased approach, to a public service attitude and a rightsbased approach. Water is a limited natural resource and fundamental for life and health. It is a 'natural' monopoly and must be kept out of internal market rules. Water is not a commodity; it is a fundamental human right and a public (common) good. The campaign aims to ensure that water is seen as a public good and that protecting our water environment prevails over commercial interests. The mindset of the European Commission is currently that of a marketbased approach with the focus on competition. This approach only

increases inequalities and does not serve a more equitable, sustainable and just society. A rights-based approach is advocated. The third demand is based on the belief that the EU can and should make a bigger effort for water and sanitation to be enjoyed universally. The EU can set targets and make the achievement of universal (global) access to water and sanitation part of its development policy. By doing so, the EU will actively promote that the right to water and sanitation can be enjoyed globally.

To achieve a successful campaign, a broad range of supporters has been formed, mainly in NGOs, e.g. environmental, social, and development organisations, but also in women's organisations, churches, and public water companies. They have different motives, but share a common interest. The ECI receives support in all kinds of organisations that have an affinity to "water", across the political spectrum, and from individuals that are 'public figures' who have agreed to be ambassadors for this campaign. Organisations and ambassadors that support the ECI can be found on the website: www.right2water.eu.

The European Citizens' Initiative (ECI) is a tool for participatory democracy and to be tested in its usefulness to achieve implementation of this human right and to achieve a paradigm shift in European water policy. This ECI is therefore a threefold test case. In the first place, to prove itself as a democratic tool. Secondly, to see if it results in the implementation of the human right to water and sanitation, and thirdly, to see if a significant step to a paradigm shift, from growth to sustainability and from a market based approach to a rights based approach, can be made.

With over ONE MILLION signatures for the ECI "Water is a human right!" and a quorum in at least seven EU Member States before October 2013, we can make the European Commission consider our three demands and, in this way, implement the right to water and sanitation in European law.

³⁾ <http://www.rigvevs-splash-n%C2%B04>