**Questionnaire to non-states actors**

**Report to the 48th session of the Human Rights Council (2021) on planning and vision**

**Report to the 76th session of the UN General Assembly (2021) on water commodification**

## I. COVID19 and human rights to water and sanitation

1. In the context of COVID19 pandemic and recovery and relief measures, and within the countries that your organization works in; what measures and steps have been taken by the government (by both central and local governments), as well as public and private service providers to ensure that all populations have access to adequate and sufficient water, sanitation, and hygiene services and facilities?

1.1. In the event that water and sanitation services are managed by private operators and they are unable to meet the requirements of COVID 19, what specific measures have been taken to regulate and ensure that the population has adequate access to water, sanitation and hygiene services and facilities?

1.2. In the event water and sanitation services provided by municipal (regional) governments or under community management, and difficulties arise in complying with COVID 19 requirements, what specific measures have been taken at the level of the central government to ensure that the population has adequate access to water, sanitation and hygiene services and facilities?

1. Within the countries that your organization works in, what temporary legislative or policy measures have been implemented in the context of COVID19 (including state of emergency, emergency laws, moratorium) to prohibit water disconnections for those who are not capable of paying the water and sanitation service tariffs?

2.1. What steps are being taken both by public and private service providers to ensure the affordability of water service for those who cannot pay the bills for reasons beyond their control, including unemployment and poverty, which have been exacerbated by the COVID19 pandemic?

2.2. In the context of the pandemic, was the safety and freedom of defenders of human rights to water and sanitation respected during protests and advocacy on water disconnections, access and quality?

3. What are the vulnerabilities that have been exacerbated by COVID19 that negatively impact people's access to water, sanitation and hygiene (WASH)? What measures and steps have been taken to identify and target individuals and groups that have been exposed to those vulnerabilities? Can you provide some case studies, statistics or specific examples? In particular:

3.1. What are the specific challenges faced by the population living in rural areas and those areas that rely on community-based water and sanitation services? How have these challenges been addressed?

3.2. What are the specific challenges faced by population living in areas that are suffering in hydric stress, and/or semi-arid regions?

3.3. What are the specific challenges faced by population living in refugee camps, in host-communities that absorb refugees, displaced persons and other forcibly displaced persons, slums and informal settlements in urban and peri-urban areas? What about seasonal workers?

3.4. In addition to the above groups which have been identified as gaps in the Special Rapporteur’s research thus far, which other groups and population should be prioritized due to the increased vulnerability that COVID19 has created?

**Public policies**

4. In the countries that your organization works, what steps have been taken to address vulnerabilities that COVID19 has created for people and groups in public policies - the so-called “Building Back/Forward Better” policies - and other policies to build resilience and sustainability?

4.1. What are the lessons learned from responding to COVID19 to build social protection, resilience to prevent future possible public health crises?

4.2. What measures and steps have been taken to strengthen access to water, sanitation and hygiene as part of strengthening the public health policy? What impact (if any) did recovery measures for COVID-19 have on other areas related to the implementation of the human rights to water and sanitation such as projects related to menstrual hygiene?

4.3. In your opinion, what are the areas that have remained unaddressed or that require more attention both as short-term relief measures and  in “Building Back/Forward Better”?

4.4. In your opinion, have national/regional/local governments responded adequately through COVID-19 recovery policies to relieve the stress caused by the pandemic?

## II. Climate change and human rights to water and sanitation

**Impact on specific groups**

1.In your experience, how does the impact of climate change hinder the fulfillment of the human rights to water and sanitation, especially in groups in vulnerable situations? Can you identify specific groups that have increased vulnerability due to the impacts of climate change (drought, floods, desertification) on water supply and sanitation? (i.e., women, residents of informal settlements, climate refugees, indigenous peoples, etc). Can you provide some case studies, statistics or specific examples?

2. What steps and measures are being considered to carry out projects and policy that take into account the intersectionality among groups in vulnerable situations? Can you provide some case studies, statistics or specific examples?

3. What initiatives, projects at regional/local level are in place which takes into account the voice and knowledge of groups in vulnerable situations in designing solutions to address the impacts of climate change (droughts, floods, desertification) on the human rights to water and sanitation? What participation mechanisms are being activated? Can you provide some case studies, statistics or specific examples?

**Impact of droughts on availability and quality**

4. During drought cycles, when climate change effects tend to intensify in frequency and duration, water reserves should be monitored and foreseen and both domestic and drinking uses must be prioritized in order to ensure the human rights to water and sanitation, with special attention to those groups in vulnerable situations. The negative impact on water quality, due to the concentration of contaminants when dilution flows are reduced, must also be anticipated. In this context, in order for climate adaptation strategies to ensure that the population has access to safe drinking water and sanitation:

4.1. From your experience, do you consider that - at national/regional and local level - there is a drought prevention strategy with a hydrographic planning that guarantees the supply of quality water, especially to groups in vulnerable situations? What weaknesses do you consider exist in the drought prevention strategies? Can you provide some case studies, statistics or specific examples?

4.2. From your experience, do you consider that the measures foreseen in the drought emergency plans are sufficient and adequate to guarantee the priority of water supply in households and for personal and domestic usages, especially in the case of groups in vulnerable situations? If not, can you describe the current challenges for these measures to be effective?

4.3. Have you identified areas, neighbourhoods or populations in vulnerable situations that are exposed to water shortages during drought periods? If so, in your experience, do you consider that the central, regional and local governments are implementing public policies that guarantee the availability of quality water in these cases? Can you provide some specific examples?

**Impact of floods on availability and quality**

5. Floods caused by heavy rains and river floods, apart from causing risk to the lives of those affected, flooding of homes, destruction of crops and various economic damages; have significant impacts on water and sanitation services. Often, domestic water supply is contaminated or supply facilities are affected, which implies drinking water supply cuts. Sanitation stations tend to collapse when they receive storm drains along with domestic and industrial returns, which produces direct polluting discharges. Especially worrying is the situation of those sanitation stations located next to rivers, which tend to be flooded indefinitely. Sometimes the rise in the level of the rivers and the massive pluvial drainage generate black urban floods through the sanitation sewers, even reaching inside the houses. In this context, in order for climate adaptation strategies to ensure that the population has access to safe drinking water and sanitation:

5.1.In your experience, what are points of improvement that are necessary to be included in territorial and urban reorganization plans in the face of flood risks in order to minimize the vulnerability of populations and to guarantee the human rights to water and sanitation?

5.2. What measures should be taken to prevent blockage of sewerage stations, flooding from river overflows or black flooding from the sewerage network?

5.3 In your experience, do you consider that the emergency plans for floods are adequate and effective in ensuring water supply, sanitation and hygiene services for populations in vulnerable situations, both in their homes and in the possible circumstances of evacuation, if necessary? If not, what improvements are necessary?

**Impact of Desertification on availability and quality**

6. The increase, both in temperatures and rainfall variability, caused by climate change increase desertification in arid, semi-arid and dry sub-humid areas. Desertification increases surface runoff and therefore increases the risk of floods, which impact water supplies and sanitation. It also causes less water infiltration in the aquifers, affecting the availability of water. Finally, the risk of fires is increasing, increasing the risk of erosion and desertification of burned areas.

 6.1 To the extent of your knowledge, what steps and measures are being taken to guarantee that water and sanitation are supplied continuously in the case of desertification, especially for groups in vulnerable situations?

 6.2 Are there information and citizen participation policies that integrate human rights in the fight against desertification?

## III. Financialisation/commodification questionnaire

## Specifics of the WASH sector and financialisation:

1. Water and sanitation services are a “natural monopoly” and require large and long-term investments. This is in contrast to key characteristics of financial markets – competition and short-term management. This makes the WASH sector, in principle, slightly different to other basic services.

1.1. Drawing from your experience, how do large private operators deal with long-term investment needs in the water, sanitation and hygiene (WASH) sector? Do you know of significant short-term financial operations in the WASH sector to date? Do you think that short-term speculative operations can be combined with long-term strategies in the WASH sector? Please share any research, testimonies or experiences of this.

1.2. To the extent that it is a “natural monopoly” and that there cannot properly be competition in the market, what role should citizen participation and control have in the management of these services? Can you share any examples related to good practices in citizen control and participation, consistent with the requirements of human rights management in this regard?

**On the privatization of water and sanitation services.**

2. The former Special Rapporteur, Leo Heller, dedicated a thematic report on the impact of privatization on the human rights to safe drinking water and sanitation (A/75/208) in 2020. Building on this report, the current Special Rapporteur aims to follow-up on the recommendations made in that report and to expand the scope to examine the role of private actors, the various ways private actors can take part in water, sanitation and hygiene service provision and to clarify challenges and ways to address compliance with human rights to water and sanitation. In this context:

2.1. Have you come across policies and alliances based on Public-Public Partnerships (PUPs), between public institutions, that have sought to strengthen these public services? If so, please give concrete examples of successful PUPs, other forms of successful public management and financing and explain what did and did not work.

2.2. Crises can favour private investments to fill funding gaps in infrastructure and public services, if "austerity" strategies are applied, as was the case in the previous crisis (2007 - 2008). Given the economic crisis accelerated by the COVID-19 pandemic and the investment needs to prevent the impacts of climate change:

2.2.1. Have green funds or grants for climate change and environmental adaptation been applied or are planned for the water, sanitation and hygiene (WASH) sector? If so, has it further encouraged private actors into the WASH sector? In what ways? What has been the impact of these public or private funding contributions on communities and groups in vulnerable situations?

2.2.2 What has been the impact of COVID-19 shaped public or private financing of WASH services and infrastructure? And what has been the impact on communities in vulnerable situations?

**On market-based mechanisms as a response to water scarcity**

3. There are various market-based options for managing water scarcity and its distribution to competing users. Although there are different models, what is common to all is the need to separate water rights and land rights, so that water rights/concessions/allocations/entitlements can be traded and potentially managed as a commodity. There are models, such as Water Banks, that organize transactions under public control and with strong regulations. There are also water trading markets that facilitate trade between entitlement holders and those who want to use that water. These water markets can be opened to speculators, who are not going to use the water rights at stake. Speculators are financial actors that promote speculative games (with high expectations of short-term benefits) between those who have water rights and those who seek to buy them. Although most water trading markets are localized, within a river basin or in basins interconnected by water transfers, with the entry of new financial players, water rights can be integrated into global financial markets, through financial derivatives, where water will receive the same treatment as other tradable commodities.

In your observations:

3.1. How are they designed the water markets you know and what is their purpose? i.e. to manage water scarcity and impacts of climate change, to deal with over- allocations, or to ease trading between water rights/entitlement holders?  Is the water that is traded or banked understood as public or private property? And if private, what is actually privatised? For example, a set amount of water, a licence to extract a certain amount of water, or the concession.

3.2. Water trading markets impact communities in vulnerable situations in different ways, for example cultural water rights of indigenous peoples may not be taken into account, and small scale farmers can be priced out of the market due to increasing prices. What has been the impact of market-based mechanisms such as water trading and water banks on the ability for communities in vulnerable situations to both access and afford water and sanitation services?

3.3. In some water trading markets trading is limited to actors buying water for their own use (for example, agriculture, extractive industries, urban water services) and other markets are open to speculators. What are the largest actors in the water trading market that you are aware of? And if markets are open to financial investors what type of companies are they, for example hedge funds, individual investors, International banks … Are there differences between the impact of each type of actor and design of the water market on the price and availability of water?

3.4. The recently announced Nasdaq Veles California Water Index is the first example of water futures trading, what do you think will be the impact of this on the affordability and availability of water? And can you see this model expanding beyond California? If so, how?

3.5. Do you have any available research, evidence or anecdotal experiences of the impact of market-based mechanisms on communities in vulnerable situations?

**On the commodification of water through bottled water**

4. The extraction of water for beverages is an increasingly profitable industry. Water extraction companies can be given licences to extract groundwater or surface water or given access to municipal water supplies at low or marginal costs. Bottled beverages, including water, are sold at high profit margins and may be targeted at families in vulnerable situations who are wary of the quality of public water services or who have limited or poor quality access to such services. When groundwater or surface water is scarce, these businesses can increase the vulnerability of communities facing scarcity problems.

Drawing on your experiences:

4.1. What has been the impact of bottled water extractions on communities in vulnerable situations’ access to water and sanitation services? Please share any evidence you have of this including research reports, anecdotal experiences, or testimonies.

4.2. Are there mechanisms available for impacted communities to hold companies, the host-State and home-State to account for their impact on access, affordability and availability of water?

**On Financialisation**

5. Water and sanitation services and infrastructure can be "financialised" in different ways, this can mean a larger role for for-profit actors in the WASH sector: investors and private companies, financial actors including banks, international financial institutions, hedge funds, pension funds, and increasingly insurance services. Thus, the corporate space is expanding through the commoditization of water, the privatization of water and sanitation services or the inclusion of WASH infrastructures, services and even water, as a resource, in global financial markets.

5.1. The financialization of WASH has been driven by different motivations, for example, to promote investments and expand services or to address water scarcity under the perspective of climate change. In your observations, which actors are involved and what are their motivations in pushing for or against:

5.1.1. Water trading markets including futures trading?

5.1.2. The privatisation of services and/or infrastructures?

5.1.3. Water pollution trading? For example, the trading of pollution credits on shared water systems.

5.1.4. The commodification of water through for example bottled water?

5.1.7. How has this changed over time? and are there new trends and developments?

5.2. There is ongoing debate on the role and impact of financialisation and speculation in water as a resource, WASH services and infrastructures. From your point of view, what are the possible repercussions of the participation of financial agents in the water markets developing speculative strategies?

5.3. Private actors have been involved in the WASH sector for many years, through privatization processes and public-private partnership strategies. What will change in your view with the advance of financialization involving the entry of powerful financial actors and speculative strategies in the futures markets?