**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

**Response to the call for input from the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

1. **Please provide examples of ways in which water pollution, water scarcity and floods are having adverse impacts on human rights.**

Water is central to life, especially health, livelihoods, and nature. It cuts across all of the UK’s COP26 thematic priorities and broader development efforts. Internationally, many people are already experiencing a global water crisis – 785 million people lack access to basic water services, 3 billion lack the means to practise basic hygiene. Only one in three people in Sub-Saharan Africa have access to water free from contamination. While progress is being made to improve access to water and sanitation services in most countries, it is unable to keep up with population growth and coverage rates are stagnating, particularly in urban settings. The situation is made worse by growing water insecurity – manifesting as increasingly frequent flood or drought events and declining water safety resulting from human impacts. For example, declining ground water tables are further undermining the reliability of hundreds of thousands of drinking water pumps across much of South Asia and Sub-Saharan Africa. With the world rapidly urbanising, an increasing proportion of vulnerable households are found in informal urban settlements, often located on marginal land, for example, low-lying flood-prone areas, on the fringes of industrial zones where poor regulation results in water pollution, or the steeper slopes or the fringes to towns and cities vulnerable to flash floods or land slips.

The consequences of these trends include: people being exposed to diarrhoeal disease and other water related illnesses that compromise their right to health; children missing school because they have to spend longer fetching water, compromising their right to education; and disrupted harvests caused by flood or drought events result in higher food prices, compromising the human right to an adequate standard of living including adequate food.

1. **How has climate change exacerbated water related problems?**

Water is the way we will feel the impact of climate change first and most severely. Climate change exacerbates water-related problems in at least four ways:

The frequency of extreme weather events is increasing in many parts of the world – a result linked to changing sea and air temperatures. The result can manifest as drought or flood on an unprecedented scale. Such events are also happening in areas where they were previously unknown, testing coping strategies. As a result, there is a widespread disruption to agricultural production, leading to increased food insecurity; disruption to water supply and sanitation services, and disruption to water-based energy production.

Climate change is also contributing to rising sea levels. Warmer water is less dense being one cause, superimposed on storm surges caused by extreme depressions in air pressure. The impacts can be profound on those living in the most vulnerable areas – which include millions of people living in low-lying zones or coastal cities. Population growth means that more people are likely to live in areas affected by flooding and coastal erosion.

Climate change is melting glaciers that feed some of the world’s greatest rivers – jeopardising food and water supplies for hundreds of millions of people. The glaciers of the Hindu Kush feed into 10 major river basins that sustain some of the world’s most populous and biologically diverse countries. Some 240 million people directly depend on them for fresh water; 1.9 billion benefit indirectly from their outflows. Most developing countries face a 40% shortfall in being able to meet their water demand by 2030.

Water quality is also impacted by climate change. Less rainfall during the summer months increases the concentration of pollutants in waterbodies, and increased rainfall and flooding washes away nutrients. Scarce water resources are used by people, agriculture and industry – all of which contribute to pollution. Deeper ground water deposits are often highly mineralised, resulting in conditions such as arsenicosis or fluorosis.

1. **To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing water pollution, water scarcity and flood?**

The UK recognises the right to water and right to sanitation as elements of the right to an adequate standard of living, rather than as standalone human rights. The Human Rights to Water and Sanitation (HRSW) obliges National States to ensure that people have access to clean, acceptable, accessible, and affordable water and sanitation services. Countries should work quickly and efficiently to progressively achieve these and other responsibilities.

The vast majority of the UK population is connected to public water and sewerage services (98% and 97% respectively) which achieve very high levels of compliance with WHO standards in terms of drinking water quality and sewage disposal. The Water Industry Act prevents water companies from being able to cut off customers’ supplies, water and sewage connections. In England water companies have a statutory duty to develop and maintain efficient and economical systems of water service provision which will provide security of supply for customers. Statutory water resources management plans show how companies will meet this duty and manage water supply and demand for at least the next 25 years. These plans are reviewed every five years by the Environment Agency. Ofwat is also a statutory consultee for the Water Resource Management Plans process, and sets price controls to determine the extent to which, and the conditions under which, water companies can recover the costs of investment through their charges to customers.

1. **If your State is one of the 156 United Nations Member States that recognises the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, reducing or eliminating water pollution, water scarcity and floods?**

It is vitally important that States comply with their human rights obligations when taking action to protect the environment, and to respond to climate change. Climate change represents a serious threat to the enjoyment of human rights.

Regarding the possible recognition of a human right to a safe, clean, healthy and sustainable environment, the UK recalls the declaration made on signature (and subsequent ratification) of the Aarhus Convention[[1]](#footnote-1):

“The United Kingdom understands the references in article 1 and the seventh preambular paragraph of this Convention to the 'right' of every person 'to live in an environment adequate to his or her health and well-being' to express an aspiration which motivated the negotiation of this Convention and which is shared fully by the United Kingdom. The legal rights which each Party undertakes to guarantee under article 1 are limited to the rights of access to information, public participation in decision-making and access to justice in environmental matters in accordance with the provisions of this Convention."

1. **Please provide specific examples of good practices in preventing, reducing, or eliminating water pollution, water scarcity and floods.**

The 25 Year Environment and Abstraction Plan 2017 set out the Government’s commitment and actions to protect our water environment, including our objective for clean and plentiful water. To achieve this, in England we have adopted the Catchment Based Approach (CaBA). CaBA is a framework for co-ordinating partnership action between the public, private, and third sectors, with a specific focus on water, so that all those who use and depend on water share in its stewardship. We are committed to a comprehensive approach to our water environment, to maximise benefits to people, wildlife and the economy. CaBA is delivering cost-effective improvements to the water environment, while also generating a range of other social and economic benefits. An abstraction plan is being implemented to ensure that a more sustainable level of water is taken from the environment. This adopts a more catchment-focused approach to facilitate improved trading and sharing of water resources, while reducing pressure on fragile habitats. Since 2014, 31 billion litres of water in total have been returned to the environment, and 456 billion litres have been recovered from unused or underused licences through the Abstraction Plan 2017.  These changes have also prevented a further 167 billion litres from being taken by capping licences to avoid damaging increases in abstraction.  27 billion litres of water is enough water to supply half a million people, with water for one year.

Examples of international good practice include nature-based solutions which have kept clean water flowing from the Catskill Mountains into New York since the 1930s without the huge costs of purification. The Upper Tana-Nairobi Water Fund estimates that a $10m investment in watershed conservation delivers a return of $21.5m - including savings from water treatment, increased power generation, and increased agricultural yields. This example demonstrates the value of collaboration (in this case, between governments, the private sector, and civil society) under a government-led plan to introduce a significant change in a UK context. Similar collaboration can also generate good results in a development context – one example is the Hygiene and Behaviour Change Coalition led by the Foreign, Commonwealth and Development Office (FCDO) and Unilever – promoting hand hygiene in 37 countries to help tackle Covid-19. Even within government, there is huge value in enhancing collaboration between Ministries. Ethiopia’s National WASH Programme supported by World Bank, FCDO, Finland, and UNICEF is one example, promoting collaboration between the countries’ WASH, Health and Education sectors.

1. **Please identify specific challenges that your government, business, or organisation has faced in attempting to employ a rights-based approach and the impacts of these problems on human rights.**

See below

1. **Please specify ways in which additional protection is provided for populations who may be particularly vulnerable to water pollution, water scarcity and floods. How can these populations be empowered to protect and improve water quality and availability?**

Climate change has the greatest impact on the most vulnerable sections of society - those who are most reliant on natural resources and have the least capacity to respond to natural disasters, and many of whom contributed the least to global emissions. Vulnerable people often lack a voice and a forum to channel their needs. Civil society plays a key role in helping vulnerable communities establish mechanisms to communicate their situation – water user groups being one example. In such cases, water suppliers often need to develop mechanisms to engage with user groups effectively. Communication is vital to build trust, and to understand user perceptions of the service they receive in terms of quality and affordability. The growing availability of mobile phone coverage, social media, and smart technology is already altering the provider-customer relationship, and much more can be done to improve service coverage, reliability, and quality.

As the incoming Presidency for COP26, we are committed to enabling progress across all the mandates we have been given, and securing an outcome that respects and reflects the interests of all Parties - including the poorest and most climate vulnerable. The science is clear that we must urgently scale up action to respond to the threat of climate change. We are encouraging ambitious global action on key issues such as mitigation, climate finance, adaptation and resilience, clean growth, and nature-based solutions. Building on our achievements at the United Nations Climate Action Summit in 2019, we want to stimulate greater action on adaptation and resilience and ensure that all countries have the tools and support they need to cope with the impacts of climate change. We are also calling on countries to meet their climate finance commitments, and to mobilise $100bn a year in climate finance for developing countries.

1. **How do you ensure that the rights of environmentalists working on water issues (environmental human rights defenders) are protected?**

The UK government is clear that human rights defenders working on issues related to the environment, climate change activists, and civil society must be allowed to exercise their freedoms of expression and assembly. The right to protest peacefully is a long-standing tradition in this country and a vital foundation of our democracy.

It is imperative that States ensure full coherence between efforts to adapt to, and mitigate, climate change, and their human rights obligations. States must not resort to measures that directly or indirectly violate human rights. State policies and actions should not discriminate and should be carried out transparently, accountably, and with public participation. The UK acknowledges that we must think innovatively about how we engage meaningfully with non-state actors, and the role that they can play in supporting our commitment to protecting the environment and to host an inclusive ambitious COP, ensuring that we are hearing the voices of indigenous, and marginalised groups, experts and activists from the global south, and wider civil society. We will champion inclusivity throughout our COP Presidency, and use our position as Presidency to empower and amplify the voices of those whose views are often most marginalised, addressing their needs and priorities in the run-up to, and at the COP itself.

1. **What are ways in which high-income states could assist low-income States in responding to and preventing water pollution, water scarcity and floods?**

Official Development Assistance (ODA) can be used in a variety of ways to support efforts to tackle water pollution, water scarcity, and floods. It can provide direct investment in the necessary infrastructure to build capacity in countries to establish the right regulatory, policy, and planning environment for long-term investment, managing watersheds and trade-offs between water users, and monitoring and regulating water quality. ODA can also be used to help strengthen the voice of civil society and engage with the most vulnerable groups in society.

The UK is deploying £27m to support the development of a pilot and communicate approaches for climate-resilient water and sanitation services in Ethiopia, and an additional £2.5m will be spent over four years to support WHO to establish guidance and promote the use of water safety plans in developing countries. We are also providing £3m over four years to the Sanitation and Water for All (SWA) partnership to advocate for climate resilient WASH services and the development of National Action Plans.

1. **For businesses, what policies or practices are in place to ensure that activities, products and services across the entire supply chain minimize water use and water pollution and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?**

The Government has consistently supported the United Nations Guiding Principles on Business and Human Rights (UNGPs) which is the authoritative, voluntary international framework which steers businesses and governments around the world. The UK was the first state to produce a National Action Plan to respond to the UNGPs.  The plan sets out expectations of UK businesses’ (including those in various water industries) conduct, including compliance with relevant laws, and respect for internationally recognised human rights; treating as a legal compliance issue the risk of causing human rights abuses; adopting appropriate due diligence policies to identify, prevent, and mitigate human rights risks; and consulting people potentially affected in project design and implementation.  These expectations are underpinned by action from the Government, including information, advice and guidance, toolkits, and legislative changes, all geared toward helping businesses to fulfil their responsibility to respect human rights.

1. <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf> [↑](#footnote-ref-1)