# Questionnaire for civil society organizations

# 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-third 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. 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**.**

**Given that the work of civil society organizations may focus on specific aspects or stages of mega-projects, response can be limited to selected questions as relevant.**

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

**General questions**

1. Please provide information on the role and responsibility of your organisation in monitoring mega-projects, preventing, redressing or advocating against their negative impacts or promoting their positive impacts particularly on the human rights to water and sanitation.
2. What are the main positive and negative impacts, assessed by your organization, 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 human rights principles (access to information, participation, equality and non-discrimination)?
3. In your experience, what challenges do human rights defenders, community leaders or affected populations face when protesting against the negative impacts of mega-projects on the human rights to water and sanitation?
4. Please provide cases where advocacy strategies or efforts of the affected populations against the negative impacts of mega-projects led to an improvement or guarantee of the protection, respect or fulfilment of the human rights to water and sanitation.

## Stage 1: Macro-planning

1. During the macro-planning phase (the stage when mega-projects are identified as part of the national development agenda of a country), what are the legal, policy and institutional gaps that may result in negative impacts on the human rights to water and sanitation? What are effective safeguards to minimize and prevent those impacts?
2. How and in which forms should the human rights-based approach be introduced in national policies integrating mega-projects, to protect, promote and fulfil the human rights to water and sanitation?
3. What type of participatory processes have been or should be implemented 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?
4. What challenges exist to ensure transparency and participation as well as to access to information in the macro-planning stage? How have they been addressed and guaranteed, if any?

## Stage 2: Planning and designing

1. What are the challenges faced during the planning and designing stageto respect, promote and fulfil the human rights to water and sanitation? How have they been addressed and overcome?
2. What legal and policy framework is in place to clarify the roles and human rights obligations and responsibilities of actors involved in the planning and designing stage? What legal and policy framework is in place to regulate actors to perform in accordance with human rights obligations and responsibilities and to conduct human rights assessments of impacts of such projects?
3. How has the framework on the human rights to water and sanitation been successfully integrated into the planning and designing phase and particularly in environmental and social impact assessments? How could impact assessments be improved to take into account the impacts on and protection of the human rights to water and sanitation?
4. 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 into the planning and designing phase.
5. What outcomes do ex-ante impact assessments revealed in terms of the potential impact on the realization of the human rights to water and sanitation? In case negative potential impacts were identified, what corresponding preventive and mitigation measures have been included in the project?
6. What challenges exist to combat corruption and to ensure the active, free and meaningful participation of affected populations in consultation and participatory processes during the planning and designing stage?

## Stage 3: Licensing and approval

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

## Stage 4: Construction

1. What are the specific impact of mega-projects on the human rights to water and sanitation when mega-projects are in construction? What measures are in place to prevent, mitigate and monitor those impact?
2. Please specify challenges faced or good practices adopted by actors involved in mega-projects to ensure the human rights to water and sanitation of affected populations when mega-projects are in construction.
3. What legal and policy framework is in place to clarify the roles and human rights obligation and responsibilities of actors involved in the construction phase? What legal and policy framework is in place 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 in construction stage amounts to violation or abuse of the human rights to water and sanitation?

## Stage 5: Short-term operation

1. What are the specific impact of mega-projects on the human rights to water and sanitation when its construction is completed and operation has commenced? What measures are in place to prevent, mitigate and monitor those impact?
2. Please specify challenges faced or good practices adopted by actors involved in mega-projects to ensure the human rights to water and sanitation of affected populations when mega-projects have been operational for short-term.
3. What legal and policy framework is in place to clarify the roles and human rights obligation and responsibilities of actors involved in the operation phase? What legal and policy framework is in place 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 in short-term operation stage amounts to violation or abuse of the human rights to water and sanitation?

## Stage 6: Long-term operation

1. What are the specific impact of mega-projects on the human rights to water and sanitation when mega-projects have been in operation for an extended period? What measures are in place to prevent, mitigate and monitor those impacts?
2. Please specify challenges faced or good practices adopted by actors involved in mega-projects to ensure the human rights to safe drinking water and sanitation of affected populations after the mega-project has been in operation for an extended period.
3. What legal and policy framework is in place to clarify the roles and human rights obligation and responsibilities of actors involved in the long-term operation phase? What legal and policy framework is in place 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 in long-term operation stage amounts to violation or abuse of the human rights to water and sanitation?

## Stage 7: Ex-post assessment

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. What role does ex-post impact assessments have as a learning process and a feedback mechanism to provide guidelines for other similar projects?

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

**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.

**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.

**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.

**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)