

**Speaking note : Access to water as a basic human right, different ways to fulfil this vital commitment, the case of Belgium and its Regions.**

Reminder: Belgian institutional set up – federal state and 3 regions with competences for water management.

My aim today is to talk first of all about the Belgian legal framework ensuring access to water implementing both an emerging right to water and bringing into practice art. 4§2, of the protocol: namely the “adequate supply of wholesome drinking water (...) and sanitation”. Belgium as a whole has fully recognized “water as a human right” in its internal legislation. The actual competence though to implement this right is shared by the Federal Government and the three Regions. All three have decided on different ways to fulfil this vital commitment. This allows me in a second part of my intervention here to show the different ways in which this right can be brought into practice. No region has adopted identical policies to implement.

First I wish to talk about the legal framework ( constitution – jurisprudence).

As you know the first paragraph of the Protocol on Water and Health states that: “Water is essential to sustain life and that availability in quantity, and of a quality, sufficient to meet human needs is a prerequisite both for improved health and for sustainable development.” Belgium acknowledges the meaningfulness of this paragraph: water is for us a public good / commodity with a strong social and environmental dimension.

Since 1994 article 23 of the **Belgian Constitution** states that all citizens should be able to live in a dignified manner and have therefore the right to the protection of a safe environment and health. In human rights terms this was a significant step forward in the integration of economic, social and cultural rights into our legal system. On the basis of this new article the **Belgian Constitutional Court** ruled in 1996 that every person has a right to a minimum supply of drinking water. The **Federal Parliament** is currently examining a proposal to complete the constitution with a mention of “*the right to water*”. The decision of the Constitutional Court would thus become explicit, though as we shall see the actual policies already implement this right.

This legislation corresponds to a grassroots evolution in **public opinion and in civil society** in Belgium which prove to be strongly in favour of a right to water. In 2001-2002, a “Water Manifest” or “Manifeste de l'eau” has been drawn up asking for water to be considered as the common heritage of the mankind, with guaranteed access to water for present and future generations. 120.000 citizens subscribed to the manifest as well as the three regional governments and parliaments.

Let me now move to the implementation of the right to water by the 3 Belgian regions, Brussels, Flanders and Wallonia.

In Belgium, the responsibility for drinking water supply is since exactly a century assigned to the municipal authorities. In the development of the distribution infrastructure, national legislation has promoted co-operation between the municipalities which resulted in the establishment of inter-municipal drinking water

companies. In order to support municipalities in the planning and co-ordination of the drinking water supply, Belgium set up the National Waterworks Company in 1913 which in the early eighties has been split up into 3 regional water supply authorities so as to reflect the new regional setup.

Access to water is now facilitated according to social considerations in all three regions. All have laws establishing the right of access to water. Sanitation is mandatory in urban areas. VAT is at reduced rate for water supply and does not apply to sanitation.

Each Region had introduced social tariffs in relation to water supply and sanitation.

In Flanders, legislation recognizes to every person the right to a minimal supply of natural gas, water and electricity. Specifically for water this implies that every person is entitled to receive a **minimum amount of drinking water free of charge per year** (15m<sup>3</sup>), an amount based on the World Health Organisation's recommendations. Water unit price above this 15m<sup>3</sup> minimum amount is constant. All persons, except the poorest ones (those living on a Minimum Subsistence Level), have to pay a sanitation tax. Flanders has introduced the obligation to store rain water in order to decrease water consumption.

In Wallonia, the '*Environment Code*' in its basic principles states that: "*Each person has the right to dispose of a drinking water of quality and in sufficient quantity for its nutrition, its household needs and its health*". **Progressive water pricing** is used for water supply and sanitation, with a first block of 30m<sup>3</sup> per household per year at a lower rate. In addition a "**Social Fund for Water**" provides financial support to protect access to water for those having difficulties to pay their water bill. This fund is financed by a tax of 0.0125 EURO per m<sup>3</sup> of billed public water supply. In 2004, 0.5% of the total number of connected households was eligible for support from the fund and received an average of 132 EURO.

Moreover, in 2006, the principle of **extending water solidarity to the international level** was announced by the Walloon Minister of Environment during the fourth World Water Forum in Mexico. The Walloon Region is now in the process of adopting legislation which creates a tax of 0.0125 EURO per m<sup>3</sup> to provide assistance for water projects in selected developing countries.

In the Brussels-Capital Region, legislation recognizes the right to the distribution of drinking water for household consumption. An innovative **progressive water pricing** is based on three blocks of water consumption per person, followed by a fourth open block (above 60 m<sup>3</sup> per person per year) at a much higher price. In addition there is a sanitation tax per m<sup>3</sup> which is reimbursed to poor people. Brussels has also created a **social fund for water**, financed by a tax of 0.01 EURO per m<sup>3</sup>. Water disconnection in case of non payment is subject to proper information of welfare centres and prior approval by a court. **Schools receive a free allocation of water** (one litre per day per pupil).

As a conclusion, I would like to state that, overall and by using different instruments, the water policy of Belgium reflects the fact that water is a public good with a strong social and environmental dimension. The three regions through different pricing mechanisms and/or social funds discriminate between essential consumption which

is free or at a low price, and luxury consumption which is at a higher price (*“filling a swimming pool subsidizes basic consumption...”*). Belgium can thus be considered as fully implementing the right to water in both its legislation and actual policies. People in need shall not be disconnected and drinking water is affordable to all, including to poor households.

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