



PERMANENT MISSION OF PORTUGAL  
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DH

The Permanent Mission of Portugal presents its compliments to the Office of the United Nations High Commissioner for Human Rights and referring to note ref: IW/SW7NM dated 24 April 2007, has the honour to enclose herewith the information provided by the Portuguese Authorities as requested in HRC decision 2/104 of 27 November 2006, entitled "Human Rights and Access to Water".

The Permanent Mission of Portugal avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 6 July 2007

Office of the United Nations High Commissioner  
for Human Rights  
Palais Wilson  
Geneva

**OHCHR REGISTRY**

- 9 JUL. 2007

Recipients : *N.M.*.....  
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## **Human rights and access to water**

### *Property*

Water is an essential good for the human being. This is acknowledged by Portuguese legislation which, through Law 54/2005, dated 15/11/2005, establishes the ownership of water. This Law defines the public domain in the maritime field and in the internal field (rivers and lakes). The Civil Code dispositions of articles 1385, 1386 et seq. maintain their effectivity: private water is the water which can be found in a private owned land, whether underground, whether arising from the rain, whether under the form of a lake since it is not fed by a public water flow.

### *Management*

Decree-Law 112/2002, dated 17<sup>th</sup> April 2002, defines a national plan for water. This plan has been preceded by a plan for each of the Portuguese international rivers, such as Minho, Douro, Tejo and Guadiana; and all of the other rivers, Lima, Cávado, Ave, Leça, Vouga, Mondego, Lis, Sado, the rivers of Algarve and the rivers of the West; and aims to establish a strategy of rational use by the populations and the economic agents, of the water.

This plan is also articulated with Spain in the framework of a Convention on the cooperation for the protection and the sustainable use of the waters of the hydrographic basins of Spain and Portugal, of January 2000, and transposes the Framework EC Directive on the water of December 2000.

The plan shall be in force for 10 years and shall be reviewed in the 8<sup>th</sup> year.

This framework is structured by the law of water, Law 58/2005, dated 29<sup>th</sup> December, which transposes to the national legal order the EC Directive 2000/60/EC of the EP and the EU Council, which establishes the bases and the institutional framework for the sustainable management of the water. The management of the water follows the principles of the social value of the water, which consecrates the universal access to water, for the essential human needs, at an acceptable cost. The principles of the environmental dimension of the water, of the prevention, of the correction at the source of the damage provoked to the environment, of the cooperation, of the rational and equitable use of the shared hydrographic basins.

Decree-Law 77/2006 dated 30<sup>th</sup> March 2006 complements the transposition of the EC Directive 2000/60/EC and Law 58/2005 mentioned above. A characterisation of the superficial water and of the underground water is made and monitoring programmes on the surface water and on the water are defined.

The management of water is also linked with the national programme of management of the Land (Ordenamento do Território - Resolution of the Council of Ministers 41/2006 dated 27<sup>th</sup> April 2006).

Completing all this framework, the national plan for the efficient use of water has also been instituted by the Portuguese Council of Ministers Resolution n.º 113/2005 dated 30<sup>th</sup> June 2005, and rules for the quality of water for human consumption have been adopted by Decree-Law 243/2001 dated 5<sup>th</sup> September, which transposes EC Directive 98/83/EC dated 3<sup>rd</sup> November.

Last but not least, Portugal also ratified the United Nations Convention on the Law related to the use of international rivers for purposes other than those of navigation, adopted by the UNGA in 21 May 1997.