



## **Framing the Dialogue on the Human Right to Water: Opportunities for Multi-stakeholder Collaboration**

**"We have made every living thing out of water."**

*The Qur'an (Sura 21 The Prophets, ayat 30)*

**"By addressing the issue of water scarcity, companies can reduce the likelihood of social unrest and trans-boundary disputes."**

*Sarbjit Nahal, equity strategist at Bank of America Merrill Lynch Global Research*

**"Will applying a human rights perspective to development and water and sanitation in particular make our lives more complicated? Yes. Unfortunately, yes. The progress we have made might not seem so great once we have our human rights glasses on. But, with human rights, we are painting a more honest picture of progress. We are getting closer to the reality and are thus more able to devise strategies to change it."**

*Catarina de Albuquerque at the Committee on Development/ Subcommittee on Human Rights Joint Public Hearing on the Right to Water and Sanitation, 24 January 2011*

**"It is therefore necessary to cultivate a public conscience that considers food and access to water as universal rights of all human beings, without distinction or discrimination."**

*Caritas in Veritate, Benedict XVI*

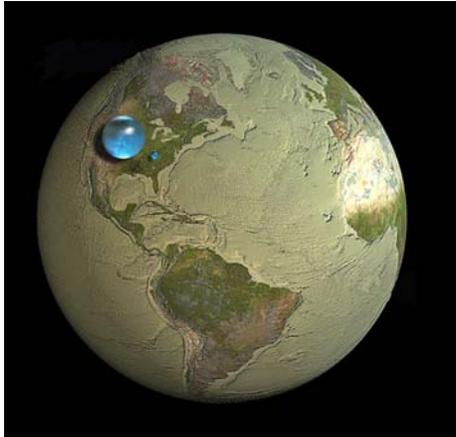
More than one in six people worldwide - 894 million – do not have access to improved water sources, and 2.5 billion people, including almost one billion children, live without even basic sanitation. Every 20 seconds, a child dies as a result of poor sanitation: 1.5 million preventable deaths each year. By 2025, 1,800 million people will be living in countries or regions with absolute water scarcity, and two thirds of the world's population could be living under water stress conditions. The total usable freshwater supply for ecosystems and humans is less than 1 percent of all freshwater resources.<sup>1</sup> For business and communities, the implications of dwindling access to water resources are equally urgent. According to recent Bank of America Merrill Lynch research:

*The longterm supply challenges are vast and demand is projected to overshoot supply by 40% in the next 20 years...Water looks set to become scarcer than oil, with potential for the supply/demand imbalance to manifest itself in increased domestic social unrest and trans-boundary disputes (30 countries on three continents are potential locations for future conflicts over water). Insufficient freshwater, uneven distribution and climate change are factors limiting the supply of water, while demand is growing in homes, businesses and farms around the world. Unless more sustainable water management practices are adopted, 45 percent of projected 2050 global GDP at 2000 prices could be at risk – equal to \$63 trillion.<sup>2</sup>*

<sup>1</sup> UN Water, at [http://www.unwater.org/statistics\\_res.html](http://www.unwater.org/statistics_res.html).

<sup>2</sup> Bank of America Merrill Lynch, "A Blue Revolution – Global Water", November 2012, at <http://newsroom.bankofamerica.com/press-release/economic-and-industry-outlooks/water-services-industry-double-revenues-2020-efforts-ta>

Moreover, business activities often compete with other uses of water, including individual use. Manufacturing and extraction by chemicals, textiles, mining, electric goods, construction, food and beverage industries are particularly water intensive and contributors to water pollution, threatening communities' access to water. Industrial water users can directly harm the ability of individuals in the local area to access adequate water for personal and domestic use, and where it harms the ability of subsistence farmers to access adequate water for food production, it can indirectly violate their right to food.<sup>3</sup> Third party impacts on the right to water might include over-extraction of water, contamination of water resources through polluting practices or limiting others' access to a source of water through appropriation.



**Figure 1 Liquid fresh water**

How much of the total water is fresh water, which people and many other life forms need to survive? The blue sphere over Kentucky represents the world's liquid fresh water (groundwater, lakes, swamp water, and rivers). The volume comes to about 2,551,100 mi<sup>3</sup> (10,633,450 km<sup>3</sup>), of which 99 percent is groundwater, much of which is not accessible to humans. The diameter of this sphere is about 169.5 miles (272.8 kilometers).

#### Water in lakes and rivers

Do you notice that "tiny" bubble over Atlanta, Georgia? That one represents fresh water in all the lakes and rivers on the planet, and most of the water people and life of earth need every day comes from these surface-water sources. The volume of this sphere is about 22,339 mi<sup>3</sup> (93,113 km<sup>3</sup>). The diameter of this sphere is about 34.9 miles (56.2 kilometers). Yes, Lake Michigan looks way bigger than this sphere, but you have to try to imagine a bubble almost 35 miles high—whereas the average depth of Lake Michigan is less than 300 feet (91 meters).

The data used on this page comes from Igor Shiklomanov's estimate of global water distribution, shown in a table below.

Credit: [Howard Perlman](#), USGS; globe illustration by [Jack Cook](#), Woods Hole Oceanographic Institution ([©](#)); [Adam Nieman](#). Data source: Igor Shiklomanov's chapter "World fresh water resources" in Peter H. Gleick (editor), 1993, *Water in Crisis: A Guide to the World's Fresh Water Resources* (Oxford University Press, New York).

## Water as a human right

The world community has begun to define international standards to govern equal human access to safe, affordable drinking water amidst the growing water crisis – the human right to water (and sanitation). International human rights treaties contain explicit and implicit obligations for governments to respect, protect and fulfill the human right to water and sanitation. In 2002, General Comment 15, adopted by the UN Committee on Economic Social and Cultural Rights, defined the normative content of the human right to water. The UN special rapporteur on the human right to safe drinking water and sanitation, Dr. Catarina de Albuquerque, has contributed to the body of emerging law and policy through research, engagement with government, civil society, affected individuals and communities, corporations, UN agencies and human rights institutions. In 2010, the UN General Assembly and the UN Human Rights Council adopted resolutions recognizing the human right to water and sanitation. The Office of the High Commissioner for Human Rights fact sheet defines the substantive elements of the human right to water to include:

- **The water supply for each person must be sufficient and continuous to cover personal and domestic uses** (water for drinking, washing clothes, food preparation and personal and household hygiene).
- **Water for personal and domestic uses must be safe and acceptable.** Water must be free from microbes and parasites, chemical substances and radiological hazards that constitute a threat to a person's health. Water must also be of an acceptable color, odor and taste.
- **Water and sanitation facilities must be physically accessible** and within safe reach for all sections of the population, taking into account the needs of particular groups, including persons with disabilities, women, children and the elderly.
- **Water services must be affordable to all.** No individual or group should be denied access to safe drinking water because they cannot afford to pay.

<sup>3</sup> Institute for Human Rights and Business, "The Right to Food and Water: Dependencies and Dilemmas," at [http://www.ihrb.org/pdf/Right to Food and Water Dependencies and Dilemmas.pdf](http://www.ihrb.org/pdf/Right%20to%20Food%20and%20Water%20Dependencies%20and%20Dilemmas.pdf)

- **Non-discrimination and equality** are fundamental human rights principles and critical components of the right to water. All actions that have an impact on people's access to water and sanitation services must provide meaningful opportunities for engagement.
- Users, particularly those who are generally under-represented, including women, ethnic and racial minorities, and marginalized groups, **must have the opportunity to participate in decision-making relating to their access to water and sanitation. Transparency and access to information are essential for participation to be meaningful.**

## Business respect for the human right to water

In 2011, the UN Human Rights Council recognized the UN Guiding Principles on Business and Human Rights implementing the “protect, respect, and remedy” framework developed by the UN Special Representative on business and human rights.<sup>4</sup> While governments retain the primary responsibility for ensuring that private actors respect human rights, under the UN Guiding Principles on Business and Human Rights, business enterprises have a responsibility to respect all human rights, including the human right to water. Due diligence, including human rights impact assessments<sup>5</sup>, participation of rights holders in decisions, access to information, and access to remedies, are a part of a comprehensive “human rights approach” that reflects the corporate duty to respect human rights. Guidance and tools for the human right to water and for business and human rights have been developed by business, civil society and faith based stakeholders (see resources below).

For example, members of the United Nations Global Compact have already voluntarily undertaken to respect the right to water and sanitation, since Global Compact members pledge to “support and respect the protection of internationally proclaimed human rights” and “make sure they are not complicit in human rights abuses.” In addition, since companies that endorse the CEO Water Mandate are Global Compact members, they too have committed themselves to respect the right to water and sanitation, independently of States’ progress in implementing the right.<sup>6</sup>

## Implementation of the human right to water

Implementing the human right to water requires participatory processes to ensure that all stakeholders understand the implications of the decisions to be made. If carried out carefully, the process should lead to solutions that are more acceptable and generally more sustainable in the long-term. Businesses need to start from the watershed level, making accurate assessments of water availability and quality, followed by transparent, participatory, democratic processes whereby those living in the watershed are included in

<sup>4</sup> Guiding Principles on Business and Human Rights, “Implementing the United Nations “Protect, Respect and Remedy” Framework,” [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>5</sup> While there is no single standardized approach to HRIA, organizations are testing methodologies. For example, the Nomogaia Foundation has posted an online draft version of its HRIA methodology, which gathers data on project and context, prepares lists of rights affected, engages rights holders, and rates impacts. See Nomogaia Foundation, A Methodology for Human Rights Impact Assessment, draft version, no date. At: <http://www.nomogaia.org/HRIA/HRIA/HRIA.html> International Business Leaders Forum (IBLF), International Finance Corporation (IFC), and the UN Global Compact have produced an online interactive Guide to Human Rights Impact Assessment and Management, based on a seven-stage approach to HRIA. This web-based guide discusses the merits of stand-alone HRIAs versus the integration of human rights in other forms of impact assessments and will include tools for human rights identification, due diligence mapping and management systems. At: <https://www.guidetohriam.org/welcome> . From the Institute for Business and Human Rights, “More Than a Resource: Water, Business and Human Rights”, (2011), footnote 48.

<sup>6</sup> Institute for Business and Human Rights, “More Than a Resource: Water, Business and Human Rights”, (2011), at [http://www.ihrb.org/pdf/More\\_than\\_a\\_resource/Water\\_business\\_and\\_human\\_rights.pdf](http://www.ihrb.org/pdf/More_than_a_resource/Water_business_and_human_rights.pdf)

decision making processes regarding water use and management. “The implementation of the human rights principles of participation, access to information and accountability give the space for communities to engage in the crucial work of building up a relationship and an understanding between local communities and local authorities, which in turn can lead to other essential improvements in the lives of the individual and the community as a whole.”<sup>7</sup> Communities need to be the starting-point for the framing and implementation of corporate human right to water policies and assume a proactive role in ongoing assessment of social and environmental impacts.

## **Recommended practices for discussion and dialogue**

Faith-based investors and corporations have worked to incorporate the human right to water into corporate policies and practices. The law, policy and practices on this issue are relatively new and continue to evolve. Bridging the gap between laws, policy, practices and actual operationalization of the human right to water in the value chain of major corporations is a challenge for all stakeholders. However, businesses can take the following actions to ensure a long-term water strategy to tackle the global water scarcity challenge. As faith-based investors, we call on corporations to adopt and implement human right to water policies and procedures and water stewardship programs that will protect the environment, society, and long-term shareholder value from the growing threat of water scarcity. The recommendations below are made in the spirit of eliciting discussion and dialogue by all stakeholders during and after the Roundtable.

This process would include:

### **1. Identification and Assessment**

- Identification and assessment of water use in core business and by key suppliers
- Assessment of water availability, issues, challenges, and levels of sustainable use in business operations
- Assess the company’s actual and potential impacts on human rights, and where it identifies potential or actual adverse human rights impacts, companies should prevent or mitigate them by applying their impact assessment findings to their operations

### **2. Articulation and Implementation**

- Articulate and implement a water stewardship policy to reduce water-related impacts and risks at operating facilities and throughout the supply chain, and publicly report data
- Incorporate water risk assessment into business decisions, from facility siting to new product development

### **3. Policy on Human Rights**

- Adopt policy that respects the human right to water and human rights generally, and develop strong due diligence procedures. In the case of the global private water industry integrate these into their contracts
- Prepare human rights impact assessment(s) for water stressed areas and establish procedure to assess and report on impacts, engage with affected individuals and

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<sup>7</sup> *On the Right Track: Good practices in realising the rights to water and sanitation*, by Catarina de Albuquerque, United Nations Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation with Virginia Roaf.

communities on an ongoing basis, utilize dispute resolution mechanisms, and mitigate and remedy impacts

- Integrate findings from such assessments into the company's decision-making and take actions to address

#### 4. Involvement of Key Stakeholders

- In collaboration with local communities, other stakeholders such as key suppliers, and governmental agencies, corporations should leverage their expertise, influence, and resources to promote water stewardship in local watersheds and globally in key areas of operations

#### 5. Reporting

- Measure performance against baselines and goals, and publicly report performance
- Report data on water for operations and supply chain, especially in water stressed or scarce areas (including seasonal or periodic water stress or scarcity.) Report in context of local climate, ecology, human population, economy (agriculture, industry, service) and define the term "local" and the "watershed" area(s) covered
- Track and report out company effectiveness in addressing its social impacts

#### 6. Replenish and Remediate

- Return water to the watershed from which it was extracted in an environmentally safe and usable condition
- Help remediate any negative impact that the company causes or to which it contributes

## Why this dialogue?

In this context, the Interfaith Center on Corporate Responsibility (ICCR) is holding the "Multi-stakeholder Roundtable on the Human Right to Water." The Roundtable evolves from [ICCR's Statement of Principles and Recommended Practices for Corporate Water Stewardship](#) and the [Social Sustainability Resource Guide](#). The Roundtable **will seek to identify and build good practices related to community sustainability and provide an initial framework for corporate water programs that protects communities' access to sufficient, safe, acceptable, physically accessible, and affordable water – the human right to water**. The Roundtable is intended to be an open exchange with companies, communities, NGOs, socially responsible investors, and other stakeholders on the issue of how companies address community impacts and related risks in water-stressed areas of the world. We hope the day's dialogue will contribute to emerging guidance on human right to water for all stakeholders.

It is our hope that affected communities, faith-based investors, companies, experts, and decision makers can, through our dialogue, begin to bridge the gap between policy and real-world, real-time operations, between rights holders and duty bearers, between the environment and our human community.

## Resources

A/HRC/15/31, UN Special Rapporteur on the human right to safe drinking water and sanitation, “Human Rights Obligations Related to Non-State Service Provision in Water and Sanitation,” (Private sector obligations) at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/148/31/PDF/G1014831.pdf?OpenElement>

UN Office of the High Commissioner for Human Rights, “UN Guiding Principles on Business and Human Rights”, (2011), at [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

UN Office of the High Commissioner for Human Rights, “Fact Sheet No. 35: Right to Water”, at <http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>

CEO Water Mandate, “The Human Right to Water: Emerging Corporate Practice and Stakeholder Expectations”, (2010), at [http://ceowatermandate.org/files/Water\\_Mandate\\_Human\\_Rights\\_White\\_Paper.pdf](http://ceowatermandate.org/files/Water_Mandate_Human_Rights_White_Paper.pdf)

CEO Water Mandate, “Water and Human Rights: Exploring the Roles and Responsibilities of Business”, (2009), at [http://ceowatermandate.org/files/research/Business\\_Water\\_and\\_Human\\_Rights\\_Discussion\\_Paper.pdf](http://ceowatermandate.org/files/research/Business_Water_and_Human_Rights_Discussion_Paper.pdf).

CEO Water Mandate, “Bringing a Human Rights Lens to Corporate Water Stewardship”, (2012), at <http://ceowatermandate.org/files/HumanRightsLens2012.pdf>

Franciscans International and Water Lex, “Practical Guide on the Human Right to Water”, (2011), at [http://www.franciscansinternational.org/fileadmin/docs/Water\\_manual/FI\\_WL\\_The\\_Right\\_to\\_Water\\_and\\_Sanitation\\_-\\_a\\_practical\\_guide.pdf](http://www.franciscansinternational.org/fileadmin/docs/Water_manual/FI_WL_The_Right_to_Water_and_Sanitation_-_a_practical_guide.pdf)

ICCR, “Social Sustainability Resource Guide” (2011), at <http://www.iccr.org/publications/2011SSRG.pdf>

ICCR, “Statement of Principles and Recommended Practices for Corporate Water Stewardship”, (2011), at <http://www.iccr.org/resources/2012/2012WaterStatementOfPrinciples.pdf>

International Business Leaders Forum and the International Finance Corporation, “Guide to Human Rights Impact Assessment and Management”, (2010), at [http://www1.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/ifc+sustainability/publications/publications\\_handbook\\_hria\\_wci\\_1319577931868](http://www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_hria_wci_1319577931868)

Institute for Business and Human Rights, “More Than a Resource: Water, Business and Human Rights”, (2011), at [http://www.ihrb.org/pdf/More\\_than\\_a\\_resource\\_Water\\_business\\_and\\_human\\_rights.pdf](http://www.ihrb.org/pdf/More_than_a_resource_Water_business_and_human_rights.pdf)

OECD, “OECD Guidelines for Multinational Enterprises” (2011), at <http://www.oecd.org/dataoecd/43/29/48004323.pdf>

UN Global Compact, “The UN Guiding Principles on Business and Human Rights: Relationship to UN Global Compact Commitments”, July 2011, at [http://www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/Resources/GPs\\_GC%20note.pdf](http://www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/GPs_GC%20note.pdf)