

**February 2017**

# **Refugees and Access to Water: Challenges and Responses**

This summary report has been prepared by the Geneva Water Hub as an input paper for the Global High-Level Panel on Water and Peace.

The report provides a summary of a one-day senior experts' roundtable and a conference co-convened by the Geneva Water Hub, on 3 February 2017 in Geneva. The analysis, results and recommendations in this paper represent the opinion of the participants and are not necessarily representative of the position of any of the organizations.

**Acknowledgment:** thanks for the presenters (Murray Burt – UNHCR, Antonio Torres Ortiz – IOM, Hakam Al Alami – Advisor to Prince El Hassan bin Talal, Susan Kilani – Jordan Ministry of Water and Irrigation, Dina Ionesco - IOM) for their inputs during the round table. Other experts from ICRC, IFRC, UNHCHR, UNICEF, UNEP and Action against Hunger have also significantly contributed to the Roundtable. Thanks to adelphi for editing work, thanks to all the participants for their valuable inputs.

The Geneva Water Hub is developing a hydropolitics agenda to better address water-related conflicts and promote water as an instrument of peace ([www.genevawaterhub.org](http://www.genevawaterhub.org)) with support of the Swiss Agency for Development and Cooperation (SDC) and the University of Geneva. The analysis and recommendations in this note represent only the opinion of the participants.

This document is a summary paper for the Global High-Level Panel for Water and Peace - it is not intended for wider circulation.

For more information, please reach out to the Geneva Water Hub – Global High-Level Panel on Water & Peace – Secretariat at [contact@genevawaterhub.org](mailto:contact@genevawaterhub.org).

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## 1. Introduction

The 2015 World Water Development Report estimated that over 1.54 million Syrian refugees have so far fled to Jordan and Lebanon. Moreover, in 2015, there were more than 2.4 million people displaced by conflict and violence in Africa. East Africa accounted for more than half of the total, resulting from conflict and insecurity in Somalia, South Sudan and Sudan. Access to water, sanitation and hygiene (WASH) is one of the highest priorities following a refugee crisis.

The issue of access to water and sanitation services is at the heart of the United Nations High Commissioner for Refugees (UNHCR) 1992 Water Manual for Refugee Situations and the 2008 Guidance for UNHCR Field Operations on Water and Sanitation Services. In addition, the emergency programmes of the International Organization for Migration (IOM) include the immediate provision of water, sanitation and hygiene services to displaced populations.

Access to sufficient, safe and physically accessible sources of water is a basic human right and a priority for refugees<sup>1</sup>, internally displaced persons (IDPs)<sup>2</sup> and displaced populations<sup>3</sup>. The timely and adequate provision of clean water to refugees is of special importance in order to ensure the effective protection of this human right. Of equal importance is the provision of sanitation services which include the management of wastewater and the prevention of waterborne diseases. The promotion of hygiene practices is also necessary to prevent these diseases.

Due to many links with other sectors, access to water and sanitation cannot be addressed in isolation from environmental issues. Contamination of surface and ground water can occur when sanitary measures are inadequate or in the case of poor land use practices. Environmental impacts may affect refugees, IDPs, displaced people and host communities. In some cases, the competition over scarce water resources may result in tensions between displaced populations and local communities. Addressing the topics of water, sanitation and the environment in the principles and rules dealing with the protection of refugees and IDPs could reduce the risk of tensions due to the pressure over water and sanitation on the local environment.

The Geneva Water Hub Think-Tank, therefore, convened a roundtable on «Refugees and Access to Water: Challenges and Responses» with the aim to 1) assess the challenges and possible responses associated with access to water and sanitation for refugees, IDPs and displaced populations; and 2) To identify ways to reduce the risk of tensions due to the pressure over water and sanitation on the local environment by:

- a) discussing what tools may be used or should be developed to facilitate access to water and sanitation;
- b) examining good practices and lessons learnt in the assistance to refugees, IDPs and displaced populations.

The following summary report follows the same structure as the event itself and begins with addressing the question how access to water and sanitation for refugees, IDPs and displaced populations can be ensured (Chapter 1). The chapter starts with a brief outline of the global situation of refugees and IDPs and then zooms into two cases (Uganda and South Sudan). The following sections summarize the main lines of discussions and key issues addressed by the roundtable participants. The second part of the report focuses on the risks of disputes that can arise in host countries and how such tensions can be avoided (Chapter 2). This chapter particularly focuses on Syrian refugees hosted in neighbouring Jordan. The last part of the report summarizes main recommendations for consideration by the Global High-Level Panel for Water and Peace (Chapter 3).

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<sup>1</sup> Refugees are defined as people that fled the country of their nationality "owing to a well-founded fear of being persecuted." Convention Relating to the Status of Refugees, 1951, Article 1 (a) (2).

<sup>2</sup> IDPs are defined as " persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border." UN Guiding Principles on Internally Displaced Persons, E/CN.4/1998/53/Add.2, 1998, "Introduction – Scope and Purpose", para. 2.

<sup>3</sup> According to the International Federation of Red Cross and Red Crescent Societies (IFRC) "displaced populations leave their homes in groups, usually due to a sudden impact, such as an earthquake or a flood, threat or conflict." Moreover "the displaced populations might seek assistance and protection within their own country, or might find refuge across international borders." See IFRC Migration Policy, 17th General Assembly, November 2009.

## 2. How can access to water and sanitation for refugees, IDPs and displaced populations be ensured?

The first session of the roundtable event was introduced by a presentation that outlined the major global challenges of refugees and forced displacement. Currently, around 65 million people are displaced by war and persecution. Only, in 2015 an estimated 12.4 million people have been newly displaced due to multiple conflicts around the world, such as the wars in Syria and South Sudan. Uganda, which hosts a large part of the South Sudanese refugees, is expected to be the country receiving most refugees this year. While a quarter of displaced people live in refugee camps, the overwhelming majority is hosted in towns and villages. UNHCR estimates that the average length of time that refugees that are in a long-term refugee situation amounts to 26 years.

Ensuring that refugees have access to water and sanitation services inside and outside of camps, including in urban settings, is at the core of UNHCR's work. The WASH services provided for refugees do not only include emergency situations but also ensure the long-term access to water and sanitation services for refugees living in protracted situations. The challenges encountered by the work of UNHCR are manifold and include, among others, the military targeting of water points, impacts of climate change that contribute to resource conflicts, conflicts and tensions that occur in receiving countries due to competition for scarce water resources, environmental degradation and water tariff inequalities (refugees receiving water free of charge while local population has to pay for it).

A number of entry-points for possible solutions were outlined. These include the harmonization of service levels in refugee camps with national standards to avoid conflicts; working on technologies and processes to minimize long-term operational costs; granting refugees the right to work to enable them to pay for water and water services; and improving monitoring of refugees' access to WASH services in urban settings as there is a general lack of knowledge about the situation of these refugees.

The second presentation provided an overview of the context, challenges and achievements of the WASH emergency response in South Sudan. The population of South Sudan has experienced several wars in its recent history. Since 2013, the country, which only gained its independence from Sudan two years earlier, fell back into a civil war triggered by power struggles within the South Sudanese Government. Around 2 million people have since been displaced and are in need of, among other things, WASH services.

A number of challenges complicate the work of humanitarian agencies in the country: the refugee and IDPs camp settings are often situated in areas that are hard and insecure to reach (in particular during the rainy season); existing road and other infrastructure is poorly developed and often requires air lifts to deliver WASH materials; refugee and IDP camps are too small in size to provide adequate water and sanitation facilities; repair equipment for water and sanitation facilities (e.g. for hand-pumps) are mostly only available in the capital or abroad; and a lack of coordination and transparent accountability among relief organizations. In particular, there is a lack of mechanisms to evaluate performance and allocation of responsibilities. Additionally, poor coordination and information management characterize the situation in South Sudan.

While most of the displaced live within host communities, some of them have moved to UN bases, where so-called Protection of Civilians (PoC) sites have been established. Coordination and cooperation with UN Peacekeeping Missions has proven to be challenging as well.

The subsequent discussion addressed a number of key questions. First, it was asked how the current global political context could affect WASH projects.

It was argued that a general donor fatigue could be observed and that funding for several activities is not adequately secured. There is a need to reduce expenses and prioritize and focus on certain key activities such as on security and improving the essential infrastructure of host communities. UNHCR is trying to reduce expenses, for example, through minimizing the costs spent on operating systems (e.g. through switching from diesel to solar-powered systems) and advocating for the right for refugees to work in host countries. The latter is seen as a key instrument for not only enabling refugees to pay for water services (and to avoid conflicts with host communities that usually have to pay for these already) but also as a means to empower and integrate them into the host communities.

In some countries, such as Uganda, refugees already have the right to work and move freely with the country. Additionally, the Ugandan government grants land to refugees for agricultural use with the aim of enabling them to generate an income and to reduce their dependency on humanitarian aid. This also increases their capability to pay for service provisions. Such approaches can also support refugees to actively contribute to their host communities

and avoid that they are merely seen as receivers of donations. It was argued that there is a need to increasingly think of solutions like that.

The question was raised how the Sustainable Development Goals (SDGs) process could be used to support and flagship WASH activities. It was argued that the role of donors is likely to change as the role of developing countries is going to increase in significance. Under the heading of “localization of aid” it was argued that the capacities of local actors need to be strengthened.

The problem of high differences in camp standards (in terms of infrastructures and services provided) between different regions as well as within the same camps has been highlighted. While differences at the global scale have been the reality for a long time, the double standards within the same region/country and even within the same camp are new phenomena that could increase tensions and pose a threat to stability and peace. The causes of this problem are related to funding (e.g. more money available in countries like Greece) but also to treating people differently according to their country of origin.

The difficult geographical locations of camp sites that had been outlined in the introductory presentation were taken up again and discussed. When humanitarian organizations like UNHCR look for sites where they can erect new facilities for refugees, host countries tend to offer land that is flood-prone or contaminated because that is usually land that is not used otherwise. The case of the camp Bentiu in Sudan illustrates this very well as the camp was built on a swamp area. Similar developments can be observed in urban areas, where people tend to live and build houses at the outskirts of cities and in more difficult (e.g. flood-prone) areas which had no prior use. This often requires reverse-engineering – which is an opportunity but also increases costs.

As camps often remain in place for 20 or more years, a good information base in terms of hydrological models, environmental impacts and other key factors is necessary for sustainable solutions. It was emphasized that not only economic but also environmental costs should be considered in humanitarian planning (considering the longevity of camps). UN organizations could play a lead role here. However, environmental considerations should not override the humanitarian imperative.

The lack of knowledge about the situations of community-hosted refugees was discussed as another potential entry-point for a recommendation to the Global High-Level Panel on Water and Peace. While monitoring of access to services in refugee camps is well established, little information is available on the situation of people living outside the camps among host communities. Increasing knowledge about their situation through, for example, surveys and other methods – not entirely relying on state data (which often excludes or does not differentiate between refugees and other populations) – could be a helpful tool.

How to differentiate between different types of vulnerable populations and what kind of vulnerability assessment approaches to use is an unresolved question. In many contexts (such as South Sudan) it will also be difficult or even impossible to identify the “most vulnerable” parts of the population and maybe not useful to differentiate at all. It was therefore argued that we need a clearer understanding about how to define most vulnerable groups and how we mainstream actions around these.

It was furthermore discussed that solutions for supporting and integrating refugees also need to include host-communities in order to avoid disputes – such as over decreasing resources.

Closely connected to this issue it was argued that displaced populations should also be seen as an opportunity that host countries can benefit from, not only a problem. Host countries often profit from displaced populations in various ways, one prominent example being the banking and financial sector in the US which benefited greatly from refugees in World War II. Additionally, refugees also often have financial resources that they invest in host countries. If displacement were perceived as a net-benefit rather than a net-loss, this could be an important step in changing communities’ mind-sets and easing tensions. As a practical step for raising awareness on this issue, it was suggested to conduct capacity assessments to assess the various skills of refugees (their education, vocational training etc.).

Finally, more effort should be put in preparing countries for emergency situations and the arrival of refugees and IDPs. That includes the domestication of standards, policies and institutions relating to displacement and generally strengthening local actors so that they are able to respond to emergency situations. Some countries like the Philippines or Indonesia have already taken this commitment. Other countries could learn from their experiences, including European countries that could and should take bigger efforts to learn from the multiple experiences of managing emergency situations and integrating migrants that exist in other parts of the world.

### 3. How can the risk of tensions due to pressures over water and sanitation on the environment be reduce?

The second session was introduced by two presentations that depicted the situation of Syrian refugees in neighbouring Jordan. Of more than 13 million Syrians that need humanitarian assistance, over 1 million live in Jordan. The great majority of these refugees (85%) live within cities and villages, and only around 140,000 in refugee camps. This comparatively high number of recent refugee movements into Jordan (compared to the overall number of inhabitants which is about 9.5 million) has come with significant social costs, including pressures on the country's water and sanitation infrastructure; rising prices for rent, food and main commodities; and increased competition in the job market (where Syrians provide cheap and often highly-skilled labour).

Jordan is one of the most water-stressed countries in the world. The influx of large numbers of refugees has further reduced the availability of freshwater for all inhabitants. The pressure on groundwater resources has increased (in terms of quantity and quality), and competition for water between different economic sectors has grown. Jordan, therefore, sees itself in a position where it urgently needs to increase investments in water resources infrastructure development (e.g. through the expansion of waste water treatment plants or the development of new resources through the Red-Sea-Dead-Sea Project).

The government of Jordan therefore initiated the "Jordan Compact" which sets out a series of major commitments aimed at improving the resilience of refugee and host communities in the country. The compact aims to improve access to the European market (by establishing economic development zones with special terms of market access), create additional jobs for Jordanians and Syrians, and attract investments for the Jordan Response Plan (a set of projects in various sectors such as education and health).

The last presentation focused on the prevention of conflicts and access to water. The presenter highlighted that there is sufficient knowledge about the intersections and links between water and migration today<sup>4</sup>. It is for instance well understood that migration can, in combination with other factors, be caused by heavy rains and flood events as well as water scarcity. Migration in turn can lead to increased human vulnerability (difficult situations in camps, human trafficking etc.) but often also increases people's resilience (as they escape difficult and violent situations, or situations of water scarcity). Water resources are hence part of the complex web of push and pull factors of migration. Global water governance should, therefore, take global migration trends into consideration.

With regard to the SDGs it was argued that there is a need for countries that experience internal displacement to translate these global targets and objectives – and particularly the ones that tackle key issues of migration – into national policies and to ensure that the most vulnerable parts of the population (such as refugees and IDPs) are included. Furthermore, in the process of implementing the SDGs, it needs to be ensured that the key drivers of migration are adequately addressed.

Because of the increasing number of global crises and associated (forced) migration and due to the fact that migration is seen as one of the drivers of sustainable development (benefits of migration have been recognized by the SDGs, especially under target 10.7), there seems to be a window of opportunity in the current international arena for discussing and moving forward with migration policies and also integrating migration policies in water governance (and vice versa). This window of opportunity should be used to promote the subject of migration.

The presenter summarized five main recommendations for actions by the High-level Panel on Water & Peace (also compare recommendations by IOM in Annex 1): (1) Include migration issues in water sector frameworks and vice versa; (2) apply human rights frameworks for water governance to ensure water security for all; (3) promote community based approaches to link IDPs, refugees and host communities and ease tensions; (4) consider overall work on the whole migration cycle; (5) use IOM knowledge on nexus of human mobility and environment to apply it in water sector (generally use the knowledge that exists in the field of migration research).

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<sup>4</sup> Migration refers to "the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, IDPs, economic migrants, and persons moving for other purposes, including family reunification" (IOM, 2011:62–63). While the definition of migration encompasses all forms of human mobility, refugee refers to the legal status of a person fleeing armed conflict or persecution, protected in international law by the 1951 Refugee Convention.



The first question addressed in the following discussion focused on the activities undertaken by Jordan to improve environmental conditions to sustain the limited water resources (e.g. in form of reforestation or water rehabilitation measures). Examples were given about the various measures carried out on the supply-side of water management (e.g. by drilling new wells and exploiting groundwater resources) and the demand-side (e.g. through water reuses in agriculture, water harvesting and awareness programmes on water use efficiency).

Considering the increasing awareness about the challenges and opportunities of migration among political actors, the ongoing process of elaborating the Global Compact for Safe, Orderly and Regular Migration (GCM) was touched upon during the discussion<sup>5</sup>. The ongoing negotiations are a state-led process, co-facilitated by Mexico and Switzerland with the aim to develop a global compact on migration by 2018. It is one of the current key policy issues in the domain of global migration policies. It was however argued that there is presently too little discussion around internal displacement and too little focus on the causes of migration in the negotiations around the global compact. Efforts should therefore be taken to refocus the attention on countries of origin and take actions to increase human resilience and eliminate the causes of migration.

It was furthermore discussed that the redirection of humanitarian and development funding from countries of emigration to countries of immigration that could be observed in recent years bears the danger of not adequately addressing the important push factors of migration. There should, therefore, be some recommendation that ensures that enough funding is made available to address the problems in countries of origin.

Looking at financing for water infrastructure, the role of the private sector was discussed in more detail. Although private actors often stay away from conflict zones because of the challenging environments and high risks, several private actors are experienced in working in high-risk contexts and in realizing infrastructure projects in these settings (e.g. Lebanese, South African, or Chinese actors). One could therefore further examine how to engage with private actors and how business interests could be combined with humanitarian and development interests.

Attention should also be paid to the specific context at the sub-national level as conditions often vary greatly between different regions. Coordinating and linking various actors at different levels (municipal, provincial, state etc.) is important for humanitarian and development actors to identify the right groups that should be targeted. This is often very difficult and time-consuming but necessary to avoid further antagonizing and damaging relations between the various levels.

Lastly, participants argued that it is not only the responsibility of governments to find solutions (for the various push and pull factors of migration) but to additionally focus on community-based solutions. Involving civil society in finding solutions for the causes and responses to forced migration should also be crucial in policy discussions and actions. This also requires giving affected people a stronger voice in these processes than they currently have.

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<sup>5</sup> In September 2016 the UN General Assembly convened a high-level summit to address the issue of large movements of refugees and migrants, with the aim of strengthening the governance of international migration and for establishing more humane and coordinated approaches. The resulting New York Declaration outlines the aim to develop a global compact for safe, orderly and regular migration by 2018. See Annex 2.

## 4. Recommendations for the Global High-Level Panel for Water and Peace

The following list summarizes the key recommendations discussed at the roundtable event to be considered by the High-Level Panel for Water and Peace to strengthen global responses to forced migration and to prevent and resolve conflicts relating to water resources:

- 1. Prevent forced forms of migration by identifying water and security hotspots and by supporting protection activities connected to the WASH sector.**
- 2. Ensure that WASH needs of the most vulnerable displaced populations such as refugees and IDPs are considered in the implementation of SDGs in host countries in order to promote the co-development of displaced populations and host communities.**
  - Support the application of the human rights to water and sanitation to displaced populations, including refugees and IDPs, and identify avenues for implementing these rights, in particular to prevent discrimination.
  - Increase knowledge about the situation of refugees, IDPs and displaced populations in urban settings and highlight particularly vulnerable communities.
- 3. Promote the right of refugees, IDPs and other displaced population to work.**
- 4. Sensitize the private sector to support humanitarian projects which benefit refugees, IDPs and displaced populations in partnership with states.**
- 5. Support the integration of environmental protection and the sustainable use of water resources into displacement response plans and migration policies.**
- 6. Promote the implementation of the 1998 UN Guiding Principles on Internal Displacement and in particular:**
  - the ratification of the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);
  - the implementation of the 2006 Pact on Security, Stability and Development of the Great Lakes Region (amended in 2012) and its Protocol on the Protection and Assistance of Internally Displaced Persons.

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## 6. Participants

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4	Laurence Boisson de Chazournes	Professor and Director of the Platform for International Water Law/Geneva Water Hub, Faculty of Law, University of Geneva; Member of the High-Level Panel on Water and Peace
5	Laura Elizabeth Broke de Lisle	LLM Researcher, Graduate Institute of International and Development Studies ; Consultant for the International Federation of the Red Cross and Red Crescent Societies
6	Murray Burt	Global Senior WASH Officer, United Nations High Commissioner for Refugees (UNHCR)
7	William Carter	Senior Officer for WASH International Federation of the Red Cross and Red Crescent Societies (IFRC)
8	Evaristo De Pinho Oliveira	Head of Water & Habitat Unit, International Committee of the Red Cross (ICRC)
9	Graham Fox	Human Rights Officer, Special Procedures Branch, Office of the United Nations High Commissioner for Human Rights (OHCHR)
10	Lise Fouquat	Senior Humanitarian Advocacy Advisor Action against the Hunger – Geneva
11	Dina Ionesco	Head, Environmental Sustainability Migration, Environment and Climate Change (MECC) Division, Department of Migration Management (DMM), International Organization for Migration (IOM)
12	Susan Kilani	Advisor to HE the Minister of Water and Irrigation for Water Quality Management, Water Authority of Jordan
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22	Antonio Torres Ortiz	WASH Coordinator, South Sudan, IOM

## Annex I: Recommendations

### Recommendations for the Global High-Level Panel on Water and Peace from the International Organization for Migration (IOM):

1. *Consider* the full spectrum of human mobility in the context of water governance and establish policy responses accordingly to address different migration dynamics<sup>6</sup>.
2. *Consider* the two main directions migration and water interrelate: 1.) environmental migration driven by water insecurity, and 2.) increasing pressure on water resources due to migration inflow.
3. *Integrate* migration in water governance frameworks and reciprocally water management issues in migration governance framework.
4. *Prevent* forced forms of migration by identifying water and security hotspots, by proactively enacting community stabilization programmes in the targeted areas, or by establishing seasonal migration frameworks to reduce pressures on water resources.
5. *Apply* the human rights framework for water governance and operationalize migration frameworks to assist to ensure water security for all.
6. *Adopt* community-based and participatory approaches and promote the co-development of the displaced and host communities.
7. *Strengthen* coordination within the WASH cluster and ensure performance monitoring and competence based approach.
8. *Prioritize* funding for directly implementing agencies who are better equipped to respond, and for the creation of regional hubs for preposition of WASH emergency materials.
9. *Capitalize* on already available tools: guidelines (MECC), collecting good practices (IOM DRR Compendium), building States/policy-makers capacity to bridge policy silos (Capacity Building Workshops and Training Manual) and evidence (Atlas of Environmental Migration, IOM Outlook on Migration, Environment and Climate Change).

### ACF recommendations to decision-makers for WASH activities related to displacement (shared with Geneva Water Hub):

1. Ensure the provision of a comprehensive response to both forcibly displaced people, including refugees and internally displaced people, and host population. Ensure a harmonized WASH service to local and displaced populations based on needs and with the view to serve the most vulnerable first.
2. Ensure forcibly displaced people, especially women, children & vulnerable groups, are part of the governance of water in their location and can voice their needs and concerns in global and national strategic decision-making processes, mechanisms and events. Support protection activities connected to the WASH sector.

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<sup>6</sup> Migration refers to “the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, internally displaced persons (IDPs), economic migrants, and persons moving for other purposes, including family reunification” (IOM, 2011:62–63). While the definition of migration encompasses all forms of human mobility, refugee refers to the legal status of a person fleeing armed conflict or persecution, protected in international law by the 1951 Refugee Convention.

3. Support programs aiming at building people on the move's capacities to operate & maintain WASH facilities and infrastructures, implement adequate hygiene practices & participate in the governance of water in their location. Ensure women, children and other vulnerable groups are especially targeted by these programs and governance mechanisms.
4. Consider WASH needs for all steps of the displacement (departure, transit, reception) and ensure every step is properly assessed, responded to and funded, based on needs. Promote preparedness, especially in potential host countries with water scarcity issues to reinforce their water access prior to any displacement.
5. Ensure access to water, water facilities, infrastructures and programs are not used for non-humanitarian purposes, including by pushing people towards a water point for political or military objectives. Ensure refugees, asylum-seekers, internally displaced persons and returnees have access to adequate water whether they stay in camps or in urban and rural areas. Refugees and asylum-seekers should be granted the right to water on the same conditions as granted to nationals.
6. Promote a perception of displaced populations as an economic opportunity for the host community, including by promoting their right to work and the possible role of the private sector.
7. Funding specifically supporting water activities for people on the move must systematically be independent, neutral, based on needs and transparent. Additional funding (development donors) shall support national strategies to reduce water loss, improve infrastructures, recharge aquifers, improve irrigation methods, improve rain water catchment, improve soil infiltration, reduce water evaporation, encourage reuse of waste water, improve governance, water conservation at HH level and desalination processes.
8. Ensure the dimensions of protection of the environment, climate change, and a regional approach to securing the durability of the water resource are fully integrated into displacement response plans. Promote water resource research studies in areas of displacement to improve water efficiency for people on the move.
9. Take into account protracted displacement, by ensuring people on the move live in acceptable areas and conditions, not exposed to floods or other weather disturbances, with protected access to water, relevant hygiene and sanitation programs and facilities, especially in camps and urban settings. Ensure the overall humanitarian response; coordination and funding are adapted to such protracted displacement. In protracted situations, camps should not be the long-term solution.
10. Ensure the WASH needs of the most vulnerable displaced populations are considered, answered and monitored, at all levels, including national and global (SDGs, global compacts and international laws). Communicate & advocate for people in situations of displacement that are not under the scrutiny of the media or decision-makers.

## Annex II: List of pertinent materials

1. **Water Manual for Refugee Situations (United Nations High Commissioner for Refugees (UNHCR, 1992)**
2. **Environmental Guidelines (UNHCR, 1996)**
3. **Guiding Principles on Internal Displacement (1998)**
4. **General Comment No. 15: the Right to Water (2002)**
5. **African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2002)**
6. **Humanitarian Action and the Environment (Office for the Coordination of Humanitarian Affairs (OCHA) and United Nations Environment Programme (UNEP) (2007)**
7. **Guidance for UNHCR Field Operations on Water and Sanitation Services (UNHCR, 2008)**
8. **Sphere Handbook – Humanitarian Charter and Minimum Standards in Humanitarian Response (2011)**
9. **Report of the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation (2016)**
10. **New York Declaration for Refugees and Migrants (2016)**

### **Water Manual for Refugee Situations (UNHCR, 1992)**

#### **Drinking Water**

##### *Need*

Water is essential to life and health. In emergencies it is often not available in adequate quantity or quality, thus creating a major health hazard.

##### *Aim*

To provide enough safe water to refugees and to meet communal needs in the most cost-effective way.

##### Principles of Response

- Seek expert advice, coordinate closely with the appropriate national service and involve refugees.
- Ensure consideration of water supply needs when a site for a future camp is selected and its development planned. Coordinate response closely with physical planning, public health and environmental sanitation measures.
- Provide a reserve supply and spare capacity, to meet temporary difficulties and the needs of new arrivals.
- Take account of seasonal variations of quantity and quality of water from any source.
- If at all possible, avoid the need to treat water.
- Action
- Organize an immediate, competent assessment of water supply possibilities in relation to needs.
- Carry out an inventory of all known water sources, assess them as accurately as possible in terms of their water quality and quantity and make provisions to protect them from pollution.
- Develop sources and a storage and distribution system to supply a sufficient amount of safe water, including a reserve.
- Ensure regular testing of water quality. Set up structure for Organization and Maintenance.

##### *Introduction*

1. Safe water is essential to life and health. People can survive longer without food than without water. Thus, the provision of water demands immediate attention from the start of a refugee emergency. The aim is to assure availability of enough water to allow sufficient distribution and to ensure that it is safe to drink. Adequate storage and backup systems for all aspects of water supply must be assured, since interruptions in the supply may be disastrous. To avoid contamination, all sources of water used by refugees must be separated from sanitation

facilities and other sources of contamination. It is important, however, to bear in mind the fact that due to difficulties in predicting the lifespan of a refugee camp, the most appropriate alternative will always be the one which adapts better to a cost-effective long term service.

2. Water availability will generally be the determining factor in organizing the supply of sufficient quantities of safe water. It may be necessary to make special arrangements for the identification and development of new sources, water extraction, storage and distribution. Measures will be required to protect the water from contamination and in some circumstances treatment will be needed to make it safe to drink. The safety of the water must be assured right through to consumption at home.
3. Water quality is always difficult to assess. Always assume that all water available during an emergency is contaminated, especially if available sources are surface water bodies (lakes, ponds, rivers, etc.). Immediate action must be taken to stop further pollution and to reduce contamination. If it is evident that available sources are inadequate (in terms of quality or quantity), arrangements must be made to find alternative sources and, if necessary, to import water to the site (by truck, barge, pipelines or any other relevant means). Where even the most basic needs for water cannot safely be met by the existing resources at the site or its surroundings, and when time is needed for further exploration and development of new sources, refugees should be moved to a more suitable location.

#### *The Need*

Water Demand: Optimum standards in most refugee emergencies call for a minimum per capita allocation of 15 litres per day plus communal needs and a spare capacity for new arrivals. When hydrogeological or logistic constraints are difficult to address, a per capita allocation of 7 litres per person per day should be regarded as the minimum "survival" allocation. This quantity will be raised to 15 litres per day as soon as possible.

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#### **Environmental Guidelines (UNHCR, 1996)**

Environmental problems associated with refugees are normally the consequence of high refugee concentrations, occurring rapidly. In the absence of mitigating measures, physical deterioration of the surrounding environment soon takes place, in turn generating other impacts on both the refugees and local populations. Below, the various impacts are grouped into main categories and briefly described.

1. **Natural resources deterioration:** Degradation of renewable natural resources such as forests, soils and water dominates the environmental problems associated with refugees. Depletion of these resources is often accompanied by their biological impoverishment. Contamination of surface water and ground water can occur when sanitary measures are inadequate, or through improper application of agro-chemicals, leakage of vehicle fuel, etc. In the case of settlement schemes, poor land use practices may further exacerbate land degradation.
2. **Irreversible impacts on natural resources:** Particularly serious are impacts on areas of high environmental value that may be related to the area's high biodiversity, its function as a haven for endangered species or as an important recreation destination. Some of these areas may be of global importance. Damage to these natural assets can be irreversible, and thus deserves special efforts of prevention or mitigation.
3. **Impacts on health:** Impoverishment of surrounding natural resources undermines the long-term nutritional base and brings about further adverse impacts on health of an already weakened group. Shortage of fuelwood may result in undercooking of food. A very high percentage of adverse health impacts is related to faecal and chemical contamination of drinking water and ease of disease transmission in the overcrowded refugee camps. Dust and smoke, created by the burning of low-quality fuelwood, heightens the incidence of respiratory disease. Most of these problems tend to affect disproportionately the vulnerable groups, i.e. the very old or the very young.
4. **Impacts on social conditions:** The effects of environmental degradation, particularly those related to fuelwood gathering, are felt with a particular force by women and children. Women must spend long hours seeking and carrying wood, activities which put them at increased risk of fatigue and exposure to assault as well as detracting from their child-care and family and social functions.

5. **Social impacts on local populations:** The host communities suffer similar social impacts as those felt by refugees. Competition between locals and refugees for scarce resources (fuelwood, fodder, water) can result in conflicts and resentment. In some cases, refugee influx has led to the breakdown of traditional and sustainable local systems of natural resource management.
6. **Economic impacts:** The influx of refugees is felt in the local markets. While sections of local population may benefit, the local poor are usually affected adversely as refugee demand forces up the price of fuel. Deforestation, land degradation and water resource depletion all carry with them an economic cost for the local population. So does the reduced availability of fuel, housing materials, medicines, and meat derived from nearby forests. The consequences of environmental degradation in the vicinity of refugee camps may be felt at considerable distances from the camps: soil erosion and resulting sedimentation can shorten the life of reservoirs and erosion-related floods can destroy local infrastructure.

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## **Guiding Principles on Internal Displacement (UN Commission on Human Rights, 1998)**

### **Principle 5**

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

### **Principle 8**

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

### **Principle 9**

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to their lands.

### **Principle 18**

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced person with and ensure safe access to:
  - a) Essential food and potable water.

### **Principle 27**

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations should respect relevant international standards and codes of conduct.

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## **General Comment No. 15: the Right to Water (Arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2002/11**



16. Whereas the right to water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, children, minority groups, indigenous peoples, refugees, asylum-seekers, internally displaced persons, migrant workers, prisoners and detainees. In particular, States parties should take steps to ensure that:

(f) Refugees, asylum-seekers, internally displaced persons and returnees have access to adequate water whether they stay in camps or in urban and rural areas. Refugees and asylum-seekers should be granted the right to water on the same conditions as granted to nationals;

34. Depending on the availability of resources, States should facilitate realization of the right to water in other countries, for example through provision of water resources, financial and technical assistance, and provide the necessary aid when required. In disaster relief and emergency assistance, including assistance to refugees and displaced persons, priority should be given to Covenant rights, including the provision of adequate water. International assistance should be provided in a manner that is consistent with the Covenant and other human rights standards, and sustainable and culturally appropriate. The economically developed States parties have a special responsibility and interest to assist the poorer developing States in this regard.

60. The incorporation of human rights law and principles in the programmes and policies by international organizations will greatly facilitate implementation of the right to water. The role of the International Federation of the Red Cross and Red Crescent Societies, International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees (UNHCR), WHO and UNICEF, as well as non-governmental organizations and other associations, is of particular importance in relation to disaster relief and humanitarian assistance in times of emergencies. Priority in the provision of aid, distribution and management of water and water facilities should be given to the most vulnerable or marginalized groups of the population.

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## **African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2002)**

### **Article 2 - Objectives**

The objectives of this Convention are to:

1. Promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement as well as provide for durable solutions;
2. Establish a legal framework for preventing internal displacement, and protecting and assisting internally displaced persons in Africa;
3. Establish a legal framework for solidarity, cooperation, promotion of durable solutions and mutual support between the States Parties in order to combat displacement and address its consequences;
4. Provide for the obligations and responsibilities of States Parties, with respect to the prevention of internal displacement and protection of, and assistance, to internally displaced persons;
5. Provide for the respective obligations, responsibilities and roles of armed groups, non-state actors and other relevant actors, including civil society organizations, with respect to the prevention of internal displacement and protection of, and assistance to, internally displaced persons;

### **Article 3 - General Obligations Relating to States Parties**

States Parties undertake to respect and ensure respect for the present Convention. In particular, States Parties shall:

- b) Respect and ensure respect for the principles of humanity and human dignity of internally displaced persons;
- d) Respect and ensure respect and protection of the human rights of internally displaced persons, including humane treatment, non-discrimination, equality and equal protection of law;
- e) Respect and ensure respect for international humanitarian law regarding the protection of internally displaced persons;

- h) Ensure the accountability of non-State actors concerned, including multinational companies and private military or security companies, for acts of arbitrary displacement or complicity in such acts;
- i) Ensure the accountability of non-State actors involved in the exploration and exploitation of economic and natural resources leading to displacement;
- j) j) Ensure assistance to internally displaced persons by meeting their basic needs as well as allowing and facilitating rapid and unimpeded access by humanitarian organizations and personnel;
- k) Promote self-reliance and sustainable livelihoods amongst internally displaced persons, provided that such measures shall not be used as a basis for neglecting the protection of and assistance to internally displaced persons, without prejudice to other means of assistance;

States Parties shall:

- a) Incorporate their obligations under this Convention into domestic law by enacting or amending relevant legislation on the protection of, and assistance to, internally displaced persons in conformity with their obligations under international law;
- c) Adopt other measures as appropriate, including strategies and policies on internal displacement at national and local levels, taking into account the needs of host communities;

#### **Article 4 - Obligations of States Parties relating to Protection from Internal Displacement**

- 1. States Parties shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, so as to prevent and avoid conditions that might lead to the arbitrary displacement of persons;
- 4. All persons have a right to be protected against arbitrary displacement. The prohibited categories of arbitrary displacement include but are not limited to:
  - c. Displacement intentionally used as a method of warfare or due to other violations of international humanitarian law in situations of armed conflict;
- 5. States Parties shall endeavour to protect communities with special attachment to, and dependency, on land due to their particular culture and spiritual values from being displaced from such lands, except for compelling and overriding public interests;

#### **Article 5 - Obligations of States Parties relating to Protection and Assistance**

- 4. States Parties shall take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change.
- 5. States Parties shall assess or facilitate the assessment of the needs and vulnerabilities of internally displaced persons and of host communities, in cooperation with international organizations or agencies.
- 8. States Parties shall uphold and ensure respect for the humanitarian principles of humanity, neutrality, impartiality and independence of humanitarian actors.

#### **Article 6 - Obligations Relating to International Organizations and Humanitarian Agencies**

- 3. International organizations and humanitarian agencies shall be bound by the principles of humanity, neutrality, impartiality and independence of humanitarian actors, and ensure respect for relevant international standards and codes of conduct.

#### **Article 7 - Protection and Assistance to Internally Displaced Persons in Situations of Armed Conflict**

- 3. The protection and assistance to internally displaced persons under this Article shall be governed by international law and in particular international humanitarian law.
- 5. Members of armed groups shall be prohibited from:
  - c. Denying internally displaced persons the right to live in satisfactory conditions of dignity, security, sanitation, food, water, health and shelter;

## **Article 9 - Obligations of States Parties Relating to Protection and Assistance During Internal Displacement**

1. States Parties shall protect the rights of internally displaced persons regardless of the cause of displacement by refraining from, and preventing, the following acts, amongst others:

e. Starvation.

2. States Parties shall:

b. Provide internally displaced persons to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities.

## **Article 10 - Displacement induced by Projects**

1. States Parties, as much as possible, shall prevent displacement caused by projects carried out by public or private actors;
2. States Parties shall ensure that the stakeholders concerned will explore feasible alternatives, with full information and consultation of persons likely to be displaced by projects;
3. States parties shall carry out a socio-economic and environmental impact assessment of a proposed development project prior to undertaking such a project.

## **Article 11 - Obligations of States Parties relating to Sustainable Return, Local Integration or Relocation**

1. States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity.
2. States Parties shall enable internally displaced persons to make a free and informed choice on whether to return, integrate locally or relocate by consulting them on these and other options and ensuring their participation in finding sustainable solutions.

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## **Humanitarian Action and the Environment (OCHA and UNEP, 2007)**

3. Water use: To determine sustainable levels of water use, an early assessment of the presence, quality, quantity and recharge rate of groundwater sources should be done. Monitor groundwater extraction to ensure that the natural recharge rate is not exceeded. Raise awareness of the importance of water conservation.

4. Sanitation: Take care to locate latrines downstream of wells, at least 30m from groundwater sources and at least 1.5m above the water table. Fitting pit latrines with concrete slabs eliminates the need for secondary wooden slabs or supporting beams and facilitates easy cleaning. Consider the up- and down-stream impacts of water use and sanitation, as well as its cumulative impact on a watershed.

6. Refugee / IDP camps: If possible, keep camp populations below 20,000 and locate camp sites at least 15km from ecologically sensitive areas and neighbouring camps. Consider controlled harvesting sites or mud brick construction to avoid deforestation. Promote the “three Rs” of waste management in camps: Reduce, Re-use and Recycle. For more information, see UNHCR’s Environmental Guidelines for Refugee Operations.

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## **Guidance for UNHCR Field Operations on Water and Sanitation Services (UNHCR, 2008)**

Basic principles for provision of drinking water and sanitation services remain more or less same irrespective of whether it is a refugee or non-refugee situation. But it takes on particular significance in a refugee operation. In a



refugee situation, it should go beyond 'what' (e.g. more than 20 litres per person per day of clean water, or at least one latrine per 20 persons) should be provided, but should also include 'how' the services are provided and utilized. The knowledge on 'how' has been gained through UNHCR's and its partners' many years of experience of dealing with refugees and gave rise to common observations with strong protection concerns, especially taking into account the needs of women and children, which in refugee operations constitute often more than 70 percent of the total population. UNHCR water and sanitation programmes therefore strive to ensure:

1. **Adequacy and equity of the service provided** - sufficient water supply and sanitation facilities for basic needs to each and every person throughout the camp including schools and health posts.
2. **Acceptability and safety of the service provided** - water supplied is safe and palatable to drink and regular monitoring of quality in place at least for the risk of faecal contamination, and the sanitation facilities, in particular latrines, are appropriate to the users and are culturally acceptable; promotion of harmonious living in a community setting, while respecting individual requirements of different ethnic groups residing in the same camp.
3. **Minimum social burden) on the users** - water distribution points and sanitation facilities are located centrally and not too far from the dwellings (e.g. water points within 200m with minimum waiting time and latrines not farther than 50 m, preferably one for each family); education is not hindered by children (especially girls) having to fetch water during school hours.
4. **Physical safety of the users** - facilities located in a secured environment and along safe access paths; water distribution time and duration are planned according to users' convenience and cultural habits, normally limited to daylight hours, and latrines located close to individual dwellings with appropriate structure/construction.
5. **Reliability of services** – continuous maintenance of facilities with adequate spare parts and materials in stock, and in particular for water, availability of adequate storage facilities at household and community level in case of interruptions.
6. **Minimum environmental damage** - sustainable exploitation of the available water sources, controlled waste management, especially human excreta, prevention of pollution of local water sources and minimization of other environmental impacts due to water and sanitation-related activities to help develop a good rapport with the host community and to uphold the institution of asylum; and controlled discharge and drainage of wastewater and storm-water to avoid water-induced hazards in the camp and the vicinity.
7. **Efficient use of facilities** – facilities designed and run in such a way so as to minimize wastage (e.g. during fetching water) and maximum use of resources/facilities.
8. **Participation of stakeholders and co-ordination** - refugees and other stakeholders are empowered and encouraged to participate in all stages of a project with equal representation of women; a good rapport maintained with the host community; and coordination of activities among all actors working in the water, sanitation, health and nutrition, education and environment to optimize the quality and effective service provision. A care-taker group can help with the operation and management of the water infrastructure and empower the people of concern to UNHCR.

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## Sphere Handbook – Humanitarian Charter and Minimum Standards in Humanitarian Response (2011)

### WASH standard 1: WASH programme design and implementation

WASH needs of the affected population are met and users are involved in the design, management and maintenance of the facilities where appropriate.



### **Hygiene promotion standard 1: Hygiene promotion implementation**

Affected men, women and children of all ages are aware of key public health risks and are mobilised to adopt measures to prevent the deterioration in hygienic conditions and to use and maintain the facilities provided.

### **Water supply standard 1: Access and water quantity**

All people have safe and equitable access to a sufficient quantity of water for drinking, cooking and personal and domestic hygiene. Public water points are sufficiently close to households to enable use of the minimum water requirement.

### **Water supply standard 2: Water quality**

Water is palatable and of sufficient quality to be drunk and used for cooking and personal and domestic hygiene without causing risk to health.

### **Water supply standard 3: Water facilities**

People have adequate facilities to collect, store and use sufficient quantities of water for drinking, cooking and personal hygiene, and to ensure that drinking water remains safe until it is consumed.

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### **Report of the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation (A/HRC/33/49, 2016) (footnotes omitted)**

13. In humanitarian situations, including in times of conflict or natural disaster, when water and sanitation sources are at a minimum, the specific needs of women and girls are often not taken into account. [...] A recent United Nations assessment found that, in Europe, women and girls who are refugees are vulnerable to violence and lack services that specifically meet their needs, such as private bathing and sanitation facilities. Some women have reported having stopped eating or drinking to avoid going to the toilet where they felt unsafe. The reaction of Governments and others to these situations is considered inadequate and there is an emphasis on the urgent need to scale up such response efforts.

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### **New York Declaration for Refugees and Migrants, UN General Assembly, September 2016 (footnotes omitted)**

5. We reaffirm the purposes and principles of the Charter of the United Nations. We reaffirm that the Universal Declaration of Human Rights and recall the core international human rights treaties. We reaffirm and fully protection the human rights of all refugees and migrants, regardless of status; all are rights holders. Our response will demonstrate full respect for international law and international human rights law and, where applicable, international refugee law and international humanitarian law.

6. Though their treatment is governed by separate legal frameworks, refugees and migrants have the same universal human rights and fundamental freedoms. They also face many common challenges and have similar vulnerabilities, including in the context of large movements. "Large movements" may be understood to reflect a number of considerations, including: the number of people arriving, the economic, social and geographical context, the capacity of a receiving State to respond and the impact of a movement that is sudden or prolonged. The term does not, for example, cover regular flows of migrants from one country to another. "Large movements" may involve mixed flows of people, whether refugees or migrants, who move for different reasons but who may use similar routes.

7. Large movements of refugees and migrants have political, economic, social, developmental, humanitarian and human rights ramifications, which cross all borders. These are global phenomena that call for global approaches and global solutions. No one State can manage such movements on its own. Neighbouring or transit countries, mostly developing countries, are disproportionately affected. Their capacities have been severely stretched in many cases, affecting their own social and economic cohesion and development. In addition, protracted refugee crises are now

commonplace, with long-term repercussions for those involved and for their host countries and communities. Greater international cooperation is needed to assist host countries and communities.

## **Annex II - Towards a global compact for safe, orderly and regular migration**

1. This year, we will launch a process of intergovernmental negotiations leading to the adoption of a global compact for safe, orderly and regular migration.
2. The global compact would set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions. It would make an important contribution to global governance and enhance coordination on international migration. It would present a framework for comprehensive international cooperation on migrants and human mobility. It would deal with all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects of migration. It would be guided by the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and informed by the Declaration of the High-Level Dialogue International Migration and Development adopted in October 2013.