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UN 2023 Water Conference

United Nations Conference on the Midterm Comprehensive Review of the
Implementation of the Objectives of the International Decade for Action, "Water for Sustainable
Development", 2018 – 2028
22 – 24 March 2023

General Debate

Statement of Sri Lanka, delivered by Ambassador and Permanent Representative, His Excellency Mohan Peiris

Mr President,

Sri Lanka thanks you for convening this meeting on the Midterm comprehensive review of the implementation of the objectives of the international decade for action "Water for sustainable development", 2018 - 2028.

May I take this opportunity of also thanking the co-facilitators the Governments of the Kingdom of the Netherlands and of the Republic of Tajikistan, and more particularly His Majesty King Willem-Alexander and President Emomali Ramon, for co-hosting UN 2023 Water Conference.

Mr. President,

Sri Lanka associates itself with the statement made by the Group of 77 & China on water, a commodity without which life is not sustainable.

Sri Lanka is a country blessed with an abundance of water sources. It has 103 rivers, which flows over a total distance of 4,560 km. River basins cover 90% of Sri Lanka, with over 14,000 ancient human-made reservoirs with the cascade system including networks of irrigation canals, located in the dry zone of Sri Lanka. Ancient Sri Lanka was blessed with a dense irrigation facility created by successive kings, at a high technical level such as Great canal which had the lowest gradient at its time; Royal bathing ponds designed with a flow control structure attached to sluice, Anicut system; control water flow to downstream and reservoir schemes, Sigiriya (the Lion Rock), the famous water-based recreation kingdom, tank cascade systems; recycling and reusing of water through a network of small to large-scale reservoirs.

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It is a matter of record that about 41 institutions and 52 statutes manage the water sector requirements of Sri Lanka. Public (administrative) water allocation is practiced in Sri Lanka where national agencies mutually decide what amount of water is needed to meet the demand and allocate and distribute water within different users. The responsibility of water allocation is vested upon the national institutions historically or by legislation. The water allocation priorities are not declared, but are commonly shared based on necessity.

The water resources of my country are adequate for its estimated peak population. However, variabilities over space and time, including in the two seasonal patterns of the annual rainfall, have caused uneven water availability (i.e., deficits and excess) within the country.

This reminds us of the importance 'water security' in countries such as Sri Lanka; this simply means access to water to sustain our lives and our livelihoods, and also the absence of water related dangers, be it man made or natural. We must appreciate that not only the absence of water but its very presence have consequences.

The aspect of water security is closely connected to the very idea of a human right to water - finding its source from the human rights including the right to life, a right to a good standard of living, inclusive of housing and food, and the right to the highest attainable standards of health.

Mr President,

We are now faced with the reality that for the global population, using basic drinking water services has increased by 9% between 2000 and 2015.

You will appreciate that water has its outstanding political significance, nationally, regionally and internationally, and can give rise to conflicts, over what is sometimes termed as 'Blue gold'.

Mr President,

One way to approach water security is by means of recognizing a right that grants all individuals a legal claim to access water to realize basic human needs. Mr. President, having said this, I'm deeply conscious of the fact that numerous questions remain unanswered, and that the right itself is rather new in international law. This has been developing gradually,

- In 1977 the Action Plan on the UN water conference in Mar del Plata claimed for the first time that access to water should be a right as part of our basic requirements.

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- It is also of interest to note that the right to water has been recognized in CEDAW in 1979 in article 14(2).
- In 1989 article 24(2) of the Convention on the Rights of the Child provides for measures being taken to clean, drinking water.
- In 2002, the Committee on Economic and Social and Cultural Rights spoke of the right to water in its General Comment number 15; which though non-binding in nature is an important document in the establishment of the right to water
- At the turn of the century we member states committed ourselves to the Millennium Development Goals (MDGs) in which goal 7C was that by 2015 the proportion of the population without sustainable access to water and basic sanitation would be halved. We have made progress in this regard, while not meeting the goal.
- 15 years later, this Assembly again, proclaimed the Sustainable Development goals, in which goal six demanded the availability and sustainable management of water and sanitation for all.

Regrettably, notwithstanding demonstrations of support, member states have been reluctant to accept the right to water as a part of customary international law. Despite this reluctance, state practice which supports a customary right to water is not so obscure when one looks at the monitoring of MDG7C and SDG 6.

Mr. President,

Let us also not forget that although political declarations are not legally binding they would surely, reflect customary law and, of course, *opinio juris*.

The indicators are that most states are willing to give a much greater access to water as a matter of public policy. The resultant position today is clear with all economic, social and cultural rights. States obligations are to respect, protect and fulfill the human right to water. This would include the requirement of making water available, ensuring the quality of water, providing both physical and economic accessibility to water.

We will also remember the lake Lanoux arbitration that gave us the principal that one states sovereign rights shall not result in the deprive rights of other states. Mr President, if we are to achieve global water security we must accept the fundamental agreement that we will share our water courses as envisaged in the Watercourse Convention.

Mr. President, let me say a quick word about the security from water.

The United Nations in 2017 highlighted the security risks of water stress as a result of water scarcity drought, desertification and land degradation. This aspect of the matter must be

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given importance in our consideration in the international security agenda, and must be given the highest priority.

It may be also pertinent to make brief reference to Disaster response law to say that although there is not a direct reference to water in the Mohonk guidelines for humanitarian assistance in complex emergencies, it provides that where governments are unable to provide help to sustain disaster relief, the international community has the obligation to provide such assistance in terms of the principles of International law. We recall the fact that the ICJ has on several occasions dealt with water disputes.

Excellencies, the human right to water can be a success story of the international community. We have reason for optimism despite the ostensible gloom that fills our environment. Establishment of legally binding norms simply will not provide a complete answer to the issues we have. Establishing a human right to water will not end thirst, will not end a water conflict. We need to urgently move to the implementation mode. We must also reach the realization that this life supporting commodity is a global common.

Thank you.