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THE INTERNATIONAL FEDERATION OF  
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## Implement the human right to safe drinking water and sanitation fully in Europe

Brussels, 10 December 2013

This Human Rights Day, the billions of individuals who do not benefit fully from their Human Right to Safe Drinking Water and Sanitation should receive more attention than usual. The UN Secretary General stated<sup>1</sup> at the Budapest Water Summit: “*Close to one-third of people drink water that endangers health*”. This means at least 2 billion people.

After their unanimous recognition of this Human Right in New York on 19 November 2013, all governments should take action to ensure that their whole population enjoys access to a minimum quantity of clean water that is safe, sufficient, accessible, available, acceptable, affordable and can be obtained without discrimination.

Today, this is not even the case everywhere in the European Union. As the EU Commissioner for Environment Janez Potočnik, EU Commissioner for Development Andris Piebalgs and EU Commissioner for Internal Market and Services Michel Barnier stated on World Water Day 2013 : “*Domestically, while on average Europeans use between 200 and 600 litres of water per day, 20 million Europeans don't have access to quality water and safe sanitation.*”

### The EU should recognize the Human Right to safe drinking water and sanitation

The 28 EU Member States took part in the UN process recognising the Right and are signatories to the International Treaty<sup>2</sup> that includes it. Nevertheless, the European Union has not yet formally recognized this Right.

In March 2013, AquaFed called<sup>3</sup> on the European institutions to include the human right to safe drinking water and sanitation in the European Charter of Fundamental Rights. This would contribute to making this Right more visible and would create an incentive for governments to make it effective in all its dimensions to all individuals across Europe and beyond.

To be meaningful for people who need water, this Right has to be clearly defined and practical so that it could be delivered on the ground. This has now been done in international law, so the focus has changed to implementation. This means taking action that makes this right effective to all at local level in all countries.

### Both Public and Private Water Operators can contribute to making this Right effective to all

In the EU, water and sanitation services are strictly regulated. Everywhere they are organized by public authorities that keep control on them continuously. The public authorities responsible for these services mandate water operators to deliver the services to the population. They can choose different types of operator: an internal department, a public body, a private or a public-private company.

Out of every 10 people in the world, 5 receive water services from water operators that are controlled by the public sector, 1 receives water supply that includes service by a Private Water Operator, and 4 do not receive any service from public water networks.

All these options are used depending on the location and the period of time. In the EU, the majority of operators are from the public sector. Nevertheless, a third of Europe's citizens receive water or wastewater services delivered by private water operators<sup>4</sup> under public authority control.

In 2010, the official report of the UN Special Rapporteur determined that the requirements on private operators, public operators and NGOs are the same when they are hired by a public authority to operate its water system. This was confirmed by the UN Human Rights Council. Neither public nor

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<sup>1</sup> [www.un.org/apps/news/infocus/speeches/statments\\_full.asp?statID=2021#UIRXqIP925w](http://www.un.org/apps/news/infocus/speeches/statments_full.asp?statID=2021#UIRXqIP925w)

<sup>2</sup> ICESCR, International Covenant on Economic, Social and Cultural Rights

<sup>3</sup> [www.aquafed.org/pages/fr/admin/UserFiles/pdf/2013-03-22\\_AquaFed\\_EuropeanCharter\\_PressRelease\\_EN.pdf](http://www.aquafed.org/pages/fr/admin/UserFiles/pdf/2013-03-22_AquaFed_EuropeanCharter_PressRelease_EN.pdf)

<sup>4</sup> Directly or indirectly through Public-Private Partnerships contracts or through regulated licenses.

# AquaFed

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private operators can take the place of public authorities. The legal framework of the human right to safe drinking water and sanitation makes it clear that public authorities have the duty to give appropriate instructions to their water service providers, public or private. This was repeated in the resolution, adopted on 19 Nov 2013, of the UN General assembly that called upon States “*to provide for effective accountability mechanisms for all water and sanitation service providers to ensure that they respect human rights*”.

All these different operators, public and private, can deliver significant progress on all dimensions of the Right when they are instructed to do so by public authorities. Their daily job is to provide good quality water to all water-users without any discrimination.

Private companies implement the social support mechanisms and subsidies that are designed by public authorities and they are therefore efficient tools for governments that want to ensure that safe drinking water and sanitation services are affordable to people, including the very poor. Private water operators have also expanded water services to many un-served or poorly-served areas in developing countries. Competitive tendering ensures that private operators use their professionalism to optimise costs to users and taxpayers as a whole. The positive contribution of private water operators is well documented<sup>5</sup>.

Both Public and Private Water Operators can turn the right to safe drinking water and sanitation into reality. They do it daily in Europe and the other parts of the world.

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Polemics about the respective merits of the different types of operators should not hide the urgent need to satisfy the human right for the billions of people who require better access to water and sanitation. In particular, more action is needed to address the needs of all those who live in the European Union. After recognition of the Right by the EU, all EU member states should make sure that their institutional frameworks enable their public water authorities to satisfy all the dimensions of the Right and that they provide appropriate instructions to all the organisations that they use for its delivery.

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*AquaFed is the International Federation of Private Water Operators. Open to companies and associations of companies of all sizes and from all countries, it aims to contribute to solving water challenges by making Private Sector know-how and experience available to the international community. It brings together more than 300 water companies that serve hundreds of millions of people in 40 countries.*

*In Europe, AquaFed is present through its members in the majority of EU Member States, mostly by means of PPP (Public-Private Partnerships, including concession-type) contracts and through contracts with industrial water-users. The third of the European population benefits from water or wastewater services that are at least partially operated by private or public-private companies. The majority of these people is served by companies represented by our Federation (See [www.aquafed.org/page-7-98.html](http://www.aquafed.org/page-7-98.html)).*

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<sup>5</sup> Many examples are documented in the AquaFed brochure, “*Private operators delivering performance for water-users and public authorities*” ([www.aquafed.org/pages/fr/admin/UserFiles/pdf/AquaFed\\_Performance\\_PrivateWaterOperators\\_2012-03-14.pdf](http://www.aquafed.org/pages/fr/admin/UserFiles/pdf/AquaFed_Performance_PrivateWaterOperators_2012-03-14.pdf)). For example, in Europe, the satisfaction of users with respect to water quality has been dramatically increased in Gdansk (Poland) and in Rostock (Germany). In France, Private water operators have initiated and are funding the regional mechanisms that pay the water bills of the most-disadvantaged people. See also [www.aquafed.org/page-5-59.html](http://www.aquafed.org/page-5-59.html)