

Ways to realise the human rights to water and sanitation

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This paper focuses on the implementation challenges and issues that need to be addressed to realise the human rights to water and sanitation. It highlights the tools and good practices/lessons for overcoming these challenges to ensure that everyone has access to safe drinking water and sanitation services.

i. The human rights to water and sanitation

Water is the essence of life. Safe drinking water and sanitation are indispensable to sustain life and health and fundamental to the dignity of all. Without safe drinking water and sanitation, people are trapped in a cycle of poverty and disease. While since 1990 more than 2 billion people have gained access to improved drinking water sources, over 780 million people still do not have access to improved sources of drinking water, while 2.5 billion lack access to improved sanitation facilities.¹ Moreover, low-income urban dwellers have to pay high prices for water, sometimes up to 50 times the price paid by higher income groups. This problem is worsened by a rapid and unplanned urbanization.

To address this challenge, the international community increasingly recognizes that safe, clean, accessible and affordable drinking water and sanitation for all must be considered within a human rights framework. The UN General Assembly through Resolution 64/292 recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights. This deepened State commitment to Economic Social and Cultural Rights' Observation N^o 15 establishing the human right to water and sanitation.² The Resolution calls upon States and international organisations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all.

On 28 September 2011, the UN Human Rights Council passed a new resolution which takes the human right to safe drinking water and sanitation a step further. The Council welcomed the submission of the compilation of good practices on the right to safe drinking water and sanitation, in which the Special Rapporteur put particular emphasis on practical solutions

¹ See United Nations Children's Fund and World Health Organization, *Progress on Drinking Water and Sanitation* (2012).

² General Comment No. 15. The right to water. UN Committee on Economic, Social and Cultural Rights, November 2002

with regard to the implementation of the human right to safe drinking water and sanitation. The resolution calls on States to ensure enough financing for sustainable delivery of water and sanitation services.

ii. Implementation Challenges

The following changes are faced in the implementation of human rights to water and sanitation:

Financing and economic instruments - Financing is essential in the realization of the human right to safe drinking water and sanitation. The 2006 UNDP Human Development Report recommended that governments should aim to spend a minimum of 1% of their GDP on water and sanitation. However, present government spending on water and sanitation is generally well below what is necessary to meet the MDGs. The 2014 GLAAS Report points out that allocations for water, and particularly for sanitation, continue to be inadequate in many countries, with 77% of countries indicating that available financing is insufficient to reach coverage targets for sanitation.

Technology – i) On-site human waste disposal still remains the only option for the millions of poor living in informal settlements and unplanned areas. The conventional waterborne sewerage is hampered by a multitude of limitations in these areas and consequently simple and ventilated improved pit (VIP) latrines remain the common choice of sanitation facility. In these settlements, when the latrines become full the closing down and relocation of these latrines is often not possible because of the limitation of space and so they have to be emptied. Emptying of pit latrines is done either manually or mechanically.

ii) Realizing the right to water is often constrained by the limited coverage of network systems. There is a need to implement solutions at the community and household levels which can provide safe drinking water using appropriate and cost-effective technologies. However, the implementation of these technologies needs to be supported by awareness raising and capacity building at the household and community levels.

Governance - Over the past three decades, many developing countries have made encouraging progress in implementing decentralisation programmes aimed at creating new institutions and frameworks for democratic local governance and improved basic service provision. However, many Local Authorities have neither the human nor the financial resources to meet the extent of their obligations. As a result, basic service provision has not kept pace with high demand created by increased economic activity and rapid urban population growth. Out-dated infrastructure as a result of low investments, weak and unenforced legislations and poor governance are some of the major challenges confronting local authorities.

Capacity Development - Small revenue base and limited capacity for development and maintenance of water and sanitation services are some of the major challenges confronting water and sanitation service providers, especially in small towns of developing countries. A combination of poor planning and design, inefficient operations and inadequate maintenance

means that the services that do exist are often of poor quality. Compounding the problem is the reality of the limited skilled human resource to address their impending water and sanitation concerns.

iii. Addressing Challenges – Developing and Using Tools

Examples of tools developed to overcome the above challenges include:

Financing and economic instruments

Manual on the Right to Water and Sanitation-The Manual on the Right to Water and Sanitation is designed to assist policy makers and practitioners in implementing the right to water and sanitation. This publication, written in non-legal language, addresses the vital need to clarify how human rights can be practically realized in the water and sanitation sector.

The Manual recognizes that implementing the right to water and sanitation is not limited to legal recognition or allocation of funds. Rather, it provides the basis for practical reforms in many areas of water supply and sanitation and in water resource management that can help make the water and sanitation sector operate in a manner that is more pro-poor, accountable and inclusive.

Chapter 10 of the Manual on “Affordability and Financing of Water and Sanitation” outlines how Governments can act to ensure affordability of water and sanitation services. It also assesses potential subsidy mechanisms for both network and small-scale provision and the challenge of identifying and targeting subsidies on those unable to pay.

Handbook on how to realize the human rights to water and sanitation - The Handbook offers clear, practical guidance, including checklists, to assist in implementing the human right to water and sanitation. The Handbook focuses special attention on the critical necessity of increasing investment and effort on realizing the rights of the most disadvantaged and marginalized groups, including children with disabilities and girls, who face particular barriers to accessing safe water and sanitation. It is the culmination of six years of work by Catarina de Albuquerque, the first United Nations Special Rapporteur on the human right to safe drinking water and sanitation.

The Handbook provides direction and concrete examples to help understand how the human right to water and sanitation can be made real for everybody – whether they are people living in informal settlements, children belonging to ethnic minorities, migrants, refugees, women living in rural areas or people living in extreme poverty. The recommendations provided can assist States in their effort to translate the right to water and sanitation into law, policy, budgets, and service provision.

Book 3 of the Handbook on Financing outlines how States can meet these obligations by allocating the maximum available resources for the realisation of all human rights, and, in this context, the human rights to water and sanitation. It also outlines how the human rights to water and sanitation are integrated into the four stages of a State’s budget cycle: formulation, enactment, execution and oversight.

UN-Habitat Water and Sanitation Trust Fund - The UN-Habitat Water and Sanitation Trust Fund aims to create an enabling environment for pro-poor investment in water and sanitation in urban areas of all sizes in the developing world, thus providing a vehicle to significantly improve the volume and effectiveness of both the Official Development Assistance and national financial flows into the water and sanitation sectors. UN-Habitat has established collaborative arrangements with regional/multilateral development banks –African Development Bank, Asian Development Bank and Inter-American Development Bank and the European Investment Bank- to facilitate increased follow-up investments in the water and sanitation sector targeted to the urban poor.

By supporting pre-investment capacity improvements and developing specific pro-poor components to larger projects, UN-HABITAT has ensured that large-scale projects supported by the Banks result in increased water and sanitation coverage among the urban poor. The Trust Fund has thus far been able to leverage over USD 1 billion in matching grants and loans to improve water and sanitation in informal settlements in more than 30 African and Asian cities through its partnerships with the African, Asian and Inter-American development banks.

Innovative Financing - Use of micro-finance mechanisms - Microfinance provides access to lump sums and/or saving small amounts of money by beneficiaries who are excluded from formal sector financial institutions because of their low asset level, subsistence-level activities and the high costs involved in lending. Key characteristics of microfinance institutions are that they are local level operations that rely upon social and 'solidarity' economy principles in order to enhance the mobilization of financial resources.

For their personal dignity and self-respect, most of the urban poor are willing to have adequate toilet facilities in their households but they do not have access to finances. When the sanitation microcredit opportunity is available poor people, and in particular women headed households, it plays a vital role in saving and collecting money to get improved sanitation facilities in their households.

Technology

Vacutug - Mechanical pit emptying technology referred to as the Vacutug is a low cost viable option for emptying latrine pits in the unplanned or peri-urban areas of the cities of developing countries. After studying the situation in slums around the world, UN-HABITAT sought to devise a system that would replace manual emptying. It commissioned a mechanical system that would be capable of being manufactured locally using readily available components, that would be affordable, easily serviceable, able to operate in narrow passageways where other conventional exhauster vehicles cannot pass, and capable of sucking out dense waste sludge for transportation to a larger tanker vehicle. At the same time excrement is removed as safely as possible without posing further health hazards in slums.

Blue Drop Series on Rainwater Harvesting and Utilisation - The publication gives an overview of the concept of rainwater and has a focus on the legal and administrative framework for rainwater harvesting. The Blue Drop Series on Water Harvesting and

Utilization is divided into three and each one has a specific target group: policy makers, beneficiaries and capacity and implementing agencies.

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Governance

The International Guidelines on Decentralization and Access to Basic Services for all - The International Guidelines outline the main principles underlying the democratic, constitutional/legal and administrative aspects of local governance and decentralization. They were developed through an intensive consultative and participatory process involving many partners, including UN agencies as well as national and local governments, and were approved by the UN-Habitat Governing Council (GC) in its Resolutions 21/3 of April 2007 on “Guidelines on decentralization and strengthening of local authorities” and 22/8 of April 2009 on “Guidelines on access to basic services for all”.

The guidelines are important in supporting and guiding legislative reform to provide a more effective public sector able to provide the adequate services to their citizens. UN-Habitat is working with a number of national and local authorities to improve basic service provision by adapting and using the International Guidelines on Decentralization and Access to Basic Services.

How to Set Up and Manage a Town-level Multistakeholder Forum: A Step-by-Step Guide - The Guide is intended to help towns and cities develop and manage effective multistakeholder partnerships. It also proposes some areas where these forums can effectively be used as platforms for involving town residents in dealing with citywide issues such as participatory planning and budgeting, preparation of citizen report cards, strengthening of consumer voice in utilities and preparation and implementation of city development strategies.

The Step-by-Step Guide has been used to set up town-level multistakeholder platforms in Kenya, Uganda, Tanzania, Rwanda, Burundi and South Sudan for citizen feedback and oversight in the provision of urban water and sanitation services. The town/city multistakeholder platforms are also designed to involve residents in citywide issues, including the improvement of municipal governance. Institutionalised citizen engagement has resulted in enhanced public accountability, performance and customer responsiveness in service provision.

Capacity Development

Utility Management Series for Small Towns - Compendium of Training Manuals for Small Water Utilities, in six volumes, are as follows:

- Volume 1: Finance Policies and Procedures Manual

- Volume 2: Customer Services User Manual
- Volume 3: Block Mapping Procedures Manual
- Volume 4: Water Audit Manual
- Volume 5: Leakage Control Manual
- Volume 6: Reduction of Illegal Water Use Manual

The Manuals were produced through a collaborative effort between UN-Habitat and the National Water and Sewerage Corporation of Uganda within the framework of a fast track capacity building programme in utility management and operations which targeted seven small utilities in the towns around Lake Victoria. Small water utilities face unique challenges in delivering water and sanitation services to their customers. With a limited revenue base and few opportunities to benefit from economies of scale, they often suffer from severe skill shortages and a long legacy of underinvestment in infrastructure and capacity enhancement. To overcome these challenges, the small utilities need to maximize their operating efficiencies and ensure optimum utilization of their assets. Training and capacity building is considered an important element to support and sustain the infrastructure interventions.

iv. Case Studies

Costs, Benefits and Financing of Post-2015 WASH Targets
By Guy Hutton, World Bank.

Summary: It is expected that basic water, sanitation and hygiene (WASH) will be part of a future water sustainable development goal (SDG). A study is ongoing to estimate the global costs, benefits and financing to meet the proposed target of reaching universal basic WASH access by 2030. The study estimates costs based on the incremental costs of extending services to the unserved as well as the costs of maintaining coverage for the already served. Costs and benefits are estimated for income quintiles separately. Public financing required to extend services to reach universal access is estimated based on what proportion of investment costs should be covered by public (or donor) finances, by income quintile. These values are compared to existing financial allocations. This study provides some key evidence for discussions that will be held at global as well as country level on how universal WASH access can be provided for households.

The objective of this study is to better inform decision making on the selection and financing of WASH interventions (at global and country levels), leading to improved outcomes for the poor and services that are efficiently delivered.

At the global level, the results will be used to influence the funding decisions of WASH sector donors and multilateral development banks, in terms of which countries to work in, which WASH interventions to select, which populations to target, and which service delivery methods are most cost-effective. By comparing the investment and O&M needs with the financing available and the income of poor households, priorities for investment plans and preferred financing mechanisms/sources can be proposed.

At the country level, it is recognized that a global study may not be precise enough or provide the specific evidence required to strongly influence local policy makers. Therefore, it is expected that the country results provided by the global study will initiate further debate on WASH sector targets and intervention financing and efficiency in countries, leading to further economic studies at country level.

Lessons Learned:

Triggers: Economic evidence has proven to be important in emphasizing to policy makers the importance of WASH. The objective of this study is to better inform decision making on the selection and financing of WASH interventions (at global and country levels), leading to improved outcomes for the poor and services that are efficiently delivered.

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Drivers: World Bank leads the study, with WHO, UNICEF and other partners closely involved, especially partners contributing to the JMP post-2015 WASH proposals

Barriers: Lack of underlying data for many countries on the costs and benefits of WASH.

What has worked well? The study is in progress. It utilizes MS Excel software to build an economic model to make the estimates

What could be improved? At a later stage, more advanced services than just basic WASH will be assessed, including both household safe (regulated) piped water supply and full excreta management. The constraint on this part of the study is the lack of underlying data on current household coverage of these services.

The way forward: The results of the study will be finalized in early 2015 and disseminated widely. It is expected that the economic case for universal WASH access will strengthen the case for including WASH within the water SDG.

Case Study of Girls and Women in Nigeria (G-WIN) Project

By Sarah Reng-Ochekpe, Minister of Water Resources, Nigeria

The Girls and Women in Nigeria (G-WIN) project is an innovative project aimed at empowering girls and women, especially in the rural areas, towards improving their lives and well being. Most water supply and sanitation projects being implemented in the country have

not been giving adequate consideration for inclusion of girls and women which make them to be systematically disadvantaged and face worse development outcomes than their male counterparts. Traditionally, women and girls are the primary collectors, users, and managers of domestic water supply, and the most affected with hardship of lack of access to safe drinking water, inadequate sanitation and unimproved hygiene, when water system breaks down. They trek long distances in search of water for household purposes.

The G-Win project is part of the Federal Government Agenda to make Women and Girls more productive by alleviating the long distances walk in search of water for domestic purposes or from unsafe sources. The project also seek to empower women and girls who are mostly engaged in unpaid labour, and not actively involved in the management of water points, or water vending businesses. The project will also save women and girls from facing the risk of molestation, assault, embarrassment and danger of snake bites, when they have to wait until it gets dark to defecate in nearby bushes.

The project which is currently being piloted in the rural and semi-rural areas has commenced with 1st Phase, in 2 LGAs in each of the 4 states of Abia, Bauchi, Osun, and Plateau out of the 36 States and Federal Capital Territory in Nigeria. It is an intervention designed to key into existing programmes of the Ministry of Water Resources with the principal objective to “Make Women Leaders in Water Management”.

Lessons Learned:

Triggers:

- High rate of unemployment among women and girls;
- High mortality and morbidity rate in the society
- Government policy on women and girls empowerment

Drivers:

- Budgetary provision,
- Pro-active G-WIN Steering and
- Highly focussed Technical Team
- Dedicated institutional arrangement

Barriers:

- Culture: Perception of some community members of the role of women in the society.
- Religion: Some religion forbid women and girls from participating in public works.

What has worked well?

- Institutional arrangement for the project.
- Continuous collaboration amongst stakeholders for better result.

What can be improved?

- Timely approval and releases of funds.
- Strengthened monitoring and evaluation by all stakeholders.

The Way Forward:

- Continued advocacy, sensitization and mobilization;
- More promotion of the project to Donor Partners and Private Sector to build more support for the initiative and scale up;
- Showcasing of the success stories “nationally and internationally”.

The creation of an independent regulatory body for the water sector (ERSAR)

By Luís Simas, The Water and Waste Services Regulation Authority, Water Quality Department, Portugal

The implementation in Portugal of the drinking water quality legal framework 20 years ago could only guarantee 50% of safe water, which meant that the other 50% were not controlled or were not complying with the national standards. After a decade, the levels of safe water increased to 84%.

However Portugal was very far from the 99% of safe water which is internationally considered as the level of excellent drinking water quality.

Pursuing this goal it was established a new regulatory model for drinking water quality taking into account the European Drinking Water Directive 98/83/CE and 10 years after its implementation the safe water is now on 98% and new tools, like water safety plans approach, are being implemented to reach the 99%.

It is important to highlight that one of the decisions that made a difference in this evolution was the creation of an independent regulatory body for the water sector (ERSAR).

Lessons Learned:

Triggers:

- New European legislation
- National strategic plans for the water sector
- Need to improve the drinking water quality

Drivers:

- Political will for independent regulation
- International networking

Barriers:

The disparities between the water suppliers in size, number, knowledge and amount of resources (human, technical and financial)

What has worked well?

The stakeholder engagement, the awareness of the independent regulation importance and benefits

What can be improved?

There are still some aspects to improve, namely in the internal procedures of the water utilities (operational monitoring), the legal framework needs an upgrade to include the risk assessment/risk management approach and as a result of this more technical information for the implementation is needed.

The Way Forward:

The future is in short term the water safety planning approach and the implementation of a national approval scheme for products in contact with drinking water. In the long term we have to learn how to deal with the emerging substances (water safety planning approach) and with the resilience of the water systems. We must also have to guarantee the **human rights to safe water and sanitation** when we build a regulatory model.

v. Background Issues/Questions for discussion

1. What are the implementation challenges and issues (financing, governance, technology, capacity development) that need to be addressed to realise the human rights to water and sanitation?
2. What would be the best/key tool/s for financing, governance, technology, capacity development to be used to contribute to the realisation of the human rights to water and sanitation?
3. What are some of the obstacles you have encountered when implementing the financial, governance, technology and capacity development tools for realising the human rights to water and sanitation? What are the solutions you have identified to overcome them?
4. What are the conditions for success to replicate and effectively implement these tools in a different context (geographical, hydrological, institutional, etc.)?
5. How do you see the role of government in overcoming the obstacles and implementing the tools for realising the human rights to water and sanitation?

vi. Questions to the Panellists

Financing (Guy Hutton): Public financing is a critical necessity in increasing investment and effort on realizing the rights of the most disadvantaged and marginalized groups. What are the viable financing instruments and technologies for reaching universal WASH access? What proportion of WASH investment costs should be covered by public finances to reach this target?

Governance: (Sarah Reng-Ochekpe, Minister of Water Resources, Nigeria): Traditionally, women and girls are the primary collectors, users, and managers of domestic water supply, and the most affected with hardship of lack of access to safe drinking water and inadequate sanitation and unimproved hygiene, especially when water system break down. What are some of the challenges you have faced in making women leaders in water management in Nigeria? What solutions did you identify to overcome the challenges? What tools were used in strengthening girls and women engagement in the projects? How can the Nigerian experience

be replicated elsewhere in Africa and beyond? What role has the Government played in enhancing the participation of girls, women, youth and other vulnerable groups in the management of water and sanitation systems?

Governance: Institutions / legal framework (Luís Simas): How did the creation of an independent regulatory body for the water sector (ERSAR) make a difference in access to water and sanitation to the disadvantaged groups in Portugal? What tools were used to promote stakeholder engagement, improve communication with water suppliers? What was the role of the government in implementing these tools?