Presentation from the 2013 World Water Week in Stockholm

www.worldwaterweek.org
INTERNATIONAL OBLIGATIONS

To Realise the Human Right to Water
THE HUMAN RIGHT TO WATER

Everyone has the right to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. “Water for Vital Human Needs”
ESC Rights No Limited to State Territory

- ESC Rights are less territorial constrained, Not only applicable at the territorial state (Spatial limitation)

- ESC Rights require international cooperation for their realisation

ICESCR, Art. 2 “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation...

- Human Right to Water implicit in the ICESCR, art. 11

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Human Rights Extraterritorial Obligations

- **To Respect**: to refrain from actions that interfere, directly or indirectly, with the enjoyment of rights in other countries.

- **To Protect**: prevent violations of the rights of people situated outside state’s territory by third parties (international organizations, transitional companies, citizens).

- **To Fulfill**: refers to the positive obligation of states to contribute (*facilitate, provide, promote*) to the realisation of the ESC rights in other countries.
Human Right to water

Essential element for its realisation

Water Resources

Limited resources
Internationally shared

International cooperation and regulation

International Water Law

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Principles of International Water Law

1. Reasonable and Equitable Utilisation

2. No Significant Harm Rule

3. Obligation to Cooperate
1. Reasonable and Equitable Utilisation

States shall develop and use waters to attain optimal and sustainable use therefore and benefits therefrom, taking into account the interest of other states.

**Vital human needs**

(drinking, cooking, sanitary needs, and uses for the sustenance of a household/prevent starvation)

must have **preference among other uses.**
2. No Significant Harm Rule

- States **shall refrain from** acts or omissions within their territory that can cause significant harm to other states.

- State shall prevent that acts or omissions, caused by private operators, within its territory that can cause significant harm to other states.

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3. Obligation to Cooperate

- Between riparian states
- Exchange of information
- Notification of planned measures
- Consultations
- Impact assessment
International Obligations Interlinked?

**International Water Law**
- Equitable and reasonable Utilisation
  - prevalence vital human needs
- No significant harm rule
  - State itself
  - private entities
- Obligation to cooperate
  - Between riparian states
  - Management & use of Water

**Human Right to Water**
- Acknowledgment of the Human right to water
- Obligation to facilitate
- International Obligations
  - Obligation to Respect
- International Cooperation
  - Globally
  - Economic, natural resources, technical.
International cooperation is essential to achieve drinking water for all!

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