



Institute for

Human Rights and Business

Shaping Policy ▪ Advancing Practice ▪ Strengthening Accountability



John Morrison, Executive Director
Kelly Davina Scott, Programmes Manager

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Our Report

More than a resource: Water, Business
and Human Rights

Institute for Human Rights and Business

Who we are



Our mission:

To secure better human rights outcomes for the most vulnerable through better policy, practice and accountability by business, states, trade unions and civil society.

The right to water and sanitation in international law



“The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”

The right to water and sanitation is now an internationally recognised right:

- General Comment 15, 2002
- UN General Assembly Resolution, July 2010
- UN Human Rights Council Resolution, September 2010
- Other UN Conventions and related rights (e.g. Convention of the Elimination of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Geneva Conventions)

Water as a social issue



- Water is not just an environmental issue
- Water is of great significance for people and communities
- Water is essential to human existence and dignity
- Water is linked to other rights (i.e. right to life, right to health and the right to food)

UN Business and Human Rights Framework



*Professor John Ruggie, Former
Special Representative to the
United Nations Secretary General,
2005-2011*

UN Business and Human Rights Framework



The following framework has been welcomed by all states on the UN Human Rights Council and beyond:

“The framework rests on three pillars: the State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication; the corporate responsibility to respect human rights, which in essence means to act with due diligence to avoid infringing on the rights of others; and greater access by victims to effective remedy, judicial and non-judicial. The three pillars are complementary in that each supports the others.”

(Professor John Ruggie, UN Special Representative, 2008 and 2009 Reports)

The United Nations Framework on Business and Human Rights 2008



The UN Protect Respect Remedy Framework rests of three pillars:

- The State Duty to Protect (in relation to business)
- The (direct) Corporate Responsibility to Respect
- Access to remedies for victims (legal and non-legal)

The Corporate Responsibility to Respect



This includes a better understanding of the position of human rights in:

- Business policies and processes
- Human rights due diligence
- Contractual agreements (Joint Ventures, Strategic Suppliers, Customer End-user Agreements...)
- Weak Governance Areas (States ‘unwilling or unable’): conflict, widespread poverty, corruption or humanitarian disaster

The United Nations Guiding Principles



Guiding Principles put forward to further operationalise of the PRR Framework.

Specific provisions can be applied to business water users and service providers:

- Developing due diligence in relation to water use and water service providers
- Legal and non-legal remedies for states and business
- Rights-based principles and how they relate to business water use

Human Rights Due Diligence



- Identifying actual and potential adverse human rights impacts
- Integrating human rights into business practice
- Tracking performance and reporting

Some due diligence recommendations for water and sanitation service providers



- Guarantee transparent and democratic decision making
- Address power asymmetries in bidding and negotiating processes
- Provide essential services to the poor and marginalised
- Ensure affordability
- Avoid disconnections
- Ensure quality of services
- Put in place a sound regulatory capacity and ensure its enforcement
- Monitor performance and follow up
- Establish effective complaint mechanisms
- Address corruption

(source: Catarina de Albuquerque, 2010)



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Moving forward

(1) Conceptual clarity at the policy level



- Water and sanitation are human rights
- Human rights due diligence is now a requirement of business
- Respecting the right to Water and Sanitation and rights-based approaches are different things – but both are essential
- We have been too silo-ed in policy terms between users and providers

(2) Undertake human rights due diligence



- All rights in all geographies
- Business needs to undertake ‘reasonable levels’ of human rights due diligence – need clarity on what is material to such impact assessments and what represents a legitimate threshold
- Specific due diligence requirements for water service providers
- The need for accountability and adequate remedies

(3) A proactive approach



- Ideological positions do not help the most vulnerable
- State duties are central – even when states are unwilling or unable to fulfill rights
- We need Public-Private Partnership models that are legitimate in human rights terms – local, national and international
- We have moved the needle for malaria, HIV/AIDS and now perhaps for diabetes – why not for water and sanitation?



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Thank You!