The right to water

What WaterAid and IHRB think it means for business water users and providers
Aim to cover

• Why IHRB & WaterAid getting involved
• What the right to water means for business water users and providers
• Considerations for business
• Addressing shared risk
Why we are involved

• Ensure more people have sustainable access to water and sanitation

• Timely
  – UN Independent Expert
  – Ruggie Framework
  – Addressing confusion raised by companies

• Recognise shared risks
The right to water

- The right to water exists
- **Business water users = duty to respect**
- Respect = prioritise people’s access
- Duty to fulfil the right sits with the state
- Enable means to remedy
Focus on right to water

• Mandate members already working on access
  – Formal policies recognising the right
  – Focus on water resource management
  – Community investment programmes

• What might prioritising access look like?
What we think it may mean

A framework for addressing shared risk

- Water resource management
- The value of data
- Leadership role
- Public policy
- Financial support
- Collective action
Prioritising people’s access

- Framework for addressing shared risk
- Critical to achieving a sustainable future
- Protects social and legal licenses to operate
- Supports environmental commitments
Right to Water

- Availability
- Quality
- Accessibility
- Acceptability
- Affordability
Cases

- Contractual issues: Cochabamba
- Pricing problems: Soweto
- Harnessing for other uses: Ilisu, Narmada, Three Gorges, Pergau, Merowe
- Water use: Plachimada
- Commodifying water: Fiji
- Pollution: Niger Delta, Bhopal
Responsibility to Respect

The “Protect-Respect-Remedy” framework comprises three core principles:

- The state duty to protect against human rights abuses by third parties;
- The corporate responsibility to respect human rights; and,
- The need for more effective access to remedies.
Due Diligence

• “To become aware of, prevent and address human rights impacts.”

• “A comprehensive, proactive attempt to uncover human rights risks, actual and potential, over the entire life cycle of a [...] business activity, with the aim of avoiding and mitigating those risks.”
Recommendations

- Abide by the law
- Ensure non-discrimination
- Include the marginalized
- Respect dignity
- Recognize interrelatedness and interdependency of rights
- Don’t undermine the State
- Ensure transparency
- Establish safety net
- Consult stakeholders
- Be accountable
Next steps

- Further exploration of shared risks
- Understand how action can be taken forward
- Develop a business case
- Establish best practices
- Document and share lessons