

Invitation to Brainstorming Roundtable on the impact of mega-project on the human rights to water and sanitation

Organized by the UN Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Léo Heller

9:30 a.m. – 11:30 p.m. 11 September 2018 (Tues) OHCHR Palais Wilson, Room 1-016

Pursuant to the UN Human Rights Council Resolutions 27/7 of 2014 and 33/10 of 2016, the Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Léo Heller, is mandated to work on identifying challenges and obstacles to the full realization of the rights, as well as protection gaps, good practices and enabling factors.

The Special Rapporteur will focus on one of his 2019 reports on the impact of mega-projects on the realization of the human rights to water and sanitation. As part of the preparation for his research, the Special Rapporteur is convening a roundtable meeting in order to have a preliminary discussion on the possible scope and content of the report.

Mega-projects or large-scale projects involve multiple layers of complexity involving a wide range of aspects such as large budgets, technical means, long-life cycles, different nature of stakeholders. These projects may have a profound impact – both negative and positive - and consequences on the environment and the society, particularly on the human rights to water and sanitation.

OBJECTIVES of the REPORT

- To provide analysis of the potential impacts on the human rights to water and sanitation as a result of mega-projects
- To clarify who is accountable, for what and their human rights obligations and responsibilities
- To recommend human rights standards and principles in environmental assessments and licensing of mega-projects in order to protect the human rights to water and sanitation
- To address the interlinkages between water services and water resource management, particularly those that are being used as a direct source of drinking water that may be affected by mega-projects
- To identify concerns related to human rights defenders and their work related to the impacts of megaprojects on the human rights to water and sanitation

CURRENT WORKING SCOPE and APPROACH

1. Focus on impact on human rights to water and sanitation by mega-projects

This report will focus on analysing the impacts of mega-projects on the human rights to water and sanitation. The impact of mega-projects on the normative content of the rights to water and sanitation (quality and safety, accessibility, availability, acceptability, affordability, dignity) and relevant human rights principles (access to information, participation, accountability) as well as the situation of vulnerable population and human rights defenders will be included. The report will also take into account human rights-based requirements for granting licenses and human rights impact assessment of megaprojects, as well as specific requirements for contingency plans and prevention and mitigation of disasters.

Cases involving different types of mega-projects, such as extractive industries (coal, gold/diamond, iron, coltan, hydrocarbon, etc.), energy projects (solar, hydroelectricity, oil, fracking), dams, water, gas and oil pipelines, transportation infrastructure, canals and other waterways and renewal of urban areas or sports related projects (e.g. the mega sporting events) will be taken into account in the report.

2. Few examples of mega-projects addressed by the Special Rapporteur

The following concrete examples, illustrating the impact of mega-projects on the human rights to water and sanitation, have received the Special Rapporteur's attention during his country visits or through communications, and will be taken into consideration in the report:

- **Extractive Industries**

In Mexico, ones hosting extractive industries (oil and shale gas extraction) in Emiliano Zapata, Papantla, Veracruz State, water resources have been recurrently contaminated due to accidents or degraded supply networks. Low quality water, and lack of information and access to justice by populations has been reported. ([A/HRC/36/45/Add.2](#) paras. 58 to 62 and 68).

- **Dams**

In Tajikistan 42,000 people were relocated due to the Roghun Dam and Hydropower Plant project. Due to the lack of planning, people living in the new settlements were lacking from insufficient amounts of water for human consumption, and where sometimes forced to buy insufficient, unsafe and unaffordable water from trucks. Furthermore, resettled people had to build their own toilets and they did not receive an adequate compensation having then greater negative effect on vulnerable groups. ([A/HRC/33/49/Add.2](#) paras. 49 to 52, 56, 59 and 60).

- **Industrial Activities**

In El Salvador, the bottling plant La Constancia ILC, a subsidiary of SAB Miller, drew large volumes of water from an aquifer resulting on non-respect of sustainability and discrimination for both present and future generations. ([A/HRC/33/49/Add.1](#) paras. 72, 73 and 96).

- **Aqueducts, gas and oil pipelines**

In Mexico, the Independencia Aqueduct and Aguaprieta Oil Pipeline were constructed without proper consultation processes for Yaqui indigenous Communities and without noncomplying with the judiciary suspension of them. A lack of protection of Yaqui leaders and human rights defenders protesting against these projects and of their relatives was also reported. ([UA MEX 7/2017](#)).

In the United States, an oil pipeline underneath the Lake Oahe, less than a mile away from the Standing Rock Sioux Tribe's reservation and directly upstream from their drinking water intake started its construction. It was also reported that potential spills from the pipeline could potentially leak to these water sources and might affect sacred sites. It was reported that such project was carried out without proper consultation of the Tribe and without providing them adequate information. Furthermore, Tribal leaders, tribal members and their supporters, protesting peacefully against the project have reportedly been intimidated harassed and prosecuted ([UA USA 7/2016](#))

3. Actors involved

The report will identify the main actors involved in mega-projects who bears human rights responsibilities or obligations for the impact such projects have on the human rights to water and sanitation. These actors may be States and public authorities (e.g. central, regional and local authorities, publicly owned corporations, regulators), non- State or private actors (e.g. companies, groups, transnational companies, outsourced corporations), or development partners for mega-projects made in the framework of international development cooperation. Issues such as the responsibility of transnational companies or parent and subsidiary companies, as well as human rights obligation and responsibility of home-State and host-State will be considered where relevant.

DISCUSSION FORMAT & QUESTIONS

Roundtable moderated by the Special Rapporteur, Mr. Léo Heller.

1. What is the most relevant impact that mega-projects may have on the human rights to water and sanitation, and which impacts should be included in this report?
2. What are the most critical types of mega-projects that should be considered within the scope of this report?
3. Are there groups and population that are more likely to be affected by mega-projects and those that requires a specific focus and attention in this report?
4. What are the important root causes to be considered as triggering violations and abuses of the human rights to water and sanitation?
5. Which actors involved in mega-projects are the most relevant and what are their human rights obligations and responsibilities?
6. How can it be reinforced that those actors are accountability, particularly that they provide justification and explanation to the affected population? This includes empowering the affected population, access to information and participation as well as relevant monitoring (See, the report on accountability by the Special Rapporteur [A/73/162](#))
7. How do you see the usage of possible guiding principles or list of standards/criteria on protecting the human rights to water and sanitation in the context of mega-projects?

CONFIRMATION OF ATTENDANCE

Please confirm your attendance by replying to srwatsan@ohchr.org before 4 September 2019 with the subject "Participation to 11 Sept Roundtable". Please indicate whether you need a visitor's pass to access OHCHR Palais Wilson.