

The Human Rights to Water: Recent Positive Steps and the Way Ahead

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If compared with the stunning silence of only five years ago, awareness on water issues has today dramatically increased among the human rights community, particularly in result of main international events as the World Summit on Sustainable Development (Johannesburg, 2002), the Third World Water Forum (Kyoto, 2003) and the International Year of Freshwater proclaimed by the UN General Assembly (2003). In all those occasions – once again – civil society mobilisation played a major role in pushing forward the human rights perspective on the agenda. It is true that the international human rights system still lacks an explicit and universally agreed definition of the right to water, but significant steps have been taken, both in doctrine and practice. Nowadays widespread and strong moral conviction considers access to water as a fundamental human right, perceiving it as essential and inherent to human nature and dignity. Nevertheless, as clearly stressed by Norberto Bobbio, «the fundamental problem concerning human rights today is not so much how to justify them, but how to protect them: this problem is political, not philosophical»¹. When it comes to water, the most pressing issues are how to translate it from a *moral* into a *legal* and enforceable right and how to identify concrete ways for its promotion. A difficult challenge indeed, considering the gloomy picture of the global water crisis: 1.5 billion people still lacking access to a source of clean water, alert of future «water wars», risks related to ecosystem depletion, debates and struggles over privatisation of water services, lame efforts to reach the Millennium Development Goals (MDGs).

At the beginning of this year, the UN Decade for Action «Water for Life 2005-2015» has been launched, with the goals of a «greater focus on water-related issues at all levels and on the implementation of water related programmes and

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¹ N. Bobbio, *Sul fondamento dei diritti dell'uomo*, in Id., *L'età dei diritti*, Torino, Einaudi, 1990, p. 16 (our translation).

projects»². The time frame is the same of the MDGs, that, in spite of all their limits, remain the most comprehensive framework for the global efforts to fight against poverty. Taking note of recent experiences and debates, the article tries to investigate whether in these initiatives there is room for a human rights approach, with the idea that the latter will make the difference only with the introduction of mechanism of accountability, through which individual and communities can discuss, monitor and complain about water policies and projects of which they are supposed to be the beneficiaries.

1. A Disturbing Absence: The Human Right to Water

In 1948, drafting the Universal Declaration of Human Rights, the main goal was to avoid in the future those «barbarous acts which have outraged the conscience of mankind»³, namely the World Wars and the Holocaust. Access to water, like other environmental issues, was not at stake. This is the reason why access to water, although its primary importance for life, is not explicitly enshrined as a fundamental human right in the International Bill of Human Rights. However, those documents contain several provisions that cannot be met without a minimum amount of water – the right to life, to food, to health and to adequate standard of living – and that therefore implicitly support the existence of a human right to water.

Afterwards, the sharpening of problems such as desertification, pollution, increasing water demand due to economic and demographic growth, together with the bloom of ecological concerns, has brought in some cases to the explicit recognition of the human right to water, both at the international and national level. Thus, the final declaration issued at the end of the first UN Conference specifically dedicated to water, held in Mar del Plata (Argentina) in 1977, affirmed that «all peoples, whatever their stage of development and their social and economical conditions, have the right to have access to drinking water in quantities and quality equal to their basic needs»⁴. Furthermore, explicit reference to water has been done in Article 14.2 of the Convention on the Elimination of All Form of Discrimination Against Women (1979), referring in particular to adequate living standards of women in rural areas,

² See UN General Assembly Resolution 58/217, *International Decade for Action «Water for Life» - 2005-2015*, (23 December 2003).

³ As stated in the second paragraph of the Preamble of the Universal Declaration of Human Rights.

⁴ UN, *Report of the United Nation Water Conference, Mar del Plata, 14-25 March 1977*, UN Doc. E.77.II.A.12.

and in Article 24.2 of the Convention on the Rights of the Child (1989), linking water with the right to health. More recently, references to the right to water, or to state's duties in relation to water, have been included in several national constitutions, especially in the case of developing countries.

A precious and comprehensive compilation of national and international legal instruments supporting the right to water has been collected by the Centre on Housing Rights and Eviction (COHRE), a NGO based in Geneva⁵. The huge variety of norms classified – from civil and political rights to environmental or humanitarian standards – provide for a meaningful picture of the multiple dimensions of the right to water: individual and collective right, with social, political, economic and cultural aspects; environmental issue addressing both present and future generations' rights. This complexity is one of the reason explaining why a common understanding and a universal definition of the right to water have not emerged yet.

In order to fill this void, several contributions have been recently made. The most relevant is General Comment 15 on the right to water, adopted in November 2002 by the Committee on Economic, Social and Cultural Rights⁶, that clarifies the normative content of this right and identifies in this respect states parties' obligations, as well as those of non-state actors. The Committee affirms that «the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses»⁷ and notes that it is a prerequisite for the realisation of other human rights, such as the right to life, to food, to the highest attainable standard of health and to adequate housing. Despite of its nature of non legally binding document, General Comments constitute one of the most important and authoritative source of interpretation of Human Rights Covenants. States parties should make reference to them in order to better understand the obligations stemming from the Covenants and report on their implementation. Further, General Comment 15 represents a significant tool to legitimise and strengthen the resort to a human rights approach in water struggles and paves the way for a more comprehensive formulation and protection of this right.

⁵ See COHRE, *Legal Resources for the Right to Water. International and National Standards, Sources* No. 8, COHRE, 2004.

⁶ See Committee on Economic, Social and Cultural Rights (CESCR), *General Comment 15. The Right to Water*, 2002, UN Doc. E/C.12/2002/11.

⁷ *Ibidem*, para. 1.2.

2. A Dangerous Reality: Water as Economic Commodity

Lack of an explicit recognition at the international level of the right to water, has brought to absence of a human rights perspective in debates and initiatives on water issues and made the nineties a «lost decade» as far as the right to water is concerned. A meaningful example is the first World Water Development Report, presented in 2003 during the Third World Water Forum: for the first time, twenty-three UN organs joined forces to produce a comprehensive framework establishing key priorities and areas of action in the field of water. The Office of the High Commissioner for Human Rights was one of the few UN bodies not involved in this project, whose main result has been a 576 pages report with only one small box dedicated to the human right to water^{8!}

It is not just a mere oversight, as demonstrated by the semantic acrobatics performed in several international documents in order not to mention water as human right. The final declaration of the Second World Water Forum (The Hague, 2000) states in the third paragraph that «access to safe and sufficient water and sanitation are basic human *needs*», while the Johannesburg Declaration on Sustainable Development (2002) welcomes the «focus on the indivisibility of human *dignity*» and urges «to speedily increase access to basic *requirements* such as clean water, sanitation [...]»⁹. In 1977, at Mar del Plata, access to water was considered a human right; in 1993 at the Vienna World Conference, the concept of indivisibility was meaningfully associated with human rights, rather than human dignity. What has happened since then? Reference to human right has been avoided in official document in loyalty to the hegemonic concept that dominated water policies since the beginning of the nineties, and that only recently started to be seriously and successfully challenged: the idea that the efficiency of market system provides for the best framework to allocate a precious and scarce resource like water and that private actors and capitals should play an increased role in its management.

Following those principles, a market oriented approach has been pushed forward by the World Bank and the International Monetary Fund, through their structural adjustment programmes and loans conditionality, and by the World Water

⁸ See the box 5.6 «Human Rights to Water», in World Water Assessment Programme, *World Water Development Report: Water for People, Water for Life*, 2003, p. 121.

⁹ See World Summit on Sustainable Development, *Johannesburg Declaration on Sustainable Development*, 4 September 2002, UN Doc. A/CONF.199/L.6/Rev.2, para. 18 (our italics).

Council, an international organisation composed by representatives of states, international institutions, private water corporations and academy that organises every three year the World Water Forum. As a result, today the four biggest private companies of the sector (Suez-Lyonnaise des Eaux, Veolia-Générale des Eaux, RWE-Thames Water and Saur) deliver water and wastewater services to more than 350 million customers in 150 countries. But the outcomes of more than ten years of public-private partnership in the water sector, especially in developing countries, are far to be satisfactory. Most of the promises have not been kept. Private investments have failed to address the needs of the poorest and rural areas, where the overwhelming majority of people without access to water lives, but where profits are more difficult to be made as well. Private providers have demonstrated to be unwilling to invest in the upgrading of water infrastructure, that requests huge capitals and generate profits only in the long term. Water tariffs, instead of decreasing thanks to more efficiency, were raised in the name of the «full cost recovery» principle, in order to guarantee the return of capitals required by private companies' shareholders. Following the failure of water privatisation in Cochabamba, Manila, Buenos Aires, Dar es Salaam and many other third world cities, and facing growing political opposition, the biggest water companies announced in 2003 the withdrawal from at least one third of their investments in developing countries.

3. Recent Positive Steps...

The case of Dar es Salaam, where the government revoked this year the contract with Biwater, a British water company that did not make the promised infrastructure investments and failed to improve the supply for millions of people, is just the latest example of the increasing practice of re-introducing public management of water services¹⁰. This trend has been accompanied by significant developments in national legislation and jurisprudence.

Last year, 60% of the Uruguayan voters approved by referendum a constitutional reform, introducing an amendment that defines water as a «natural resource essential to life»

¹⁰ For a collection of inspiring examples of innovative approaches to public water management, see B. Balanya, B. Brennan, O. Hoedman, S. Kishimoto, P. Terhorst (eds.), *Reclaiming Public Water. Achievement, Struggles and Vision from Around the World*, Transnational Institute (TNI) and Corporate Europe Observatory (CEO), Amsterdam, 2005.

and access to piped water and sanitation services as «fundamental human rights». This referendum, promoted by of the National Commission for the Defence of Water and Life, a coalition of trade unions and civil society organisations, sets a unique precedent by enshrining the principle of the right to water into a national constitution through the means of direct democracy.

In the same direction goes the Resolution adopted the 19 of April 2005 by the Belgian federal government, in which it recognises access to safe water as a human right that should be included in the Belgian constitution. Once the proposed amendments will be approved, Belgium will become the first European country to make explicit reference to the right to water in its Constitution. The Resolution also calls for a significant increase in development aid for drinking water and sanitation, reaffirming that water service management should remain in public hands and that developing countries should not be pressurised by international financial or trade institutions to liberalise or privatise their water markets.

Most important, the right to water has not only been affirmed on paper, but recently received translation into practice through its judicial enforcement in several national courts. Thanks to the work done by several NGOs, like COHRE and FIAN (Foodfirst Information & Action Network) and to the authoritative and legitimising source represented by General Comment no. 15, the human rights approach has been increasingly used to investigate, advocate and seek redress for cases of lack to access to water, disconnection of water supply, resource's pollution or diversion by public authorities or other actors¹¹.

Thus, for example, in December 2003 the Supreme Court of India ordered Coca Cola to suspend water withdrawals at the bottling plant of Plachimedu, in the State of Kerala, alleging that it was overexploiting groundwater resources and therefore violating the right to water of the local population. In fact, according to the Court, the right to water is integral part of the right to life affirmed in Article 21 of the Indian Constitution¹². In 2004, the Centre on Human Rights and Environment (CEDHA), an Argentinean NGO, brought before the law a case to address drinking water pollution and the failure to ensure sufficient water for by the Municipality of Cordoba.

¹¹ See COHRE, *Manual on the Right to Water*, forthcoming; FIAN, *Investigating some Alleged Violations of the Human Right to Water in India*, FIAN, January 2004.

¹² See V. Shiva, *Les femmes du Kerala contre Coca-Cola*, in «Le Monde Diplomatique», March 2005.

Making explicit reference to the International Covenant on Economic, Social and Cultural Rights and to General Comment no. 15, the judge ruled that the authorities were responsible for violating the rights to a healthy environment, to an adequate standard of living, to access to safe drinking water, and to health. The construction of new water pipes for unconnected communities, together with a new law providing that all revenue from sewage and sanitation taxes will be invested exclusively in the sewage system, are among the most relevant improvements that occurred as a result of this sentence¹³.

4. ...But Still a Long Way Ahead

Despite these encouraging steps forwards, all around the world we still witness widespread violations of the right to water. According to the most optimistic scenario, 1.1 billion people lack access to clean water, while 2.5 billion do not dispose of adequate sanitation services¹⁴. In order to reach the MDGs these percentages of world population should be halved by 2015. But, as described in a recent report by UNICEF and WHO, while most countries are on track to meet the drinking water target, those of sub-Saharan Africa lag behind and, if current trends continue, the world will miss the sanitation target by more than half a billion people¹⁵. Investing in the MDGs is crucial not only for the future of humanity, but also for the destiny of multilateral co-operation against poverty. Critics might argue that they are not ambitious, since their targets only limit to halve poverty – and even this minimum target at the moment seems far to be reached – but they still represent the most important and pressing initiative on the international development agenda, the only one left with clear time frame and measurable targets.

Recently, the Millennium Project Taskforce, established by the UN Secretary General to boost the achievement of MDGs, asked the international community to explore ways in order to use General Comment no. 15 to influence policies on water and sanitation. This could represent a meaningful opportunity to mainstream a right-based approach into MDGs and water related policies and programmes. General Comment no. 15

¹³ See R. Picolotti, *The Right to Safe Drinking Water as Human Right*, in «Housing and ESC Rights Law Quarterly», vol. 2, no. 1, COHRE, 2005.

¹⁴ Source: World Water Assessment Programme, *World Water Development Report...*, cit.

¹⁵ WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation, *Meeting the MDG Drinking Water and Sanitation Target: A Mid-term Assessment of Progress*, WHO/UNICEF, 2004.

could play a significant role particularly in setting priorities and clarifying obligations. Beside traditional duties to respect, protect and fulfil, for instance, it identifies international obligations, both of national governments and actors other than states, like international organisations and financial institutions or NGOs. In particular, «depending on the availability of resources, States should facilitate realization of the right to water in other countries, for example through provision of water resources, financial and technical assistance, and provide the necessary aid when required»¹⁶. States are also required to «ensure that their actions as members of international organizations take due account of the right to water. Accordingly, States parties that are members of international financial institutions, notably the International Monetary Fund, the World Bank, and regional development banks, should take steps to ensure that the right to water is taken into account in their lending policies, credit agreements and other international measures»¹⁷.

Those provisions should be used as benchmark to assess and orient international aid flows. For instance, the share of OCSE-DAC members' bilateral aid for the water sector dropped from 9% in 1999-2000 to 6% in 2001-2002 due to substantial decreases in commitments by the majority of donors. The Millennium Project Task Force on Water and Sanitation noted also that aid has heavily focused on the provision of urban infrastructures to middle-income countries. Furthermore, development assistance for water is concentrated in relatively few recipient countries, with only a small share of aid going to countries where problems related to lack of access to water are more severe¹⁸.

Since the publication of the *Human Development Report 2000*, significantly titled *Human Rights and Human Development*, the notion that these two sets of normative thinking are integrally connected and mutually reinforced has gained in popularity. There is widespread agreement on the opinion that a human rights perspective provide for essential tools to «amplify the concern with the process of development»¹⁹. Hence, when it comes to water policies, several contributions of the right-based approach to have been identified²⁰. First of all access to water is considered a legal entitlement, thus identifying clear and effective judicial frameworks under which it can be

¹⁶ Committee on Economic, Social and Cultural Rights (CESCR), *General Comment 15...*, cit., para. 34.

¹⁷ *Ibidem*, para. 36.

¹⁸ See OECD-DAC, 2004 *Development Co-operation Report*, vol. 6, no. 1, OECD, 2005.

¹⁹ UNDP, *Human Development Report 2000. Human Rights and Human Development*, Oxford, Oxford University Press, 2000, p. 22.

²⁰ See for instance, A. Khalfan, *The Right-based Approach to Water Governance: Rhetoric or Real Contribution?*, in «Bellagio Forum on Sustainable Development Magazine», June 2004; WHO, *The Right to Water*, World Health Organisation - Health and Human Rights Publication Series, no. 3, 2003.

advocated and enforced. Second, the right to water, setting minimum standards to be achieved in all countries, represents a useful tool to clarify priorities in contexts often marked by scarcity of resources, targeting in particular the poorest and those living in informal settlements or remote rural areas. Moreover, focus on the process should pay particular attention in preventing discrimination in access to water against vulnerable or marginalised groups, and ensure adequate participation of individuals and communities in the decision-making process and accountability of all actors involved in water management.

While the added value of a right-based approach to development is clear, «efforts to promote it have made considerable headway within the UN system, but progress has been more impressive on paper than in practice» as noted by Philip Alston²¹. Official development policies and strategies are full of good proposals, but the practical experience shows that usually, at the time of implementing these principles on the ground, other issue rather than human rights take the priorities and influence decisions: budgets and time constraints, political and economic interests, donor's visibility, personal attitudes or competition among different institutions. At the end, if time and energies remain, there is the direct involvement of the people who are supposed to be the beneficiaries.

5. Towards International Justiciability

Therefore, if human rights contribution to development and MDGs policies aims at going beyond a mere theoretic exercise in the drafting of projects' documents, effective mechanisms of accountability have to be developed. These *fora* should empower individuals, local communities and beneficiaries of development activities to participate in the elaboration, monitoring and evaluation of water policies and programmes that directly influence and affect their life. Specific mechanisms should be identified in order to hold accountable all the actors currently involved in water management: national states and local authorities, international institutions, the private sector and NGOs. The successful experiences described above permit to identify as prerequisite of this operation the existence of a

²¹ See P. Alston, *A Human Rights Perspective on the Millennium Development Goals*, Paper prepared as a contribution to the work of the Millennium Project Task Force on Poverty and Economic Development, 2005, p. 3, available at <http://www.ohchr.org/english/issues/millennium-development/docs/alston.doc>.

legal framework allowing to exercise the right to water and seek redress for its violations. In this perspective, the main stumbling blocks consists in the fact that water is not recognised as human right in every country, while the international level lacks a universal definition of this right and effective mechanisms for its enforcement.

Strategies to fill this gap have been addressed in Geneva at the Second World Water Alternative Forum, organised by different groups of the civil society in March 2005²². In particular, two main options to progress towards an effective justiciability of the right to water were discussed.

The first one, focusing on short and medium term actions, relies and calls for support to the adoption of the Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, currently under discussion within the UN Human Rights system²³. The Protocol aims to allow individual or collective complaints to be lodged before the Committee on Economic, Social and Cultural Rights, a quasi-judicial body in charge of monitoring the effective implementation of the Covenant by states parties' governments. Through this mechanism, the right to water would become justiciable and legally binding at the international level, since it has been recognised by General Comment no. 15 as implicitly inferred in Articles 11 and 12 of the Covenant. Doubts about this solution are related to the fact that it will not provide for an explicit recognition and affirmation of the right to water and to the real will of several states, particularly those more recalcitrant as far as economic and social rights are concerned like the United States, to effectively adopt and ratify the Protocol.

A second option is pushed forward by those who argue that complexity of water issues deserves an *ad hoc* instrument and call for the elaboration of a new international convention. According to this thesis, only a new text can deal in a comprehensive way with the three main aspects of water issues: development, environment and human rights. Though recognising the innovative contribution of General Comment no. 15, they consider that it fails to address crucial questions: the issue of water allocation among different users, the role of private companies in water supply and sanitation, the problems related to ecosystem protections and environmental sustain-

²² See Forum Alternatif Mondial de l'Eau (FAME), *For the Implementation of the Human Right to Water*, Working Document 1, FAME, 2005, available at the official web-site of the Forum: www.fame2005.org.

²³ See *Report of the Open-ended Working Group of the UN Human Rights Commission Established with the View to Considering Options Regarding the Elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, 2005, UN Doc. E/CN.4/2005/52.

ability. In this context, human rights represent only one part of the problem and of the solution²⁴. Hesitations about a new international treaty are expressed by those recalling the experience of the Convention on the Law of the Non-navigational Uses of International Watercourses, adopted in 1997 by the UN General Assembly after a twenty-seven years negotiation process, and still not entered into force as it has received only twelve ratifications, out of the thirty requested. On the other hand, supporters of this option quote the Convention on the Prohibition of Anti-Personnel Mines as an example that demonstrates that relevant results can be achieved in a relatively short time, if the goal is a noble one and supported by the international public opinion.

Beside strategic divergences, these two proposals could be seen as complementary, rather than alternative. Nothing prevent from supporting the adoption of the Optional Protocol to ICESCR and working at the same time for a comprehensive international water convention in the medium-long term. But, behind this debate lays a broader and sensitive issue, on which general agreement has not been reached yet: should water privatisation be forbidden by international law? Coherent with the international framework for human rights protection, General Comment no. 15 does not explicitly forbid water services management by private actors. In fact, the International Bill of Human Rights does not entail any prescription on the social and economic system that states have to adopt in order to fulfil fundamental rights. Investigating upon states' parties obligations, the Committee on Economic, Social and Cultural Rights recognised that «the undertaking to take steps [...] neither requires nor precludes any particular form of government or economic system being used as the vehicle for the steps in question, provided only that it is democratic and that all the human right are thereby respected»²⁵. On the contrary, an international *ad hoc* convention, addressing also development and environmental concerns, could instead incorporate provisions acknowledging water and sanitation as exclusively public services. The road is difficult and full of obstacles, since the battle has to be won first of all in the political arena, reversing the hegemony of the market oriented approach that prevails in water policies. The fact that some of the draft proposed for the future water convention, as the one

²⁴ See R. Bär, *Why We Need an International Water Convention*, Swiss Coalition of Development Organisations, Discussion Paper, March 2004.

²⁵ CESCR, *General Comment No. 3. The Nature of State Parties Obligations*, 1991, UN Doc. E/1991/23, para. 8.

presented by Green Cross International²⁶, leave the door ajar for private management of water resources, demonstrate that this is not the case yet.

6. Developing *Fora* of Accountability

Walking the long way leading to complete justiciability of the right to water, both at national and international level, other practical steps should be taken for the promotion of this right and its effective mainstreaming in developing policies, with particular focus to the MDGs initiative.

First of all, it is time to reverse the trend that characterised the latest editions of the World Water Forum and other major international conferences, recognising water as fundamental human right in the final declaration of the 2006 World Water Forum that will be held in Mexico. In this regard, civil society should work in close co-operation with those governments particularly sensitive on the issue, like Uruguay, Brazil, South Africa, Belgium and Germany, leaving to those more reluctant, as Unites States, Canada or Britain, the burden to explain in front of their public opinion why they oppose the explicit recognition of the human right to water.

Second, the development of international public law must be accompanied with adequate translation of international norms at the national level. It will be never stressed enough that the first human rights defenders are national judges and courts. Hence, General Comment no. 15 should be mainstreamed in order to become source of inspiration for the elaboration of binding and enforceable rights under national law. Up to now, only South Africa has matched an explicit recognition of the right to water in its Constitution with effective provision translating and implementing this right in its national legislation²⁷.

In the case of developing countries, a right-based approach should be also adopted in the context of national Poverty Reduction Strategy Papers (PRSP) and MDGs strategies. So far, focusing primarily on resources mobilisation, MDGs have paid little attention to the way they are supposed to be reached and the political regimes that struggle to achieve them. While we all agree on the need of eradicating poverty, we might have

²⁶ Green Cross International is an environmental international NGO created by former Soviet Union President Mikhail Gorbachev. The text of its proposed water convention is available at the website <http://www.watertreaty.org>.

²⁷ See COHRE, *Legal Resources for the Right to Water...*, cit.

different ideas on how to reach the goal. Shall we prioritise water supply infrastructures of big urban centres or small water scheme in rural areas? To reach water MDGs in China is it more suitable to build a large dam or rely on traditional water harvesting system? As mentioned before, the process is crucial, and it should provide for mechanism of dialogue and engagement of civil societies in the decision-making process. The involvement of Regional and Local Offices of the High Commissioner for Human Rights in PRSP preparation and monitoring should also be explored.

A third step would be the development of international mechanisms to hold accountable those governments unwilling to protect and promote the human right to water, or discriminating on its access. Waiting for the adoption of the Optional Protocol to ICESCR or of the new international water convention, a Special Rapporteur on the right to water should be appointed and allowed to receive official individual and collective complaints. In alternative, the terms of reference of already existing rapporteurs, as the one on the right to food or the one on the right to adequate housing, should be expanded in order to explicitly include the right to water in their mandate.

International tools are also essential in the case of rivers and groundwater resources shared by two or more countries. Nowadays there are 261 international river basins all around the world, hosting half of the world population and often shackled by conflicts and tensions over water management and allocation. In this context, while meeting obligations towards their citizens, states cannot deprive or harm other people's access to water: the right to water should be recognised as obligation *erga omnes*, owed by all states to the entire international community and adequately protected by international institution at the basin level. Talking about the right to water of Palestinian people, Danilo Zolo proposed for instance to address the issue at the Mediterranean level, trying to find a solution in the framework of the Euro-mediterranean co-operation launched with the 1995 Barcelona Process²⁸. Creative efforts, in this regard, are badly needed. More than fifty years ago, a group of European states, placed under a common authority, the European Coal and Steel Community (ECSC-CECA), two of the strategic resources that until few

²⁸ See D. Zolo, *Il diritto all'acqua come diritto sociale e diritto collettivo*, Discussion Paper for the international conference «Water Values and Rights», Ramallah, 2-4 May 2005.

years before were used to fight each others: coal and steal. By doing so, they gave birth to an unprecedented and still uninterrupted period of peace in the continent. A supra-national authority, managing the troubled water of Middle East – Jordan, Tigris, Euphrates – would represent not only a significant mechanism to promote the right to water of all the people of the region, but also the best example to reaffirm the indissoluble link between human rights and peace.