

# **Statement by the Special Rapporteur on the human rights to safe drinking water and sanitation, Pedro Arrojo-Agudo.**

**19 October 2023**

## **GA 78 Third Committee**

1. Excellencies, I propose we reflect together briefly on what the lack of drinking water can mean for any family, thinking of our own families, on the suffering, the daily insecurity, and the exhausting work it means for women and girls around the world; and how this erodes the trust that individuals place in institutions, at all levels.
2. Of the 2 billion people without guaranteed access to safe drinking water, many live in the 153 countries that share river basins and aquatic ecosystems. Thus, the obligation to ensure the human rights to safe drinking water and sanitation inexorably becomes a shared responsibility of the governments of these transboundary basin countries.
3. On the other hand, climate change is exacerbating the risks of severe and frequent droughts and floods, threatening not only the rights to safe drinking water and sanitation but also to food and health and, consequently, to the right to life of millions of people, leading to mass migration, violence, and the destabilisation of entire regions.
4. In this context, climate change cannot be tackled in an isolated form at the national level. Just as storms and hurricanes do not recognise spaces of national sovereignty, rivers do not recognise borders in terms of risks and impacts derived from droughts and floods.
5. The traditional approach to water management as a mere resource at a national scale fosters competition and conflict between neighbouring peoples, making it difficult to cope with climate change.
6. At times, the logic of hatred that presides over armed conflicts even leads to the use of water as a weapon of war against the civilian population, constituting war crimes according to international law insofar as they threaten the lives of millions of civilians. The international community cannot allow this to happen.
7. We must move towards ecosystem and human rights-based approaches at the basin scale, moving from competition for resources to shared responsibility for the sustainable management of ecosystems and climate change risks for the benefit of all, with the priority of securing the human rights and basic needs of all basin dwellers.

7. It is not only an ethical and justice requirement but a global necessity if we are to tackle climate change and promote peace, security, and survival for hundreds of millions of people. Moreover, a human rights-based approach must promote transboundary public participation, particularly of the most vulnerable, as rights-holders, with particular attention to the effective participation of women, in line with international water law and human rights law.

8. Adopting an ecosystem approach from a human rights perspective does not, by itself, resolve conflicts and wars, in which water is often used as an argument for confrontation, but it does allow conflicts to be prevented, open perspectives for solutions and consolidate peace and cooperation in post-conflict situations. Building trust and hope by ensuring water security is a good basis for building peace and security among those who share rivers and aquifers.

9. From the perspective of current climate change, I call on States that share transboundary basins to sign the Water Convention and promote agreements and institutions on river basins. The Security Council should pay attention to transboundary water management as key to peace and security, in line with the Swiss proposal and the work of the Peacebuilding Commission.

9. The African continent stands, with notable cross-border charters and institutions in the Lake Chad, Senegal River and Niger River basins, recognising the right to drinking water, prioritising vital human needs and promoting cross-border public participation, as does the Okavango River Basin Commission. In Asia, the Mekong River Commission's information platform with a public exchange of technical data, policies and projects is noteworthy. In Europe, the EU Framework Directive offers notable international leadership in developing shared responsibility of States in transboundary basins to recover and conserve the good ecological state of ecosystems as a basis for ensuring, among other objectives, the quality and drinkability of supplies. Special mention should also be made of the Blue Peace Movement, which promotes initiatives in the areas of water, peace, security and cooperation, with the collaboration of all types of actors, from the local to the global level.

11. Excellencies, we have a body of norms, principles and laws at the international level to address the challenge of transboundary water management but we certainly need to clarify key concepts and move forward in developing binding obligations and effective implementation of these laws by States.

12. To conclude, I would like to underline some of the recommendations of my report:

- ensure adaptation strategies in the face of climate change based on guaranteeing the good state of ecosystems and the human rights of populations at the basin level.
- Promote the transboundary participation of populations, with special attention to women and the most vulnerable communities, in dialogue processes and transboundary institutions at the basin level.

- Clarify key concepts of international water law, such as "significant harm" in other countries, to develop binding obligations in transboundary agreements.
- Give attention to and include the human right to sanitation in transboundary agreements, with special attention to toxic pollution.