



DECLARATION ON RESILIENCE TO CLIMATE AND HEALTH EMERGENCIES

In this Declaration, “resilience” describes the ability to protect human rights to water and sanitation (HRWS), to health, and to a healthy environment under emergency conditions. We consider the law implicit in the HRWS as a benchmark to measure a State’s ability to manage pandemics, climate-related events, and other disasters, and to protect people’s access to safe and sustainable drinking water and sanitation.

At the start of the 2020 pandemic many countries rushed to introduce emergency decrees, legislative fixes, and other policies to protect people’s human rights to water and sanitation. Most countries had not anticipated a public health emergency of this kind, and their existing legal framework failed to take account of the stresses on water in emergency situations. While well-meaning, these rushed decisions may lead to unintended outcomes. For example, the removal of disconnections due to the inability to pay could create a huge over-consumption of water in response, and a shortage of water as a result. Maintaining protection of the human right to water, while balancing the need to support the vulnerable sections of society, therefore requires detailed planning to ensure that affordability and continuity of supply are both fully considered.

In addition, the increasing incidence of climate-related emergencies such as floods and droughts require a similar emergency planning approach, to safeguard the human rights to water and sanitation.

This Declaration is informed by the analysis of the law of 22 countries in the period from June 2020 to February 2021, examining how they integrated specific criteria of the human rights to water and sanitation to limit the spread of disease and protect people from violation of their rights. The results of this study provide a set of results (see link for methodology and results) that illuminate trends and shortfalls in the integration of emergency planning, regulatory, policy and legal tools – markers that can be useful in all kinds of emergencies related to climate risk, pandemics, and other disasters.

This Declaration lays out a set of principles that can inform policymaking going forward, so that decision-makers are better prepared to protect the human rights to water and sanitation in the next emergency.

DECLARATION ON RESILIENCE TO CLIMATE AND HEALTH EMERGENCIES

1. Governments need to ensure that people do not lose continuity of supply due to the inability to pay under emergency conditions. At the same time, water utilities/managers need to be mindful of unintended consequences, such as how changes to existing policies could affect overall water usage and availability.

2. Social, environmental, and cultural acceptability, especially for access to sanitation facilities for women and girls, should be integrated into service design and provision under normal circumstances, to ensure that it continues during emergencies.

3. Maintaining access during a crisis may be limited due to transport difficulties, and consideration needs to be given to planning for emergency situations, especially for prioritised groups.

4. A minimum volume of water per person should be always assured, with special provision and planning for emergencies to maintain services. Sanitation and waste disposal need to be carefully treated before disposal to avoid spread of disease, and deterioration of water supplies.



5. Testing on an almost continuous basis for the supply of water for drinking, and disposal of wastewater, is needed to avoid unnecessary contamination of water supplies and local water bodies. This will reduce spread of disease and health problems and protect clean water sources. People need to be alerted immediately if there is a contamination incident.

6. Provision of services without discrimination is critical to ensure that vulnerable people can maintain dignity, with standards for methods of inclusion, and a system for checking that it happens.

7. Inclusion of representatives from all marginalised groups, especially women, is required in the planning and design stages of service provision to ensure proper consideration is given to their needs.

8. Provision for special communication channels during an emergency is essential to ensure adequate notice of any changes in supply, quality, and price of water and sanitation services.

9. Planning for continuous services during emergencies should include budgets for ensuring continued maintenance services, disposal of contaminated waste, and prioritisation of supply to essential services for vulnerable people.

10. A complaint system should be in place to deal quickly with concerns during a crisis. It should be easy to access, and adaptable for people with different needs.

We would like to thank White & Case for their generous contribution to the research programme

**WHITE
& CASE**