

Linkages Between the Right to Water and the Implementation of IWRM

Roundtable on Freshwater Agreements and the Human Right to Water,
Geneva Peace Week, courtesy of the Geneva Water Hub

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8th November 2016



Introduction to WaterLex

Our Mission is to improve **water governance** worldwide through shaping **water law and policy frameworks based on human rights**

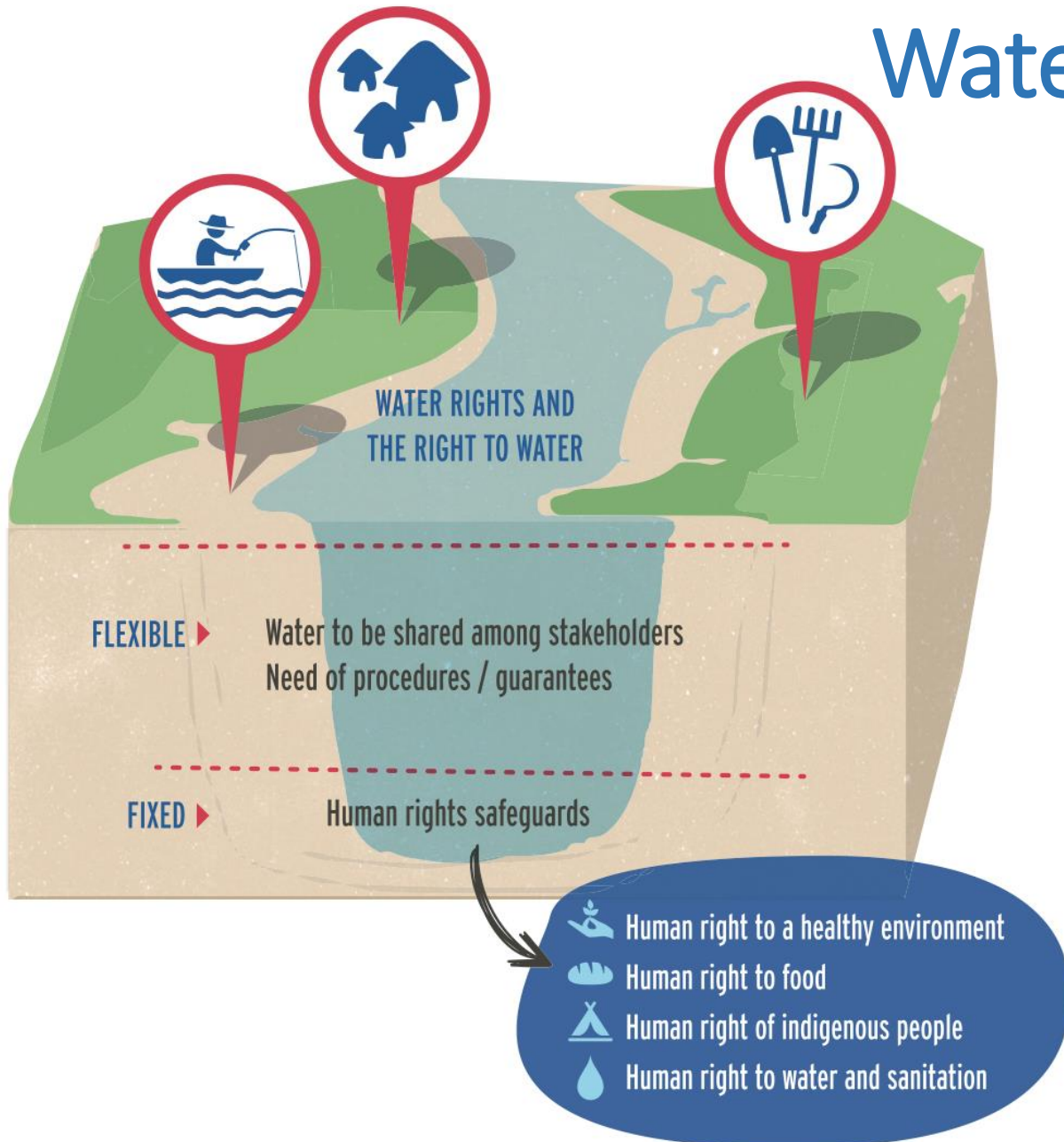
Our Vision is a world where there is **sustainable use and access to safe water and sanitation for all**



Outline of this introductory presentation

- Water as a Human Right
- Integrated Water Resource Management (IWRM)
- Human Rights Based Approach (HRBA)
- How to develop HRBA to IWRM

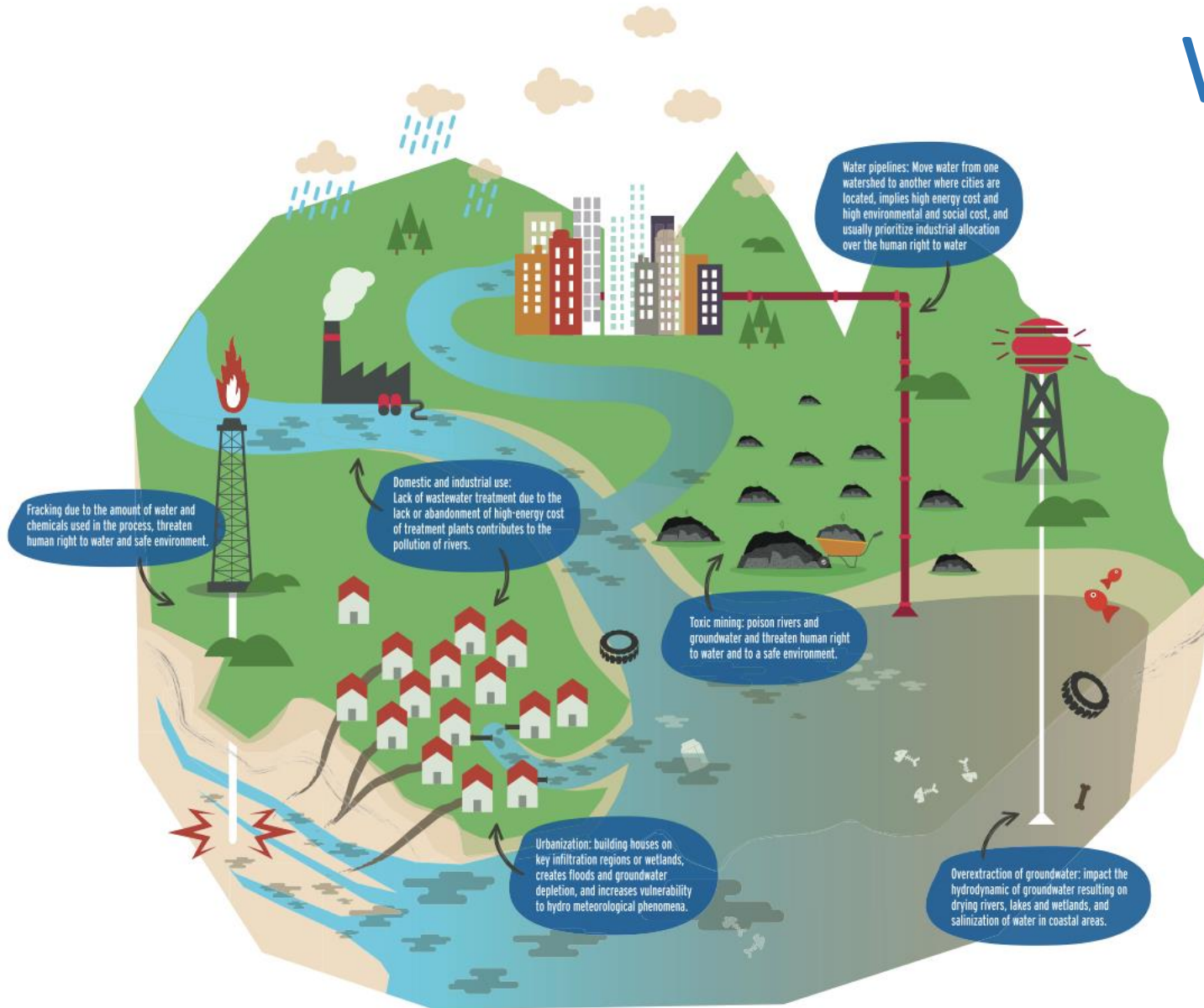
Water as a Human Right



- Fundamental difference between water rights and the right to water
- Water Right – individual and temporary, can be withdrawn
 - Legal security
 - Efficient allocation, distribution and application
 - Encourages development, protection and conservation
- Human Right to Water – inalienable, not temporary
 - Recognised by UN in 2010
 - People as rights holders and State as duty bearers

What is IWRM?

- Unification of all human interventions in a river basin system
- Challenges: Freshwater scarcity, pollution, mis-management
- Results: Poor water/land quality, increase in disaster and health risks

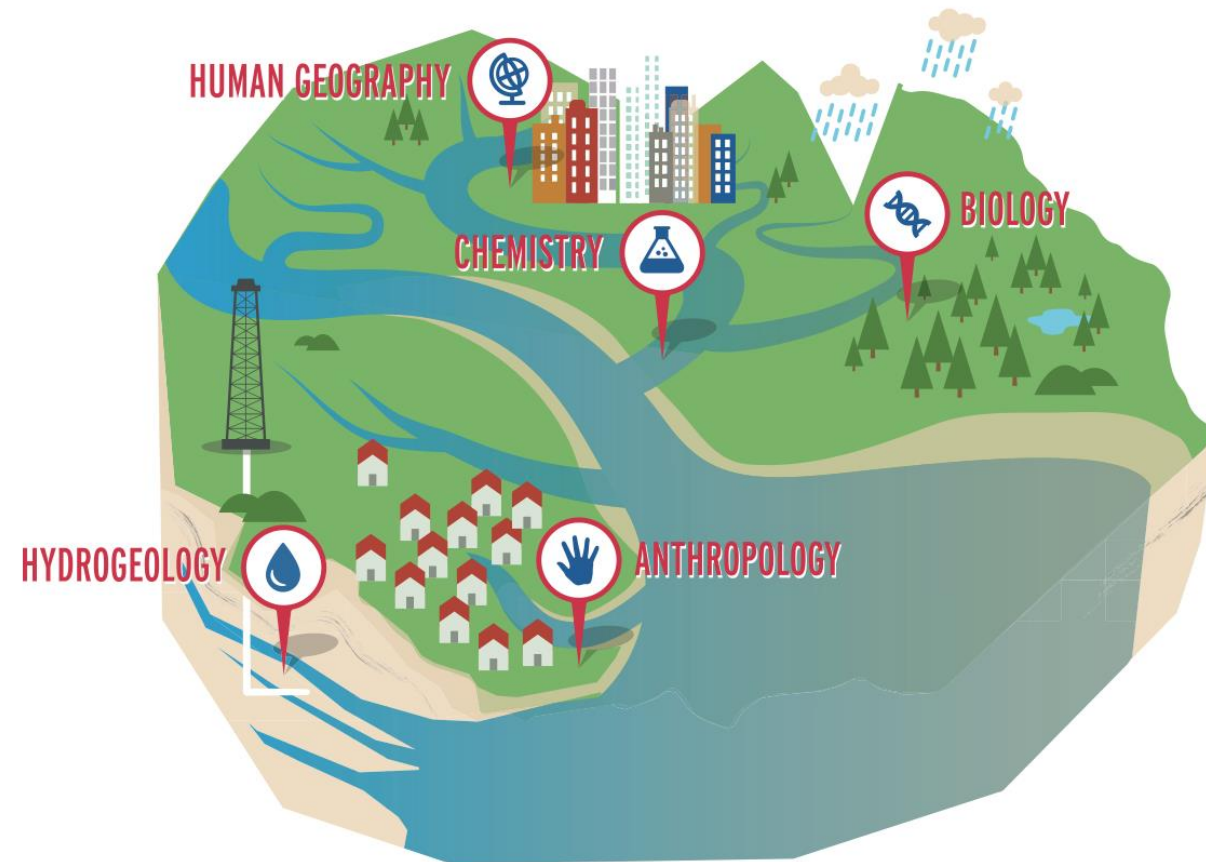


Why “Integrated”?



- Management at catchment level, ie river basin
 - Environmental, economic and social benefits
- Naturally occurring, integrates:
 - Upstream/downstream
 - Quality/quantity
 - Surface and Ground-water
 - Land use and water resources

Multi-Stakeholder Engagement



- Stakeholders are a core team of experts with representation from range of stakeholders:
 - Multiple societal interests
 - Indigenous people
 - Ecosystem in catchment
- Crucial to successful planning
- Participative and Accountable
- Ensures
 - Equity of access
 - Sustainability and ownership through negotiated solution

Case Study: Hurunui Water Project, New Zealand

- Plan to irrigate 40,000 ha dryland in New Zealand
- Acceptability of plans
- Environmental consent
- 5 years of consultations with multi-stakeholders
- Solution was creative engineering solutions to meet environmental, social, cultural and economic demands



The Essentials of IWRM (3 e's)

1. Efficiency

- water spread as far as possible

2. Equity

- allocation across different social and economic groups

3. Environmental Sustainability

- protect water resources and ecosystems

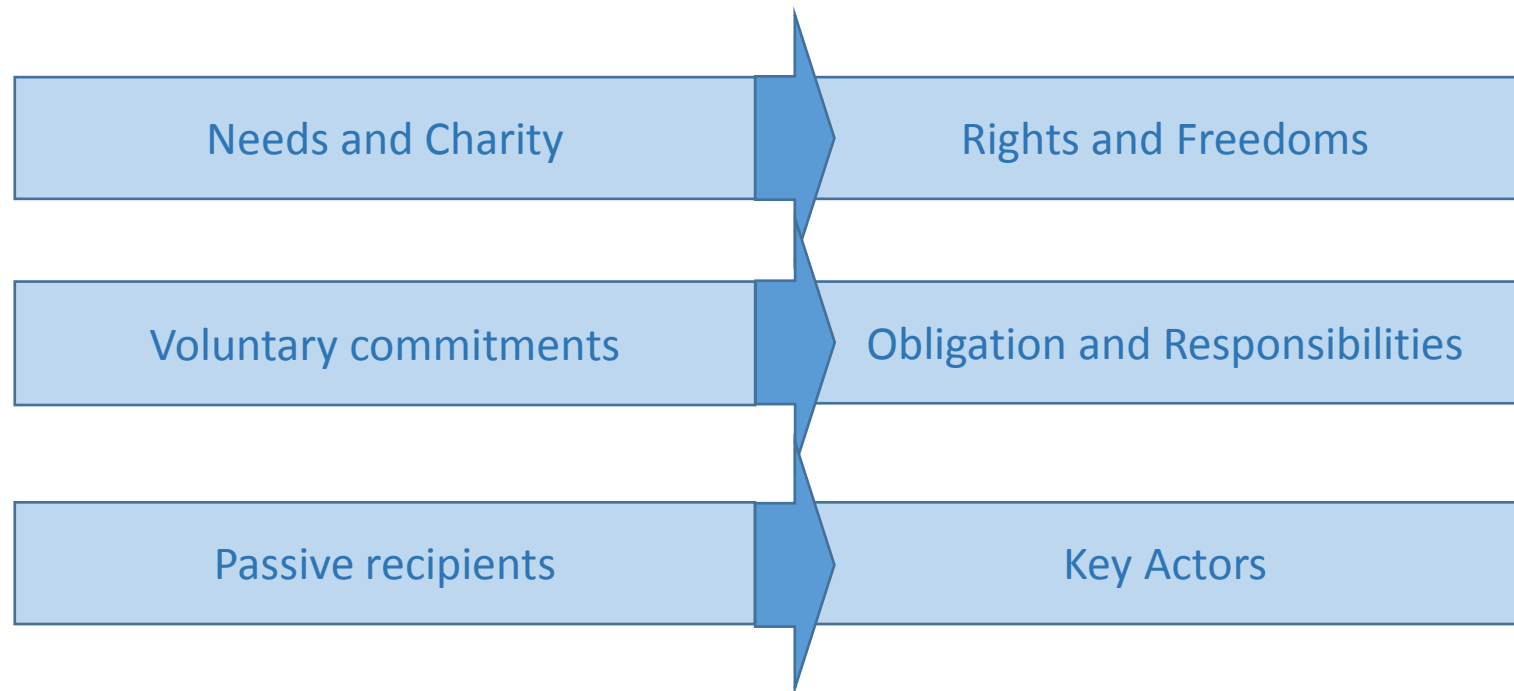
Catchment Management Plans

- Not static - Adapt to change
- Monitoring, evaluation and new planning



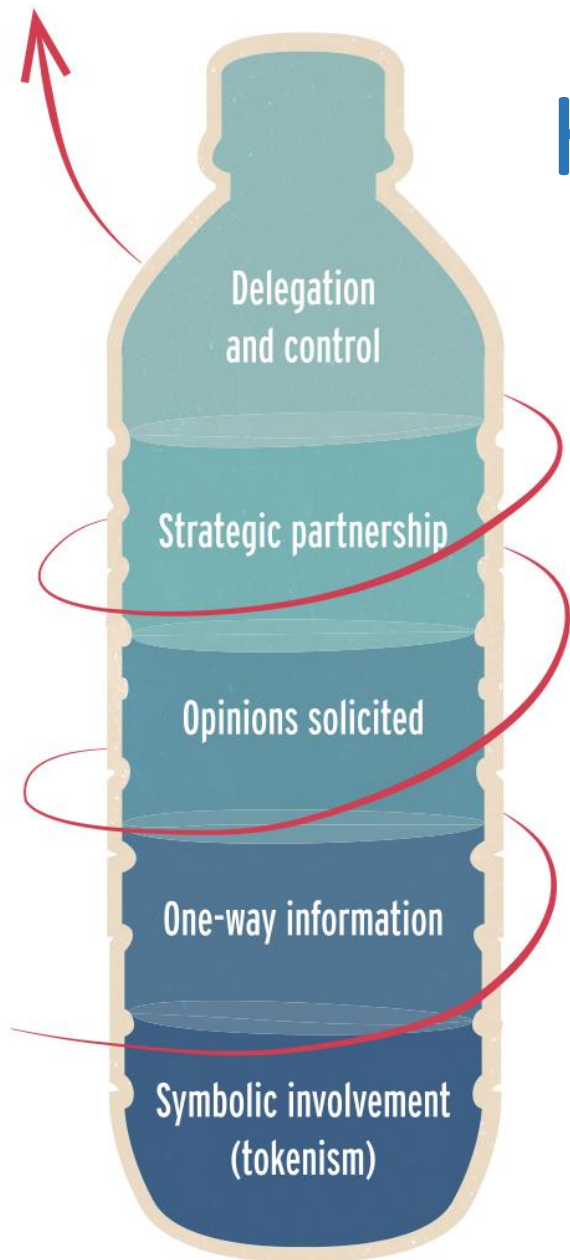
What is HRBA?

Goal is to further the realisation of human rights
i.e. the **What** and the **How** it is done in the phases of a project



Aspects of HRBA

1. **Structural frameworks** – legal, policy, strategic – the WHAT
 - National law, policy and implementation
2. **Procedural** – Actions by duty bearers to implement HR – the HOW
 - Provide information, implement programs, complaint systems, marginalization mappings, measurements at water resource level
3. **Outcomes** – Expected benefits of the Right
 - Continuity, affordability, distance, quality, acceptability, progressive increases in standard of living

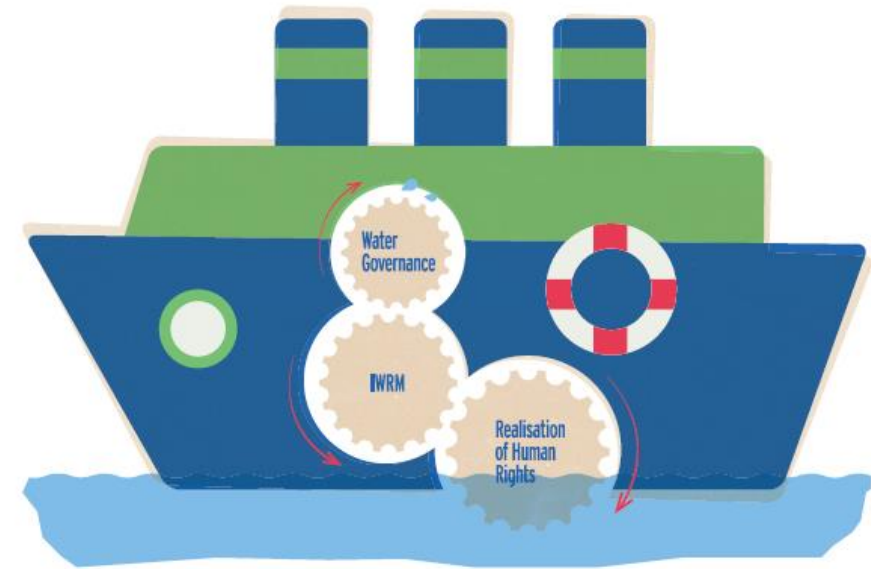


HRBA Principles

- **Participation and inclusion**
 - All stakeholders involved – inclusive process
- **Accountability and rule of law**
 - Answerable for decisions, trustworthy
 - Free access to information
- **Non-discrimination and equity**
 - Equal treatment of individuals
 - Special account for vulnerable groups
- **Transparency**
 - Openness of governance processes and access to information
 - Disclosure of public sector affairs and decision-making processes
- **Empowerment**
 - Stakeholders enabled to form own development

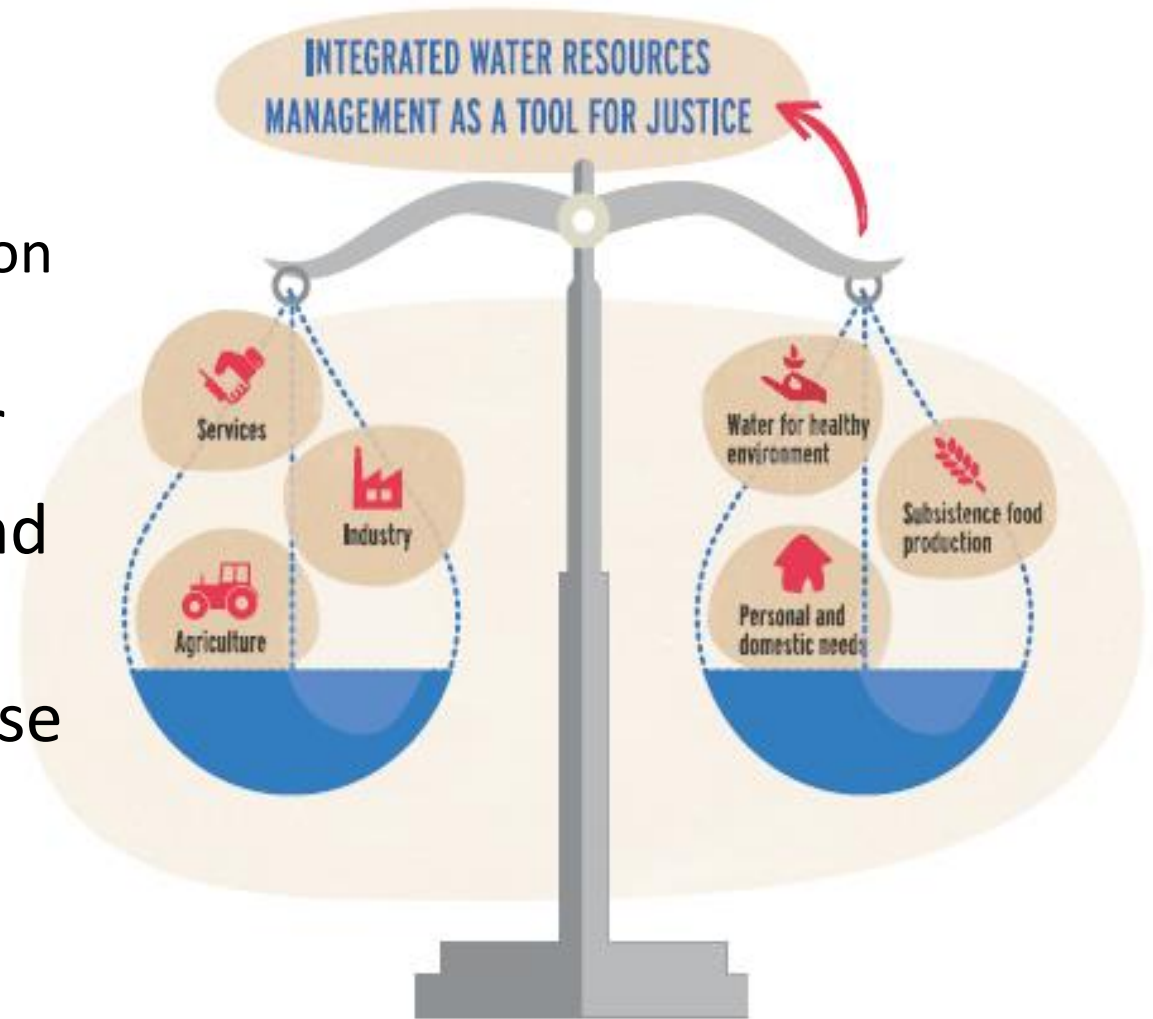
HRBA to IWRM

- The Realisation of Human Rights is interconnected with IWRM and water governance
- IWRM is Link to all the rights, ie Right to Life, Health, Food, Healthy environment and Water
- River Basin level
 - Scarcity and pollution related to human interactions
- HRBA reflects Equity and Justice
 - Defines rights and obligations
 - Broadly endorsed normative and legal frameworks



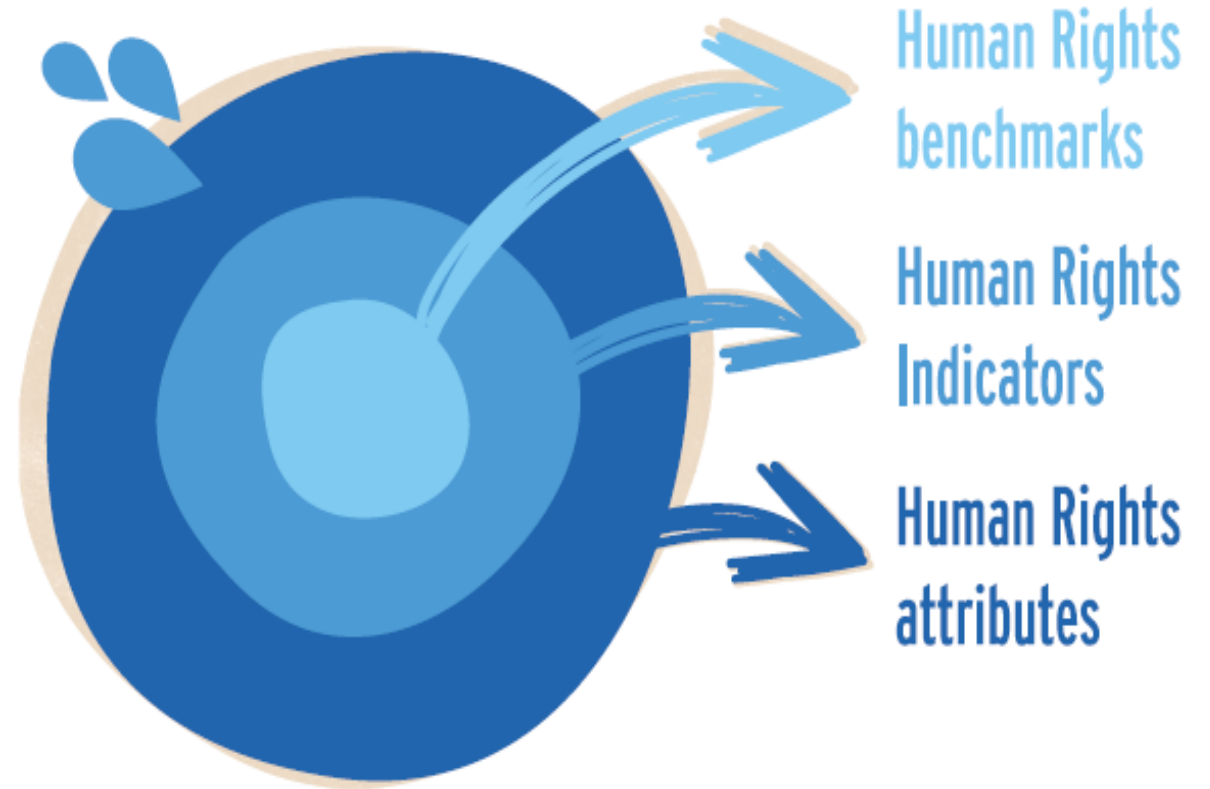
A HRBA to IWRM

- IWRM is International “Soft” law
 - Not legally binding on States, impact on international relations and law
- Competing demands for freshwater
- IWRM **balances** economic, social and environmental needs
- Water governance essential to realise HRs

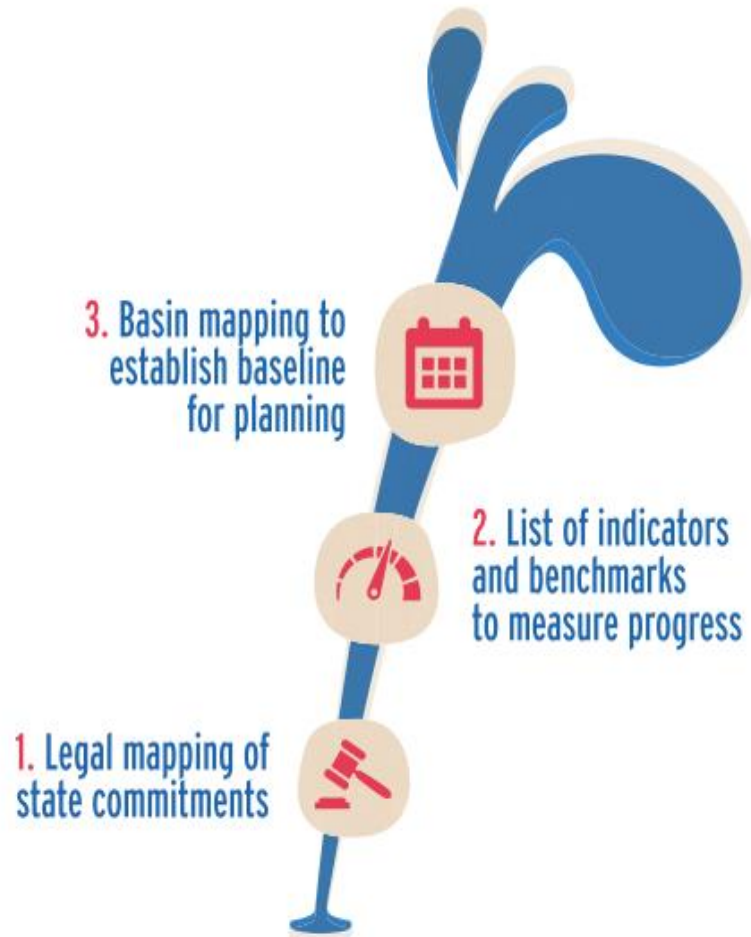


HRBA to IWRM: Step 1 Legal Mapping

- Assess existing national commitments under national and international law
- Concrete water-related commitments
- Indicators and benchmarks to monitor these Rights



HRBA to IWRM: Basin Mapping in detail



1. Water Resources potential
2. Measure progress on rights
3. Map priority groups and needs
4. Validation through Public Consultation

HRBA to IWRM: Basin Mapping in practice

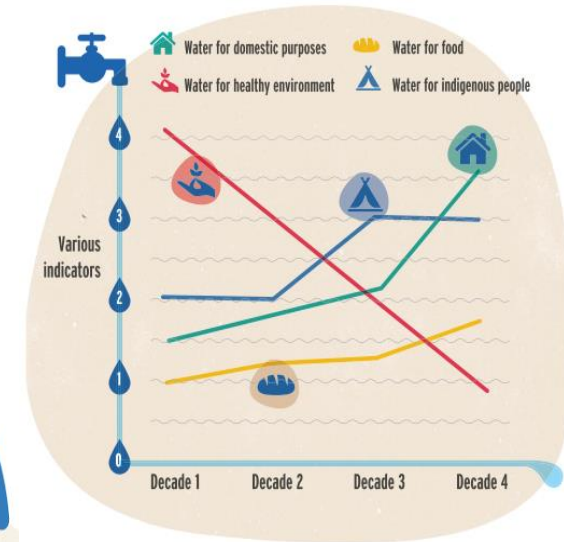
1. Water Resources Potential

- Supply, demand and risks



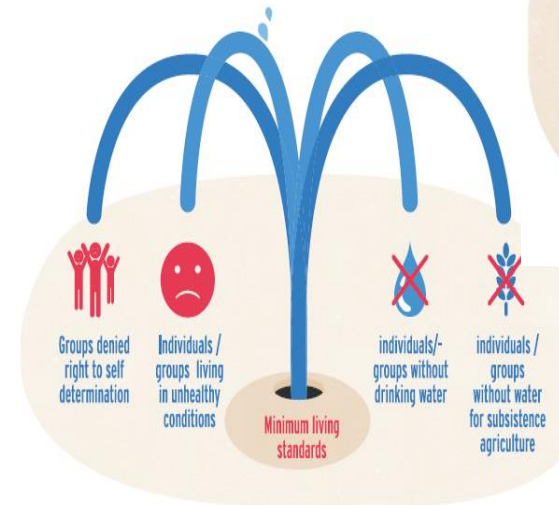
2. Measure progress on Rights

- Avoid aggregation of data



3. Map priority groups and needs

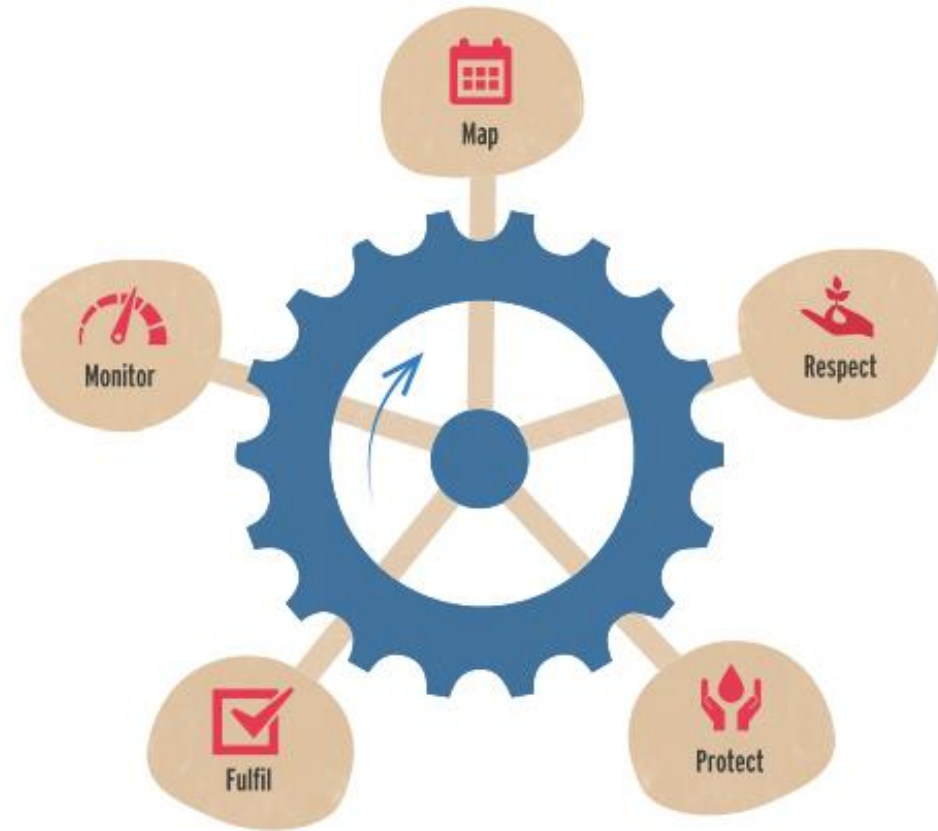
- Power and vulnerability analysis



HRBA to IWRM Cycle

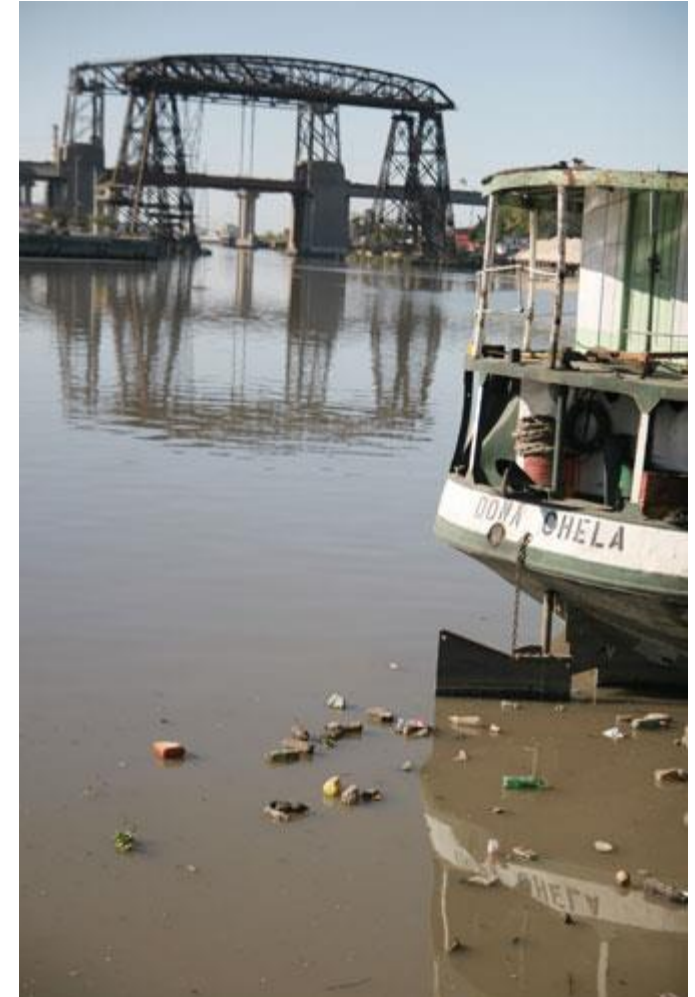
Integration of Human Rights:

1. Mapping at basin level of water resources
2. **Respect** – allocation of water to respect inalienable rights
3. **Protect** – identify threats, inform and regulate
4. **Fulfil** – active measures to progressively enjoy rights
5. **Monitor** – regular evaluation of progress

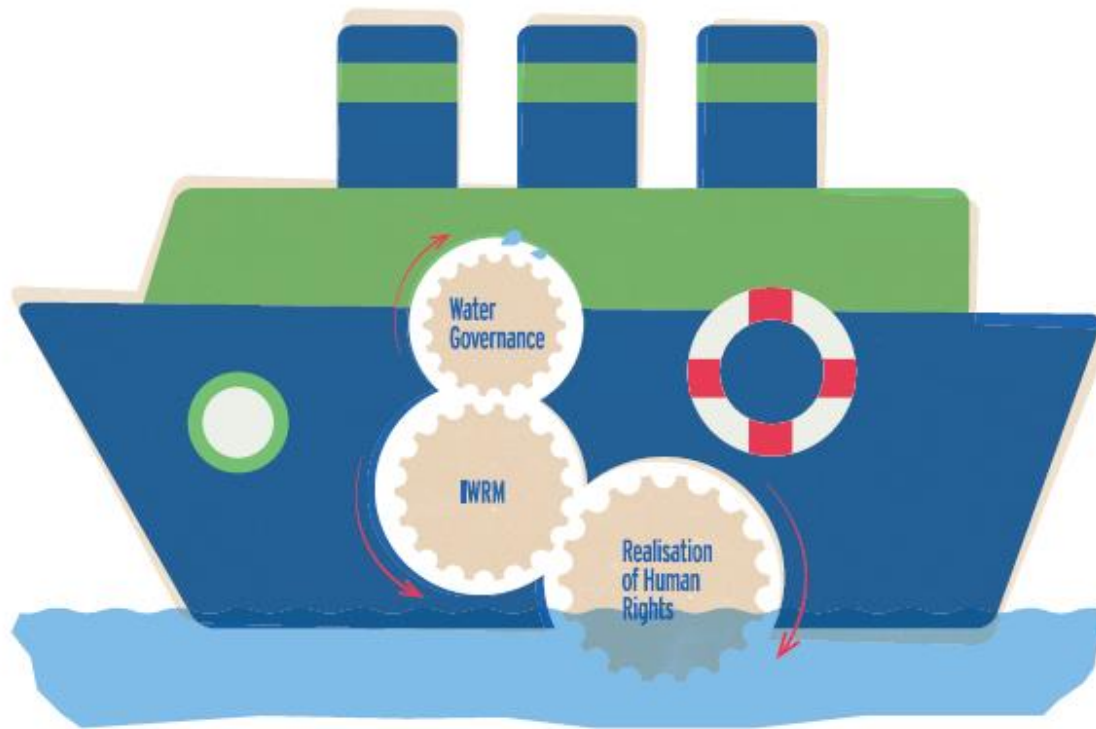


Case Study – Matanza-Riachuelo Basin Authority, Argentina

- **Polluted** intense urbanisation and industrialisation
- **Water Laws** ineffective and fragmented
- **Size** 2240 km², 6.1 million people, 15000 enterprises
- **Jurisdictions** national, provincial, 14 municipalities
- **Basin Authority (ACUMAR)** inter-jurisdictional, the “Mendoza Ruling”, ombudsman (NHRI) instrumental
- **Results**
 - Some change starting to happen
 - water and sewage treatment plants to limit discharge and oxygenate the river,
 - inspectors, monitoring water/air quality and businesses, industrial plant conversions



HRBA to IWRM



Thank you for your attention

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