
Corporate Accountability and Human Rights in the Age of Global Water Scarcity

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When the well is dry, we know the worth of water.

—Benjamin Franklin

The value of water is measured in billions—in units of volume, in dollars, and in lives. Over a billion people, or nearly twenty percent of the world's population, struggle to survive without access to clean water. More than double that number lack adequate sanitation. Pressure on the world's freshwater resources will only intensify as the global population continues to grow. According to the United Nations, by the middle of the twenty-first century, up to seven billion people will face some form of water stress. U.N. Department of Economic and Social Affairs, *Multidimensional Climate Threats Require New Approaches and More Resources for Adaptation Challenge*, Policy Brief No. 20 (Aug. 2009).

Water is fundamental for human survival. Although most of the planet is covered by water, only 3 percent is freshwater suitable for human consumption and the rest is saltwater. Of that 3 percent, the vast majority is used for agricultural (70 percent) and industrial (22 percent) purposes. Less than 1 percent of the world's freshwater is readily accessible for human use (drinking, cooking, and hygiene). Stockholm International Water Institute, Statistics, www.siwi.org/statistics (last visited Sept. 17, 2009). In 2008, the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) estimated that 884 million people around the world do not have access to improved drinking water (i.e., water from private connections, public standpipes, and protected wells). Center for Strategic & International Studies, Global Water Futures Project, *Declaration on U.S. Water Policy and the Global Challenge of Water 1* (Mar. 2009). Approximately 1.8 million people die every year as a result of diseases contracted from unsafe drinking water and lack of sanitation. *Id.*

While water is arguably our most critical resource, international legal regimes remain diverse and fractured when it comes to balancing the rights of individuals and businesses to access and use water sources. Water is bought, sold, bottled,

and traded as a commodity; and it is wasted, polluted, and employed as a tool and product of industry. Environmental regulations attempt to respond to water pollution and waste, but there is little consistency in how states address water access. At the same time, consensus is building to recognize access to clean water as a human right. The mechanisms that will serve to protect such a right remain unclear.

What is certain is that businesses will be at the forefront of the world water crisis, playing a significant role in both contributing to and overcoming water scarcity. Corporations function as water consumers, operators, and providers. Private sector innovation has advanced technology to purify water and to deliver it to remote areas. On the other hand, companies are also polluters, wasters, and competitors for water. Companies stand to profit enormously from the scarcity of water and are in some instances the only entities capable of determining the quality and quantity of water supplies.

Across the globe, private companies play a major role in providing access to safe drinking water, but do they also have the *responsibility* to help ensure that access? Recognizing that access to clean water is a human right compels an affirmative answer. A framework recently enunciated by the Special Representative of the United Nations Secretary-General (UN SRSG) on the issue of human rights and transnational corporations is helpful when evaluating the obligations of the private business sector with respect to public water access. This framework acknowledges that states have a duty to protect human rights and that companies have a responsibility to *respect* human rights. U.N. Human Rights Council, Report of the SRSG on the issue of Human Rights and Transnational Corporations and Other Business Enterprises, *Protect, Respect and Remedy: a Framework for Business and Human Rights* ¶ 9, U.N. Doc. A/HRC/8/5 (Apr. 7, 2008) (hereinafter UN SRSG 2008 Report). Recognizing access to water as a human right thus provides the foundation for a rights-based approach to holding companies accountable for protecting water access.

A Rights-Based Approach to Examining Water Access

Why is a rights-based approach to examining water access important? Rights empower people and provide a foundation for enforcement mechanisms. Establishing a right to water provides communities with enhanced capacities to hold states

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accountable for their failure to protect people's access to available water resources.

Water access issues, however, are most commonly examined through a development-based framework focusing on the physical availability of water, rather than the legal right to access it. For example, one of the targets established by the United Nations Millennium Development Goals is to reduce by half the proportion of people without sustainable access to safe drinking water by the year 2015 (with 1990 established as the baseline year). United Nations, *The Millennium Development Goals Report 2008*, 40 (2008). As of 2008, the WHO and UNICEF suggested that the world was on target to meet this goal. Specifically, their report suggested that by 2015, 90 percent of the world's population would access water through a piped connection, whether in their home or at a public tap, protected well, protected spring, or through rainwater collection. WHO and UNICEF Joint Monitoring Programme for Water Supply and Sanitation, *Progress on Drinking Water and Sanitation: Special Focus on Sanitation*, 24 (2008). This projection still leaves 10 percent of the world's population accessing water from unprotected sources. Moreover, these projections assess the infrastructure necessary to access protected water sources; they do not address whether people will retain the *right* to access those water sources even if they cannot afford to pay for those rights.

Fundamental to understanding a rights-based approach to water access is awareness that under international law states have primary responsibility for protecting human rights. Notably, that responsibility includes the obligation to protect against the abuse of human rights by third parties, including private corporations. This obligation is important, as the scarcity of water has not only heightened water's value as a life-giving resource, it has also increased the incentives for private actors to invest heavily in protecting present and future water access rights. These facts threaten to undermine the access of individual citizens to water resources.

Water Rights and Public and Private Obligations

Water scarcity has led to the development of a vast industry of companies that pump, purify, transport, and bottle water. The size of this industry is currently estimated at nearly \$375 billion a year worldwide. Janney Water Indexes, *The Water Markets: The Size of the Water Industry*, <http://janney.snet-globalindexes.com/industry.php>. The profit mechanism has helped promote investment in infrastructure that has significantly increased access to freshwater worldwide. This investment has the potential to bring efficiency to water systems that are plagued by corruption and poor governance in both the developing and developed world.

Companies that invest in water delivery infrastructure, ranging from sanitation plants to pump wells in remote communities, expect to benefit from the risks that they take. The need to ensure profits will lead companies to make choices about where and how water delivery should take place. It will also necessitate the imposition of fees, whether on individuals

or on governments, for the water that they deliver. But what happens when people cannot afford to pay for water? Placing a public resource, especially one that is necessary to sustain life, in the hands of profit-driven providers can raise significant ethical questions and create conflict between private and public interests.

There are many examples of the types of conflicts that can arise between companies and communities over water access. In Cochabamba, Bolivia, protests erupted in 2000 after a consortium of private companies raised water tariffs significantly, essentially pricing many peasants out of the ability to access water. The government of Bolivia privatized Cochabamba's water systems, granting a forty-year contract to the consortium, as a condition of receiving certain loans from the World Bank. The premise behind privatization was ostensibly salutary: only the financing of the private sector could pay for the initial outlay necessary to drastically expand water infrastructure and eliminate public-sector corruption and lethargy, which plagued delivery of services. But the lack of water access suffered by the poor of Cochabamba led to violent protests and the declaration of a state of emergency, resulting in numerous deaths. The Bolivian government subsequently terminated the agreement with the private water companies. *Water Privatization Case Study: Cochabamba, Bolivia*, Public Citizen (2001), available at [www.citizen.org/documents/bolivia_\(pdf\).pdf](http://www.citizen.org/documents/bolivia_(pdf).pdf).

In South Africa, which has enshrined the right to clean water in its constitution, many municipal water utilities have granted long-term management concessions to private water companies. Government officials claim that the privatization has dramatically expanded water services to communities that did not have water previously. However, many poor communities have suffered water shutoffs when customers have been unable to pay their water bills. Notably, because of South Africa's constitutional guarantee to water, South Africa citizens have been successful in seeking judicial remedies preventing water shutoffs. American Society of International Law, *International Law In Brief, The High Court of South Africa: Mazibuko and The City of Johannesburg* (Apr. 30, 2008), available at www.asil.org/ilib080603.cfm.

Conflicts have arisen not only between communities and private water providers, but also between communities and companies seen as competing for water access. Extractive industry processes are highly water intensive, and extractive companies are frequent targets of water protests. In Chile, which boasts some of the most liberal free-market water policies in the world, tensions have risen between companies that have purchased water rights and communities that blame those companies for water shortages. In the town of Quillagua, one of the driest places in the world, community members blame a large state mining company for polluting the river that once provided water to the town. Another private mining company now holds 75 percent of the local water rights, and the town is dependent upon water that is brought in by trucks. Alexei Barrionuevo, *Chilean Town Withers in Free Market for Water*, N.Y. TIMES, Mar. 14, 2009, at A12. Community concerns are not limited to the extractive sector, however. In

India, there have been large protests against both the Coca-Cola Company and PepsiCo, Inc. due to the belief that the companies' usage of local groundwater supplies contributed to water scarcity in many communities. Saritha Rai, *Protests in India Deplore Soda Makers' Water Use*, N.Y. TIMES, May 21, 2003, at W1.

The conflict and competition for water resources will only increase in coming years. In its 2008 report on water scarcity, JPMorgan warned that, by the year 2025, the river basins important to major economies, including the United States, Mexico, Western Europe, and China will experience significant water shortages as consumption outpaces supply. J.P. Morgan Securities Inc., Global Equity Research, *Watching Water—A Guide to Evaluating Corporate Risks in a Thirsty World*, 6–7, Mar. 31, 2008, available at www.wri.org/publication/watching-water. Relying on data from the World Resources Institute, the report warns of particularly severe water scarcity in South Africa, northwestern India, and North China. *Id.* As a result, the private sector's role as a water supplier is likely to increase. States, especially in the developing world, where population growth is the fastest, struggle with the enormous costs of delivering freshwater. Private investment may be essential in developing the infrastructure necessary to deliver water to the world's population. Against these assumptions, we argue that both states and companies have intertwining moral and legal responsibilities with regard to water access.

State Responsibilities and the Right to Water

States have primary responsibility for protecting human rights. How will public policy makers navigate the conflicts between public and private demands for water resources? What are the obligations of private companies who provide water delivery services? The answers to these questions depend on developing a clear understanding of the respective duties of public and private actors and establishing enforcement mechanisms to ensure that each party's obligations are fulfilled.

Despite an emerging consensus that access to water is a human right, there are no specific international covenants or treaties dedicated to defining the right to water. Rather, the consensus is built upon the language of multiple conventions recognizing the necessity of water to human life. Article 24(1) of the Convention on the Rights of the Child holds that state parties must pursue the highest attainable standard of health for children "through the provision of adequate nutritious foods and clean drinking-water." Convention on the Rights of the Child, G.A. Res. 44/25, Annex, art. 24, ¶ 1, U.N. Doc. A/44/49 (entered into force Sept. 2, 1990). Article 14(2) of the Convention on the Elimination of Discrimination Against Women requires that state parties shall ensure women the right to "enjoy adequate living conditions, particularly in relation to [. . .] water supply" Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, art. 14, ¶ 2, U.N. Doc. A/34/46 (entered into force Sept. 3, 1981). Even the Geneva Conventions and their

additional protocols guarantee that during wartime, water supplies cannot be deliberately targeted and prisoners of war must receive adequate drinking water. See e.g., Protocol Additional to the Geneva Conventions of 12 Aug. 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, art. 54, ¶ 2; Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 Aug. 1949. arts. 20, 26, and 46.

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International consensus on the right to water is perhaps best reflected in General Comment No. 15 released by the United Nations Economic and Social Council (ECOSOC) in 2002. U.N. Committee on Economic, Social and Cultural Rights, *General Comment No. 15, The Right to Water (Arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)*, U.N. Doc. E/C.12/2002/11, (Jan. 20, 2003) [hereinafter General Comment No. 15]. General Comment No. 15 interprets Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) as containing a right to water. Article 11(1) of the ICESCR requires that state parties to the Covenant recognize essential rights that are indispensable to an adequate standard of living, "including adequate food, clothing and housing." General Comment No. 15 at ¶ 3. By using the term "including," ECOSOC found that the Covenant did not intend the listed rights to be exhaustive and that "[t]he right to water clearly falls within the category of guarantees essential for securing an adequate standard of health (Art. 12, para. 1) and the rights to adequate housing and adequate food (Art. 11, para. 1)." *Id.* General Comment No. 15 observed that the right to water should be seen "in conjunction with other rights enshrined in the International Bill of Rights, foremost amongst them the right of life and human dignity." *Id.*

In General Comment No. 15, ECOSOC sets forward its views on the content of the right to water, stating that

The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.

Id. at ¶ 2. General Comment No. 15 specifically asserts that

people are entitled to “a system of water supply and management that provides equality of opportunity for people to enjoy the right to water.” *Id.* at ¶ 10. ECOSOC declared that “the water supply for each person must be sufficient and continuous for personal and domestic uses.” Water must be “accessible to everyone without discrimination, within the jurisdiction of the State party.” *Id.* at ¶ 12(c). With regard to economic accessibility, General Comment No. 15 provides that “[w]ater, and water facilities and services must be affordable for all. The direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realization” of other rights set forward in the ICESCR. *Id.* at ¶ 12(c)(ii). The clear statement that water must be accessible and affordable for all provides a strong basis for a right-based assertion that communities and individuals cannot be denied access to water because of an inability to pay.

Company Responsibilities and the Right to Water: Due Diligence

What does a right to water mean for companies? The Universal Declaration of Human Rights proclaims that “every organ of society” has a role to play in promoting the principles of the Declaration and its guarantees of a right to life and a standard of living adequate for health. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948). Until recently, debates about the nature of companies’ human rights obligations have largely taken place in either classrooms or courtrooms. In the last several years, more international consensus has developed with respect to corporate responsibility for human rights. A significant factor in this emerging consensus has been the work of the UN SRSG on the issue of human rights and transnational corporations. In July 2005, then Secretary-General Kofi Annan appointed John G. Ruggie, a professor at Harvard University’s Kennedy School of Government, to be his Special Representative, with a mandate to provide views and practical recommendations on the scope and content of corporate responsibility with respect to human rights.

Since Ruggie’s appointment, the UN SRSG has conducted multi-stakeholder consultations on five continents, solicited submissions from a wide variety of stakeholders, and directed multiple research initiatives. Out of this work has emerged a series of reports that has provided a strong conceptual and policy framework for dialogue on companies’ obligations with regard to human rights. In a report released in April 2008, the UN SRSG advanced three core principles to help guide the debate: (1) States have a duty to protect against human rights abuses by third parties, including companies; (2) companies have a responsibility to respect human rights; and (3) there needs to be effective access to remedies so that these respective obligations can be enforced. UN SRSG 2008 Report, *supra* at ¶ 9.

How does this framework address emerging conflicts over water? At a minimum, the UN SRSG observed that “[t]o respect rights essentially means not to infringe on the rights

of others—put simply, to do no harm.” *Id.* at ¶ 24. The UN SRSG also observed that companies are specialized economic organs, not democratic political institutions, and thus “their responsibilities cannot and should not simply mirror the duties of States.” *Id.* at ¶ 53. Ultimately, the UN SRSG contemplates that the corporate responsibility to respect human rights requires that companies carry out sufficient due diligence efforts so that they are aware of and are thus able to address and prevent any adverse human impacts associated with their operations. In an April 2009 report, the UN SRSG specifically suggested that what is required is an “ongoing process of human rights due diligence, whereby companies become aware of, prevent, and mitigate adverse human rights impacts.” U.N. Human Rights Council, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, *Business and Human Rights: Towards Operationalizing the “Protect, Respect and Remedy” Framework*, at ¶ 49, U.N. Doc. A/HRC/11/13 (Apr. 22, 2009) [hereinafter UN SRSG 2009 Report].

When considered in the context of the human right to water, this statement provides the basis for public pressure on private companies to evaluate, be publicly transparent about, and mitigate the human impacts of their water use and to factor in the need to preserve and protect adequate community water resources when making determinations about water resource allocation.

In his April 2009 report, the UN SRSG sets forward three factors that should define the scope of a company’s human rights due diligence process. The first is the “country and local context in which the business activity takes place.” This factor includes such considerations as the country’s human rights commitment and practices, the institutional capacity of public authorities, and “the scarcity of critical resources like water.” The second factor is an assessment of the specific impacts a company’s activities will have “in its capacity as producer, service provider, employer and neighbour.” Finally, the UN SRSG suggests that a third factor for consideration is “whether and how” a company may contribute to human rights abuses through its relationships with business partners, contractors, other non-state actors, and state agents. UN SRSG 2009 Report, *supra* at ¶ 50.

In order to meet their obligation to respect human rights, companies should be required to assess the impact of their activities on water access—especially as they operate in different countries, each with varying levels of water scarcity and public authority capacity. Such a reporting requirement would significantly change the nature of what is expected of companies when dealing with water resources. Traditionally, national legal regimes, investment treaties, and international financial institutions have required companies to assess the environmental impacts of their investments. These assessments have typically documented the companies’ water usage and potential water-quality impacts. Requiring companies to assess the degree to which their activities will affect the right to water access in a particular operating context raises different

questions. Under a rights-based approach to water assessment, companies should evaluate the harm their activities may cause to public water resources. Will a particular investment cause public or private actors to divert water resources in a way that will impact public water supplies? For water providers, will their activities increase water access and at what cost to communities? Water access must be provided free of discrimination; a rights-based approach provides for considerations of the particular impacts of corporate activities on the poor, women, and children.

A corporate assessment of potential water access consequences should be rigorous, and should be conducted at a local level in order to provide meaningful information for specific populations. For water deliverers, assessments should reflect the numbers of people that have either improved or restricted access to safe drinking water as a result of the company's activities. Ideally, these assessments should be participatory and should include the input of the communities impacted by company operations. Companies in the extractive sectors and other water-intensive industries should assess the degree to which their operations will impact local water supplies, both through diversion and contamination.

Under the UN SRSG's call for greater reporting and the doctrine that access to water must be provided free from economic discrimination, private water entrepreneurs should be required to disclose how much they are paying for access to water and how much they in turn charge the public for it. Examples of private purchasers of water access rights include T. Boone Pickens, who has launched an effort to mine the Ogallala aquifer under the Texas panhandle in order to sell the water to rapidly growing Texas cities, and Poland Spring® (a Nestlé subsidiary), which has bought the rights to extract hundreds of thousands of gallons of water per day from various towns in Maine. Jim Yardley, *For Texas Now, Water and Not Oil Is Liquid Gold*, N.Y. TIMES, Apr. 16, 2001, at A14; Steve Bodnar, *Maine Towns Grapple with Water-Rights Issues*, Aug. 13, 2009, www.seacoastonline.com/articles/20090813-NEWS-908130419.

We remain agnostic about whether private companies should be able to sell water at profit to the public but note that greater transparency and reporting may help those municipalities earn a fair return when considering whether or not to offer a license to private companies to mine public water.

Water Access and Public and Private Remedies

Finally, the UN SRSG's framework provides that there must be effective remedies for people to seek redress for abuses of human rights. Again, it is states that have the primary obligation to protect water access. Ultimately, states with effective regulatory regimes and strong rule of law will have the greatest capacity to protect that access. In practice, the establishment of state legislative and regulatory regimes to protect water access will involve policy debates balancing public and private interests and evaluations of the role of the private sector in

meeting local water challenges. Some states may choose to enshrine the right to water in national legislation, as South Africa has done. Other states may view an internationally recognized right to water as establishing clear development priorities. The UN SRSG's reports have recognized both judicial and nonjudicial mechanisms as important in providing for the redress of human rights abuses. Many states have established national human rights institutions that are able to handle grievances related to the human rights performance of companies outside of the formal judicial system. UN SRSG 2008 Report, *supra* at ¶ 96.

The UN SRSG also calls on companies to develop griev-

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to water.**

ance mechanisms allowing individuals and communities to seek redress when their rights have been violated. Specifically, in his April 2008 report, he observes:

Effective grievance mechanisms play an important role in the State duty to protect, in both its legal and policy dimensions, as well as in the corporate social responsibility to respect. State regulation proscribing certain corporate conduct will have little impact without accompanying mechanisms to investigate, punish and redress abuses. Equally, the corporate responsibility to respect requires a means for those who believe they have been harmed to bring this to the attention of the company and seek remediation, without prejudice to the legal channels available.

UN SRSG 2008 Report, *supra* at ¶ 82. Corporate-level grievance mechanisms can be specific to the company or can be administered through multi-stakeholder or industry initiatives. Under a rights-based approach to ensuring water access for all peoples, public and private approaches to meeting state and corporate human rights obligations will likely progress through both regulatory measures and voluntary initiatives. The balance between the two approaches will be struck in different ways depending on local and national contexts, institutional capacities, and water scarcity concerns.

It is likely that both public and private mechanisms will involve demands for greater transparency on the part of

companies as to the nature and extent of water use and its corresponding impact on water access. If companies are meeting internal obligations to assess the impacts of their activities, there will be, in turn, demand for public transparency as to the results of these assessments. Some of these demands for transparency will likely be translated into regulations requiring disclosures. Notably, the 2008 JPMorgan report suggests that the investment community may increasingly demand more information on corporate exposure to risks associated with water scarcity. J.P. Morgan Securities Inc., Global Equity Research, *supra*. at 18 (Mar. 31, 2008). Specifically, the report raises a number of specific issues that “investors may wish to probe,” including “equity of access to water resources, as evidenced by the health of communities and the local environment as well as local economic growth to the extent that these are harmed by limited access to clean water.” *Id.* The report observes that “a company’s water consumption, or the water pollution it causes, can raise key reputation concerns, especially where the competition with local economic, social, or environmental demands is intense.” *Id.*

Demands for transparency on the human rights impacts of corporate behavior have been growing within the investment and human rights communities for many years. In recent years, many companies have significantly increased the quantity and quality of their reporting on environmental and social issues. In recognition of both the right to water and the corporate obligation to respect that right, corporations should consider addressing water access concerns in both environmental and human rights reporting.

Transparency leads to accountability. Water is a precious resource, and public and private actors need access to information on impacts to participate in dialogue regarding how water resources are protected and allocated. Companies should be held accountable for the impact of their activities on water access. This accountability can be enforced through a wide variety of formal and informal mechanisms. Most ideally, this accountability will promote greater dialogue between states, communities, and private actors about water resource allocation. Access to necessary information will provide more effective state accountability for granting private water contracts that do not benefit local communities. States should hold companies accountable to commitments to protect communities’ access to water resources. When water access is lost or impaired as the result of corporate activity, people should hold companies accountable through judicial and nonjudicial grievance mechanisms.

Ideally, companies should actively engage with the communities that are affected by their operations and discuss water access concerns; such consultations should be a part of a company’s efforts to conduct human rights impact assessments. The UN SRSG has observed that these sorts of assessments can bring company, community, and government representatives together to discuss related concerns. These consultations, if handled responsibly and in good faith, can promote an ongoing dialogue that may avoid the need for parties to resort to more formal dispute resolution mecha-

nisms. Ultimately, the UN SRSG’s work, together with the emerging consensus around the need to ensure that water access rights are protected, provide a platform for engagement whereby companies can be held accountable by public and private stakeholders for the impacts of their activities on water availability and access.

Notably, some segments of the private sector have recognized many of the conflicts ahead and have tried to take the lead in promoting voluntary initiatives, which could forestall or alleviate the need for regulation in specific national contexts. The need for companies to assess their impact on available water resources was highlighted at the March 2009 launch of the “Declaration on U.S. Policy and the Global Challenge of Water” by the Center for Strategic & International Studies Global Water Futures Project in Washington D.C. Center for Strategic & International Studies, Global Water Futures Project, *supra*. At the launch, Neville Isdell, chairman of the Coca-Cola Company and co-chair of the Declaration, spoke of the need for companies to “step up” on global water concerns and play a role in formulating effective strategies for ensuring the sustainability of water resources. Isdell called on corporate leaders to address the water footprint of their companies by developing a much better understanding of their water usage, including the use of water along their supply chains. Similarly, the CEO Water Mandate, a voluntary initiative launched in 2007 under the aegis of the U.N. Global Compact, asks signatories to “conduct a comprehensive water-use assessment to understand the extent to which the company uses water in the direct production of goods and services.” CEO Water Mandate, *available at* www.unglobalcompact.org/Issues/Environment/CEO_Water_Mandate/. Signatories also pledge to “encourage and facilitate suppliers in conducting assessments of water usage and impacts.” *Id.* The CEO Water Mandate also includes pledges to “[p]ublish and share our water strategies (including targets and results as well as areas for improvement) in relevant corporate reports, using—where appropriate—the water indicators found in the GRI Guidelines” and to “[b]e transparent in dealings and conversations with governments and other public authorities on water issues.” *Id.*

Companies will continue to play a greater role in providing water to meet the demands of an expanding world and growing global water crisis. Examining water scarcity through the prism of human rights and the right to access safe, affordable water for life will only propel governments—which have an obligation to enforce that right—to turn increasingly to other actors—the private sector—to fulfill this duty. In return for the opportunity to profit from water, companies, whether water providers or businesses that contribute to water pollution, must assess their impact on the public’s ability to access clean water and must be transparent in how their operations may infringe on the right of access to water. Simultaneously, governments and nongovernmental organizations should demand public transparency to ensure that any violations of the right of access to water are first identified and then remedied. 🌳