



## The CEO Water Mandate

# Operational guidance for businesses on the right to water

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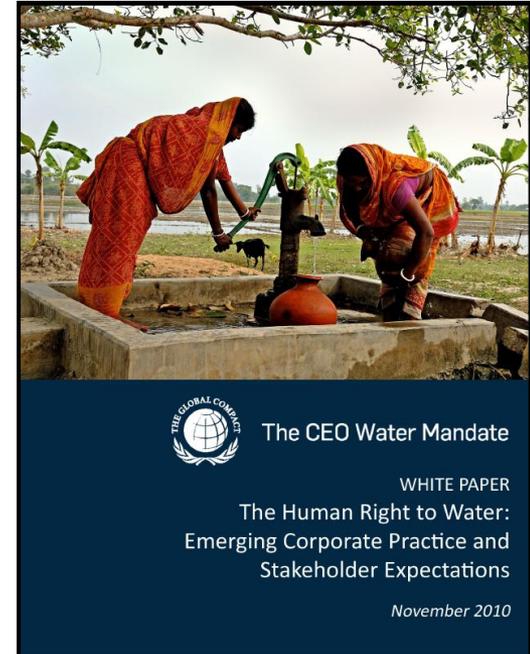
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# History of the human rights workstream

- In March 2009, the Mandate released a discussion paper that explored what it means to adhere to Ruggie’s “corporate responsibility to respect” principle in the context of water.
- Established Human Rights Working Group to further discuss and inform the Mandate’s work on this issue
- Conducted endorser survey of company perspectives and practices regarding the human right to water
- In November 2010, the Mandate released the white paper *The Human Right to Water: Emerging Corporate Practice and Stakeholder Expectations*.
- At the Mandate’s November 2010 working conference in Cape Town, endorsers and the Secretariat agreed to develop a guidance document on the topic.

# Objectives of the white paper

1. Provide an overview of related public policies and emerging frameworks that establish expectations of companies on this issue;
2. Describe the contours of the debate regarding businesses respecting the human right to water;
3. Summarize the state-of-play with regard to business practice and illustrate examples of existing corporate policy and approaches on the topic; and
4. Identify options for how the CEO Water Mandate might advance this core focus area.



# Degrees of corporate action

Previous research has suggested three sphere of action and provided some initial ideas of what might fall under those categories.

## Abuse

- Immediate harm from corporate activities
- Complicit in actions that infringe on rights
- Block stakeholder participation

## Ruggie Compliance

- Due diligence / “Respect”
- Proactively assess and manage impacts
- Transparency

## Beyond responsibility

- Community projects
- Policy engagement
- Advocacy

# Upcoming project: Operational guidance for businesses on the right to water

## Core objective

To lay out the background information, principles, context, and an operational framework for how businesses can ensure their operations both respect and fulfill the right and access to safe drinking water and sanitation.

## Process / Partners

The project will be conducted in collaboration with Oxfam and the Institute for Human Rights and Business. It will be overseen by the Mandate's Human Rights Working Group.

# Human rights guide: Preliminary structure (1)

## 1. Introduction

- Project methodology
- History of the right to water and sanitation
- Business case

## 2. Contextualizing the Human Right to Water and Sanitation

- Understanding the work of UN Independent Expert Catarina de Albuquerque
- Understanding Ruggie’s “Protect, Respect, Remedy” framework and associated principles
- Understanding emerging national legislation regarding the right to water

## 3. Operational Dimensions for Respecting the Right to Water

- Policy statement
- Due diligence / Impact assessment
- Remediation

# Human rights guide: Preliminary structure (2)

## 3. Fulfilling the Right to Water and Sanitation

- Process
- Principles (e.g., transparency, consent from authorities, adequate consultation, integrated approach, etc.)

## 4. Guidance on Other Core Challenges

- Establishing responsibility boundaries for companies
- Working in conflict or weak governance areas
- Working in an area with the absence of established performance expectations
- Establishing “do no harm” minimum expectations
- Extent of the responsibility to protect beyond primary water use

# Remaining questions

1. Is the distinction between a rights-based approach and acknowledging the right to water still a useful distinction?
2. Is it important for the Guide to provide a detailed definition and explanation of how companies can cause or be complicit with water-related human-rights abuses? How can the Guide address this?
3. How should the Guide address the right to sanitation?
4. How do you balance business responsibilities to respect the right to water with their responsibilities to respect other human rights (e.g., food, education, health)?
5. How can the “Remedy” component of the Ruggie Framework be ensured in the absence of strong legal/governmental mechanisms?
6. What has been companies’ experience with communicating and articulating their policies and practices related to the right to water?

# Next steps

- Garner feedback on key aspects of Guide in Copenhagen (May 2011)
- Secure project funding (Q2 2011)
- Develop detailed annotated outline for project (Q2 2011)
- Develop project work plan (Q3 2011)
- Draft Guide (Q4 2011 – 2012)
- Initiate public review process for draft Guide (2012)



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