

The Right to Water*

The European Council on Environmental Law,

Conscious of the grave problems posed by access to drinking water, an essential element for the survival of man;

Considering that access to water is part of a sustainable development policy and cannot be regulated by market forces alone;

Considering that while water is an economic good, it is above all a social good;

Convinced that water resources constitute a common heritage and must be used in an equitable manner and managed in cooperation with the users in a spirit of solidarity;

Taking account of the International Covenant on Economic, Social and Cultural Rights (1966) according to which “[T]he States recognize (...) the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing” (art. 11.1) and “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” (art. 12);

Considering that the right to water cannot be dissociated from the right to food and the right to housing which are recog-

nized human rights and that the right to water is also closely linked to the right to health;

Taking account of the Protocol on Water and Health (1999) adopted in London in the framework of the Economic Commission of the United Nations for Europe, which refers to the principle of “equitable access to water” which should be provided for “all members of the population” (art. 5);

Mindful of the principles of the Madeira Declaration on the Sustainable Management of Water Resources, adopted by the ECEL, on 17 April 1999;

Observing that the greater part of the population of European countries already enjoys access to water at an affordable price;

Recognizing that access to water for all should be an important element in policies to combat poverty;

PROPOSES that Governments and competent international organizations explicitly recognize – in the national, community and international frameworks – the right of each person to water according to the following principles:

1. Each person has the right to water in sufficient quantity and quality for his life and health;

2. Public authorities must adopt the necessary measures to facilitate access to water for all and exert control over the actions of the diverse bodies, public or private, operating in water service management;

3. In each corporate body responsible for the water service the costs of the service must be apportioned in such a way that each person can enjoy the right to water;

4. In the exercise of their activities, economic actors and individuals must respect the right to water;

RECOMMENDS that public authorities ensure that drinking water is appropriately priced by the bodies responsible for the service thereof so that this good can continue to be affordable to each person.

RECOMMENDS that a significant part of development aid be used for the supply of drinking water and waste water treatment in poorly equipped countries.



Rapporteur: Henri Smets

* Resolution adopted on 28 April 2000. See also page 248.