



*Ministero degli Affari Esteri  
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MINISTERO DEGLI AFFARI ESTERI E DELLA COOPERAZIONE INTERNAZIONALE

***The human right to water: EU failure to act***

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## **THE HUMAN RIGHT TO WATER: EU FAILURE TO ACT**

Thank you chair and I'd also like to thank the organisers for inviting me and allowing me to discuss with some of the key aspects of my report from the European Parliament on the European Citizens' Initiative on the Human Right to Water and the failure of the European Commission to live up to the demands of this ECI. This initiative was the first successful example of this new mechanism, reaching almost double the minimum requirements with a staggering 1.8 million signatures. It is no doubt clear that the human right to water is an issue of great importance for citizens across Europe. In my home country Ireland, the introduction of a flat-rate regressive water charge has seen some of the largest protests the country has ever seen. Given that Ireland had previously what was considered one of the most progressive forms of paying for water, through general taxation, this anger is understandable.

Indeed we have seen across Europe a growing awareness amongst citizens that the broader issues of water privatisation and liberalisation of water services does not make sense. Citizens in France, Germany, Italy, Ireland, Spain and Greece, amongst others, are increasingly saying a clear no to their national governments who try to impose it.

The Commission's weak response to the demand from the ECI to not promote the privatisation or liberalisation of water services was representative of its whole attitude to the Right2Water campaign. To claim on the one hand that it takes a neutral position on Member States' decisions on water privatisation but on the other hand taking an active role in part of the Troika's push to privatise in the bailout countries is disingenuous to say the least. Not to mention the fact that they originally included water and sanitation services in the Concessions Directive, widely seen as an attempt to open up the market in water which was thankfully later abandoned in the face of strong criticism.

I believe that the ECI offered the EU institutions an excellent and unique opportunity to truly re-engage with citizens in a democratic manner on issues of real concern to them in their day-to-day lives. Unfortunately, however, the European Commission's response to this Citizens' Initiative on water was vague, disappointing and did very little to address the fundamental demands of the citizens, especially with the regard to the need to recognise the human right to water.

I felt it essential to hold the Commission to account for their inadequate response to the Right2Water Initiative. When the mechanism was introduced in 2012 there was much fanfare by the same institution that this revolutionary mechanism would be the bridge to reach out to the citizens

who had been disillusioned with the European Union in the aftermath of the crisis. How they expected this to happen when they themselves have essentially ignored the very first initiative is bizarre and my report called them out on this. It stresses that if the Commission continues to neglect widely supported ECIs such as the right2water one the EU will justly lose credibility in the eye of the citizens, if it has not already done so.

One of the key demands which was ignored by the Commission was the call for a legislative proposal to be brought forward at EU level which would recognise the human right to water and sanitation in law. What we saw from a lot of the right-wing groups in the parliament (and suggested to us by private water lobbyists) was an attempt to delete this demand, replacing it with a call to include the recognition of the human right in the Charter of Fundamental Rights of the EU instead. I clearly have no problem with the human right to water also being included in the Charter but it was a clear delaying tactic to weaken the report which I was happy to see not succeed in the parliament vote.

I want the European Commission to finally and formally recognise the human right to water. To not do so would be a worrying signal for Europe's disengagement with the people of Europe. It has largely favoured an approach based on competition and the market with a tendency towards the liberalisation of water and sanitation services instead of a rights-based approach which recognises the role of public services. I believe that the work I and other progressive MEPs have done on the report has finally given a proper response to the almost two million signatories and the Right2Water campaigners.

I see one of the difficulties the Commission has with reconciling itself with the wishes of the citizens is that they're coming from completely different starting points. I believe and it is in the report that the provision of water services is naturally monopolistic and that water, as a public good, should never be commodified. Profits should not be made on water provision and all revenues should be reinvested into improving infrastructure of water services instead of going to shareholders or executive pay. I hope that the Parliament's support of a report which calls for the exclusion of water and sanitation services from the internal market, trade deals such as TTIP and the Concessions Directive will make the Commission realise the strong will against its ideology on water and sanitation.

Obviously I am clearly very happy with the result of the vote but it's probably not surprising for me to tell you that it was far from simple or easy to achieve the majority which we got in the full plenary of over 750 MEPs. From the committee vote where the right-wing groups tried to delay and

block a vote on this report because of the progressive elements within it, right up to the plenary vote in Strasbourg, myself and other like-minded MEPs faced a lot of opposition.

Some votes on the individual paragraphs were often incredibly tight being lost by one vote in one case, but by in large we were able to pass a report which actually answers the citizens who signed the ECI and not only that, is something we can use to hold up to the European Commission to act on a variety of areas to do with the water and sanitation sector.

I was particularly pleased to see robust criticism of the Commission's actions on the Right2Water response. It is fairly unusual for such language to get passed as some groups in the parliament, wrongly I believe, see any criticism of the Commission as equating to being anti-Europe but I think that the seriousness and political sensitivity surrounding the water matters led many to put aside any discomfort and rightly called the Commission out on its actions or inactions in the area of water.

The report makes it clear that the Commission needs to respect the subsidiarity of Member States in their choice of how they manage their water supplies and to resist pushing for a particular form of water management.

The report went further of course than purely recognising the human right to water and the right of Member States in how to implement it. It was important for me to also include crucial issues such as public participation and water affordability problems.

Although the description of water cut-offs as a violation of human rights was removed in an amendment by the right-wing groups there still remains strong wording rejecting water cut-offs and asking Member States to put an immediate end to these situations when they are due to socioeconomic factors in low-income households. I will be keeping a close eye on any revision of the Water Framework Directive as the report calls for assessments of water affordability problems to become a mandatory reporting requirement by Member States when they are implementing the directive.

Since the adoption of the report back in September 2015, yet again all we have from the Commission is deafening silence. I have heard informally that a response has been tied up in the institution due to a lack of consensus, demonstrating again the undeniable significance of how water is managed.

It is disappointing but perhaps not unexpected given past experience that there continues to be a policy of inaction on this issue but I do hope that my report which has come out of the European Parliament will be used as a tool for civil society and Right2Water campaigners across Europe to put pressure on the Commission and Member States as well to strongly reject the privatisation model which has been followed by many of them so far. I look at it as a stepping stone to further

action at a European level and will be hosting a high-level conference at the end of June to which the Commission has been invited where I hope we will finally start to hear some real answers to the legitimate demands of the citizens and MEPs.

Thank you for listening.