Water, Energy and Human Rights

Wastewater Reuse for Energy Production

Realization of Human Rights
Wastewater to Energy – The Human Rights Perspective

I. General Features of Wastewater Management Law

- Frequent monopoly rights regarding water services

- Distinguish ownership regarding water, wastewater, sludge and respective installations

- Systems run by municipalities as public utility/service or transferred to private companies (various ownership/licensing models)

- Frequent Public Private Partnerships (PPPs); standard models either Build Own Operate Transfer (BOOT) or Build Operate Transfer (BOT)

- Jurisdictions vary as regards allocation of water rights (land-based, community based, private, use-based, riparian, appropriation, etc.), differences between civil and common law systems
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II. Adopting the Human Rights Perspective

- Access to energy from waste water reuse can help to realize human rights to water, sanitation, adequate standard of living, health, clean and healthy environment, etc.

- Important procedural aspects (access to information, public participation, access to justice etc.)

- Largely untackled rights dimension regarding energy generated from the human body

- Close interconnection of human rights and environment (see mandate established by HRC), right to energy access yet to be promoted further by the human rights community

- Resulting triangle of energy, environment and human rights which requires specific legal approach

- Needs-based approach to be complemented by specific human rights perspective!
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III. Steps Ahead

1. Creating the Right Incentives

- Setting up specific legal incentives to promote wastewater-to-energy technology

- Linking theme with Corporate Social Responsibility

- Using experimental clauses in legislation to spur development of best practices

- Strengthening local reuse systems
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III. Steps Ahead

2. Reframing Contractual and Legislative Rights and Duties

- Reframing ownership/use options regarding wastewater from the human rights angle

- Tackling licensing requirements, effects on water prices, public interest concerns, opt-outs, facilitating transfer of ownership, establishing time limitations, review requirements, disposal responsibilities etc.

- Issuing air emission licences for WTPs depending on energy recovery level

- Allowing for flexible amendment of standards in light of technological status quo

- Drafting human rights based model wastewater management contracts, codes of conducts, interpretation guides, standards etc.
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III. Steps Ahead

3. Creating the Right Procedural and Institutional Design

- Establishing specific, but integrated planning, licensing, monitoring, disposal requirements (one stop shop, including public health, EIA, sustainability, public participation issues etc.)

- Strengthening procedural rights (access to information, participation, access to justice (individual and public interest related)

- Attaching responsibility to local water authorities, create specific sub-bodies

- Considering appointment of Ombudsperson system
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III. Steps Ahead

4. Providing Effective Conflict Management Structures

- Reducing tensions/anticipate conflict by providing procedural rights

- Providing effective compensation schemes, establishing public funds; dealing with liability issues

- Addressing conflicts between competing forms of wastewater reuse (drinking water, energy generation, agriculture, cooling device, recharge of aquifers, rehabilitation of ecosystems etc.)
III. Steps Ahead

5. More research desirable...
   e.g. with regard to ownership issues from the human rights angle, identification of best practices, guidelines, code of conduct etc., further conceptualisation of potential right to energy access (including energy generated from wastewater), etc.