Access to water as a human right - the external dimension

2021/2187(INI) - 05/10/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 550 votes to 22, with 66 abstentions, a resolution on access to water as a human right: the external dimension.

The right to drinking water and sanitation is a human right

Parliament reaffirmed the right to drinking water and sanitation as a human right, both rights being complementary. The right to water should be guided by a logic grounded in the public interest and **common public** and global goods. Adequate access to water, sanitation and hygiene (WASH) and the right to health and life depend on each other and are an essential precondition for public health and human development.

The resolution emphasised that establishing the right to safe drinking water and sanitation as a human right could lead to further progress by (i) giving greater **political priority** to this area, (ii) improving the implementation and monitoring of related measures, (iii) ensuring more **efficient funding**, and (iv) promoting the **empowerment** and participation of the general public, in particular the most marginalised populations, especially in developing countries.

Stressing that the recognition of the right to water and sanitation by the international community must be accompanied by protection and enforceability mechanisms, Members called on the EU to promote **protection mechanisms** at international, regional and national level to ensure that respect for the right to water and sanitation is not optional for states but an **enforceable right**. Member States are called upon to set an example by ratifying relevant conventions, such as the Protocol on Water and Health and the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes. Developing countries are also encouraged to accede to the two global UN water conventions.

Parliament stressed that certain development models that favour large-scale projects have a negative impact on the availability and quality of water in all countries, increase competition for access to water and exacerbate other water-related conflicts. In this context, it stressed the importance of investing in sustainable water solutions, such as the rehabilitation of aquatic ecosystems, recycling of wastewater, desalination of seawater in coastal areas, and improving sewage systems, irrigation and agricultural practices.

Human rights defenders

The resolution underlined the importance of the work of environmental rights defenders and the need to **support them proactively** and to protect their lives and integrity, especially for those who protect the right to water. Members called on the EU to support the work of environmental rights defenders and civil society organisations. They expect EU delegations to prioritise their support for environmental human rights defenders, to respond systematically and forcefully to any threats or attacks against them or their relatives and to report back to Parliament on the action taken in such cases.

Rights of indigenous peoples

Given the important role of indigenous peoples in the sustainable management of natural resources and the preservation of biodiversity, Parliament called on the EU and its Member States to recognise and

protect the rights of indigenous peoples to customary ownership and control of their lands and natural resources. It 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-projects, including infrastructure projects, extractive industries projects and energy production projects.

Women's and girls' rights

Parliament noted with concern that gender inequalities seriously undermine women's rights, including the specific needs of women and girls for menstrual hygiene and health. It stressed that affordable access to water and adequate sanitation and hygiene services 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.

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 resolution 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

Parliament recalled that water supply and sanitation are services of general interest and not mere commodities. It 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.