**Questionnaire**

**The Special Rapporteur´s thematic report on the impact of mega-projects[[1]](#footnote-1) on the human rights to water and sanitation[[2]](#footnote-2)**

The Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Léo Heller, will submit his thematic report on the impact of mega-projects on the human rights to water and sanitation to the seventy-fourth session of the United Nations General Assembly in 2019.

As part of his research, the Special Rapporteur welcomes responses to any of the following questions. **Response can be limited to selected questions as relevant.**

The questionnaire is organized according to seven stages of the human rights to water and sanitation in the mega-project cycle (See Annex), through which impacts of mega-projects on the human rights to water and sanitation can potentially take place.

Kindly submit response to srwatsan@ohchr.org **by 15 March 2019.**

**General questions**

1. How do mega-projects contribute towards the progressive realization of the human rights to water and sanitation?
2. What are the main positive and negative impacts, assessed by your Government, that mega-projects have on the normative content of the human rights to water and sanitation (quality and safety, accessibility, availability, acceptability, affordability, dignity and privacy) and the human rights principles (access to information, participation, equality and non-discrimination)?

**Stage 1: Macro-planning**

1. During the macro-planning (the stage when mega-projects are identified as part of the national development agenda of a country), how and in which forms has your Government introduced human rights-based approaches in national policies integrating mega-projects, in order to protect, promote and fulfil the human rights to water and sanitation?
2. What type of participatory processes have been implemented by your Government to inform the public and the affected population and to facilitate the discussion on the option to include or not include mega-projects in national development policies?
3. What challenges exist to ensure transparency and participation as well as access to information in the macro-planning stage? How have they been addressed and guaranteed, if any?

**Stage 2: Planning and designing**

1. What measures have been adopted by your Government to ensure that the framework on the human rights to water and sanitation is implemented in the planning and designing phase, both within and outside of the territory of the State? Please provide information on the challenges or good practices faced during the planning and designing stage to respect, promote and fulfil the human rights to water and sanitation.
2. What legal and policy framework is in place to clarify the roles and human rights obligation and responsibilities of actors involved in the planning and designing stage? What legal and policy framework is in place to regulate actors - both within and outside of the territory - to perform in accordance with human rights obligations and responsibilities and to conduct human rights assessments of impacts of such projects?
3. Please provide examples of ex-ante impact assessments where the human rights framework, particularly the rights to water and sanitation, has been successfully or unsuccessfully integrated in the planning and designing phase.
4. What consultation and participation processes are in place during the planning and design phase? Please provide information on measures adopted by your Government to ensure the active, free and meaningful participation of affected populations in such processes.

**Stage 3: Licensing and approval**

1. What licensing or approval procedures are in place for construction and operation? What actors are involved in granting licensing or approval for mega-projects and how does the existing procedures related construction and operation of mega-projects incorporate a human rights perspective?
2. What guarantees, safeguards or monitoring measures are in place to ensure that the framework of the human rights to water and sanitation is reflected in the licensing agreement?

**Stages 4 - 6: Construction, Short-term operation, and Long-term operation**

1. What are the specific impact of mega-projects on the human rights to water and sanitation when mega-projects are in construction, in short- and long-term operation? What measures are in place to prevent, mitigate and monitor those impacts?
2. Please specify challenges faced or good practices adopted by actors - both within and outside of the territory of a State - involved in mega-projects to ensure the human rights to water and sanitation of affected populations in the construction, short- and long-term operation phases.
3. What legal and policy framework is in place to clarify the roles and human rights obligations and responsibilities of actors who are involved in the construction, short- and long-term operation phases? What legal and policy framework exists to regulate, oversight and monitor their performance from a human rights perspective?
4. What procedures and aids to access remedy are available when negative impacts of mega-projects amounts to violation or abuse of the human rights to water and sanitation?
5. What are the main human rights challenges faced by home-States and host-States in relation to mega-projects constructed or operated within and outside of its territory?

**Stage 7: Ex-post assessments**

1. How are ex-post impact assessments of mega-projects carried out in practice? Are they required by law or regulations?
2. What human rights elements have been incorporated in ex-post impact assessments conducted shortly after the construction, at the commencement of operation or during long-term operation? What measures could be adopted to improve the successful integration of human rights approaches in such impact assessments?
3. How does the ex-post impact assessment contribute to the learning process and the feedback mechanism to provide guidelines for other similar projects?

**Annex: Human rights to water and sanitation in the mega-project cycle**

**4. Construction**

* Initiation of actions by actors involved.
* Monitoring of physical or legal impact on lands and natural resources.
* Impacts due to pollution or depletion or blockades by affected populations.

**3. Licensing and approval**

* Validation of megaproject by public authorities.
* Environmental and social impact assessments.
* Authorisation for actors involved to undertake next stages.
* Control of megaprojects that do not fulfil human rights standards.

**1. Macro Planning**

* Integration of mega-projects in national development agenda.
* Decision of the legal and policy framework applicable to mega-projects.
* Consideration of alternative development models.
* Contingency and redress plans.

**2. Planning and designing**

* Practical and technical aspects defined.
* Designation of concrete roles and responsibilities of actors involved.
* Ex-ante assessment and participatory processes.

**5. Short-term Operation**

* Operation of the project after construction.
* Monitoring of impacts due to construction errors.
* Assessment of possible gaps between outputs expected and real outputs.

**6. Long-term Operation**

* Operation of the project after an extended period
* Deterioration of infrastructure (increased risk of disaster).
* Monitoring of long-term negative impacts may appear.

**7. Human rights assessment and monitoring**

feeding back different stages of subsequent mega-projects

1. For the purpose of this questionnaire, the term “mega-projects” refers to projects that causes significant impacts on the human rights to water and sanitation and on other related rights and that meet at least one of the following criteria: (1) wide land use and/or large modification of water resources; (2) long-implementation period. [↑](#footnote-ref-1)
2. The scope focuses on the access to drinking water services for human consumption and access to sanitation services including toilets and shower facilities as well as personal hygiene. [↑](#footnote-ref-2)