

»» Human rights and infrastructure

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This year sees the 70th anniversary of the adoption of the Universal Declaration of Human Rights in 1948, which forms the basis of the international human rights protection system. The latter comprises nine agreements, first and foremost the UN International Covenant on Civil and Political Rights and the UN International Covenant on Economic, Social and Cultural Rights.

Infrastructure plays a key role in their implementation. With Agenda 2030, the global community pledges to support, among other things, sustainable, accessible and robust infrastructure and to make investments in an ecologically, socially and economically sustainable way. The tension between improving infrastructure and ensuring human rights poses a challenge here.

Infrastructure as a requirement for realising human rights

The realisation of human rights needs different kinds of infrastructure: economic, social and cultural rights such as access to education, health or clean drinking water require schools, hospitals, water utilities and a power supply. Civil and political rights (e.g. freedom of speech) require democratic and rule-of-law institutions as well as security- or IT-infrastructure.

Typical human rights risks involving infrastructure

On the other hand, expanding infrastructure simultaneously could impede the enjoyment of human rights. The Office of the UN High Commissioner for Human Rights (OHCHR) recently carried out a study which identifies typical risks:

Micro-level: risk of restricted access by the user group to resources impedes adequate participation. Further dangers: excessive environmental and health risks / illegal resettlement of local residents, sexual violence, attacks on human rights defenders.

Meso level: risk of restricted access to (partly privatised) services, for example due to lack of corresponding incentives for investors, lack of regulation or monitoring by the state.

Macro level: risk of high costs and burden on tax payers due to lack of planning and management; risk of neglecting environmental and social compatibility vis-à-vis economic interests.

Adopting the argumentation of development theories based on modernisation theory, some consider human rights issues to be an obstacle that should be relegated in favour of an economically defined development process. A narrow understanding of "development", which does not take its social and ecological dimension into account, underlies this argumentation. A study commissioned by the Inter-American Development Bank last year even came to the conclusion that not observing human rights aspects such as not properly consulting affected parties can endanger the success of infrastructure projects.

Infrastructure expansion: respecting human rights standards and principles

There are infrastructure projects where some of the risks explained cannot be avoided. For example, in the long term, expansion of the power supply can improve the living conditions of many people, but in the short term it can impede the rights of use of local residents or even make resettlement measures necessary. The pros and cons need to be weighed here. If a negative impact on individuals cannot be ruled out completely, steps must be taken to lessen it by introducing suitable measures or compensating for it (e.g. damages for resettlement). At the same time, certain minimum standards must be maintained. Human rights principles serve as a guide here (participation and empowerment; transparency and accountability; non-discrimination and equality of opportunity) as well as human rights standards including the so-called A⁴Q criteria: *Avail-*

ability (infrastructure services are available in sufficient quantities); *Accessibility* (all target groups have access to the same extent); *Acceptability* (it is socially and culturally acceptable); *Affordability* (it is financially affordable); and *Quality* (it has an adequate standard of quality).

In terms of conceptualisation, implementation and evaluation of infrastructure measures, the OHCHR specifically recommends the following: (1) Improvement of access to information, consultation and reporting, including the ability to lodge complaints, (2) Projects comply with human rights and environmental obligations in place at the target country, (3) Human rights criteria are integrated into quality infrastructure criteria, (4) All parties respect their human rights due diligence, (5) Human rights and environmental protection are incorporated into investment agreements and count as equal (6) Corresponding risks are adequately dealt with during implementation, (7) Gender aspects are integrated and discrimination is addressed.

Conclusion: A challenging task!

Infrastructure services are essential for realizing human rights. Human rights considerations must be taken into account at the planning and implementation stage of respective projects so that they can be implemented successfully and achieve a sustainable and inclusive development policy outcome. Internationally recognised safeguards which are interpreted in a way compatible with human rights as well as obligatory environmental and social impact assessments should not be seen as obstacles for development, but rather as the key to minimising potential conflicts between infrastructure and human rights, and avoiding "collateral damage". ■

Literature

OHCHR/HBS (2018): [The other Infrastructure Gap: Sustainability](#)