Access to water as a human right - the external dimension

2021/2187(INI) - 20/09/2022 - Committee report tabled for plenary, single reading

The Committee on Foreign Affairs adopted an own-initiative report by Miguel URBÁN CRESPO (GUE /NGL, ES) on access to water as a human right: the external dimension.

Members reaffirmed the right to **drinking water and sanitation as a human right**, as both rights are complementary. Member States should ensure universal, clean and affordable access to sufficient, safe drinking water and improved access to water for sanitation and hygiene. The right to water should be guided by a **logic grounded in the public interest**, and common public and global goods.

The report stressed that establishing the right to drinking water and sanitation as a human right could lead to further progress:

- giving **greater political priority** to this area and improving the implementation and monitoring of related measures;

- ensuring **more effective financing** and promoting the empowerment and participation of the general public, particularly the most marginalised populations, especially in developing countries;

- prioritising support for the provision of drinking water and sanitation in EU funding and aid programming.

The EU is called upon to promote **protection mechanisms** at international, regional and national level so that respect for the right to water and sanitation is not optional for states, but an **enforceable right**. Members also called on the EU and Member States to promote the rights to drinking water and sanitation and their normative development in multilateral and regional fora.

Members stressed:

- the need for **anticipatory actions** in the field of access to water and sanitation, and the need to have reliable and comparable indicators to measure progress or regression in access to water and sanitation;

- the importance of investing in **sustainable drinking water solutions**, such as the restoring of aquatic ecosystems, wastewater recycling, desalination of seawater in coastal areas, and improvements in sewage systems, irrigation and agricultural practices.

Human rights defenders

The report highlighted the importance of the work of environmental rights defenders and the need to provide them with **active support** and to protect their lives and integrity, in particular for those safeguarding the right to water. It called on the EU and its Member States to strengthen protection and prevention mechanisms for environmental human rights defenders. The right to social protest and the right to peaceful assembly should be respected in particular in the context of opposition to projects that compromise the enjoyment of the human right to drinking water.

Rights of indigenous peoples

Members expressed particular concern about the significant impact of certain mega-projects, including infrastructure, extractive industries and energy projects, on the human rights to water and sanitation, including for indigenous peoples. They stressed the importance of ensuring that full and effective human rights **impact assessments** are carried out and that the affected population and civil society groups are consulted in good faith and, where appropriate, indigenous peoples have given their free, prior and informed consent to any mega-project.

Women's and girls' rights

The report emphasised that affordable access to sufficient water, sanitation and hygiene (**WASH**) is an essential prerequisite for public health and human development, including the right to education for girls. It stressed that the WASH sector in developing countries should be given high priority in the EU's development policy. It called for women and girls to be protected from threats or physical attacks, including sexual violence, when fetching water for domestic purposes and using sanitation facilities outside the home.

Ensuring fair access to water

The Council, in its 2018 conclusions, condemned the use of water as a weapon of war. Members recalled that the intentional deprivation of water leading to the extermination of civilians is a crime against humanity under the Statute of the International Criminal Court and may also be considered a war crime. They called on the occupying powers to take immediate measures to guarantee access to and fair distribution of water to people living in occupied territories and to ensure that they have control over their water resources.

The report stressed the importance of **integrated water resources management** and the need for greater complementarity between humanitarian, development and peace actions in order to address urgent needs and to intervene earlier to address root causes and prevent the onset of humanitarian water and sanitation crises.

The role of business

Companies worldwide must ensure that their activities do not interfere with or abuse the human right of access to clean water. Members called on the EU and its Member States to constructively participate in the work of the UN Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights, with a view to establishing an **international binding instrument** to regulate the activities off transnational corporations and other companies in international human rights law.

Tackling water scarcity

Members recalled that water supply and sanitation are services of general interest and not mere commodities. They stressed the exhaustible nature of water and called on the Commission and Member States to **act preventively** against a global water shortage and to help countries outside the EU to take measures to combat it. Member States are invited to adopt legal provisions to **prevent water from being subject to financial speculation** on future markets and to promote an appropriate governance framework for water and sanitation services within a primarily human rights-based approach.