# Call for input: Asia-Pacific Regional consultation on the impact of mega-project on the human rights to water and sanitation

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

The Special Rapporteur’s next thematic report will focus on the impact of mega-projects on the realization of the human rights to water and sanitation. As part of the preparation, the Special Rapporteur convened a roundtable in Geneva on 11 September 2018 ([concept note](https://www.ohchr.org/Documents/Issues/Water/CN_MegaProjects.pdf)). Further to the roundtable, the Special Rapporteur plans to convene a series of regional consultations in Asia-Pacific Region (12 to 13 November 2018, Malaysia), Latin America and the Caribbean Region (January 2019, Mexico) and African Region (February 2019, South Africa).

# Call for Submissions

In order to collect information particularly focused on the Asia-Pacific region, the Special Rapporteur is seeking input from stakeholders on the topic.

# Inputs to questions

Please provide information on any of the three questions below:

1. What is the role of mega-projects and their contribution to the livelihood of people in the regional context in Asia and the Pacific as well as in national settings? What trends and evaluations are observed? How does the current landscape affect the enjoyment of human rights in general and particularly, the human rights to water and sanitation?
2. What are the challenges currently faced in the Asia-Pacific region related to mega-projects that may hinder the enjoyment of the rights to water and sanitation by the affected population? What challenges exist for the relevant actors (e.g., government, international organizations, business entities, non-governmental organizations) to implement their human rights obligations and responsibilities? How have these challenges been addressed and overcome, if any?
3. What are the strengths and weaknesses of the existing human rights framework and accountability mechanisms – at the regional and national level – that safeguards the human rights to water and sanitation from the impacts of activities related to megaprojects?

# Information on relevant work/publication

Alternatively, the Special Rapporteur welcomes information (in the form of links and attachments) on any relevant work or publication that can contribute to the research.

# Submission of responses

Please send your responses by email to srwatsan@ohchr.org

We kindly request that your submission be concise and limited to a **maximum of 1 page.**

The deadline for submission is **26 September 2018**.

# Background information about the report

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 report will be presented to the 42nd session of the Human Rights Council in September 2019. The response to the questions will contribute to the Special Rapporteur’s analysis and feed into his observations.

## Objective of the report

* To examine the role of mega-projects and their contribution to the livelihood of people as well as the evolution trends, strengths and areas of improvement to understand the underlying causes and governance issues related to their impact on the realization of the human rights to water and sanitation.
* To provide analysis of the potential impacts on the human rights to water and sanitation as a result of mega-projects.
* To identify challenges or good practices as well as enabling frameworks to respect, promotion or promote and guarantee the realization of the human rights to water and sanitation related to the operation of mega-projects and to compile knowledge and tools to make operation of mega-projects more in line with the human rights obligations and standards.
* 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 mega-projects on the human rights to water and sanitation.

## Examples of mega-projects addressed by the Special Rapporteur

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.

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.

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, zones 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](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/229/49/PDF/G1722949.pdf?OpenElement) paras. 58 to 62 and 68).

* **Dams**

In Manipur, communities downstream of the Thoubal multipurpose dam project could no longer rely on the river as their source of drinking water, due to the deteriorated water quality and its irregular flow caused by the dam. Therefore, they had to pay for access to the water source of a nearby village. The Special Rapporteur expressed his concerned that the lack of prioritization in allocating water for domestic and personal uses may negatively affect the access to drinking water of those living in vulnerable situations. ([A/HRC/39/55/Add.](https://undocs.org/A/HRC/39/55/ADD.1)1 para 69).

* **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](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/170/66/PDF/G1617066.pdf?OpenElement) paras. 72, 73 and 96).

* **Aqueducts, gas and oil pipelines**

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)](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=3344)