

# **AGUASAN Contribution to the**

# **‘Good Practices’ on the Implementation of the Human Rights Obligations related to Water and Sanitation**

## Introduction

**AGUASAN** is an interdisciplinary Swiss community of practice bringing together a wide range of specialists to promote wider and deeper understanding of key issues in water supply and sanitation in developing and transition countries. It builds on committed sector professionals from various specialized institutions involved in Swiss development cooperation and research. Since 1984, the community of practice provides a functioning multi-stakeholder platform serving the sector and constitutes an essential link in the networking and knowledge management strategy of the Swiss Agency for Development and Cooperation (SDC).

AGUASAN decided to participate in the initiative launched by the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. 4 good practices have been documented by AGUASAN members (see Annexes). Even though the limited number of questionnaires does not allow drawing generic conclusions and recommendations, a few elements characterizing the different good practices have been identified. This document aims at summarizing these common elements.

We would like to thank especially Ms. Sabine Hofmann (Graduate Institute of International and Development Studies, Geneva) and Mr. Albert Bürgi (Helvetas, Zurich) for providing documented good practices.

## Short presentation of the good practices

### **Water resources management program Nepal (Helvetas)**

The programme supports Village Development Committees (VDC) and communities to develop their Water Use Master Plan and implement priority drinking water and sanitation projects. It also assists the VDCs in networking with potential resource organizations for the realization of other water related projects / activities identified in the Water Use Master Plan. The programme supports conducting water and sanitation related social and technical capacity building and campaigns at the local level for ensuring delegation of water resources and sanitation management at the lowest appropriate level.

### **Transformation of individual open wells into safe drinking water sources in Northern Benin (Helvetas)**

The practice concerns the modification of existing open wells built in Benin in the 1980ies through big sector programs. The technology rehabilitation is simple: the well is cleaned and deepened as to ensure steady water flow, then closed by a superstructure with a pedal pump and a water counter. Local public and private sector actors (planners, constructors, pump repairers, water managers etc.) are trained in order to ensure sustainable handling of the well. The technical intervention is relatively cheap which further enhances maintenance and sustainability of the infrastructure. Since the national WatSan strategy asks for financial participation of consumers, water service needs to be paid, which means for local communities either payment per volume or regular contributions to the village water management committees. The installation of water counters allows for improved local governance of water revenues which are distributed among the water managers (for small repairs and benefits for services) and the communes (for new investments and large repairs).

### **Promotion and dissemination of SODIS in Vietnam (Helvetas)**

Solar water disinfection - the SODIS method - is a simple procedure to disinfect drinking water. Contaminated water is filled in a transparent PET-bottle or glass bottle and exposed to the sun for 6 hours. During this time, the UV-radiation of the sun kills diarrhoea generating pathogens.

The practice mainly consists of training (SODIS promoters, households, teachers and students), awareness raising campaigns (Communication Nights, Competition in Schools, Promoter competition, TV spot, TV and radio reports, Posters, etc.), integrating SODIS in partners' programs of water, hygiene and sanitation, promoting an exchange of experiences on water and sanitation and on SODIS in particular.

### **Institutional and legal reforms in Hungary**

*This good practice was prepared by Ms. Sabine Hoffmann (Graduate Institute of International and Development Studies, Geneva) on the basis of the following study: **The Implementation of the Right to Water and Sanitation in Central and Eastern Europe**, Solidarité Eau Europe, Sabine Hoffmann, 2006.*

In Hungary, the right to water is not explicitly contained in the national legislation. However, the Law on Water Management stipulates that the management of the water and sewage sector has to be implemented in such a way that satisfies the needs of society. The same law specifies that the government has to elaborate a National Environmental Plan, including separate programs to improve the quality of drinking water and to expand both the sewerage network and the wastewater treatment. The various programs are specified in government decrees and contain specific targets and timelines. Their implementation is supervised by the Ministry of Environment and Water through a system of indicators.

The implementation of these programs is accompanied by the establishment of contractual relations between households and service providers. The specific content of those contracts, including the rights and responsibilities of both sides, are regulated. Based on consumer's complaints, the Inspectorate of Consumer Protection monitors the observance of those rights and responsibilities. Additionally, the State Auditory Authority examines the operation of the service companies and the municipalities from a financial point of view: how they set the fees, the cost-elements of the fees, the financial structure of the investments etc..

However, even though Hungary has made substantial steps towards the full realization of the right to water and sanitation, the most vulnerable and marginalized individuals and groups, including the Roma communities, are facing severe affordability problems. To ease such problems, targeted centrally and locally funded housing allowance and arrears management schemes have been developed to provide social assistance to low-income and disadvantaged people.

Analyzing local affordability problems, several inventive solutions are found in addition to the operation of the regular central and local subsidy schemes. These solutions include the development of a foundation with the participation of the local water and sewage company to support low-income households in arrears, the introduction of a municipal program to sustain those households in the installation of sub-meters, as well as the implementation of a subsidy program to cover part of the water and sewage charges of low-income households.

### **Water sector reforms in Kenya**

In addition to the above mentioned good practices questionnaires, an existing publication on the human right to water and sanitation documenting water sector reforms in Kenya has been used for our analysis: **The Human Right to Water and Sanitation. Translating Theory into Practice**. GTZ, 2009.

“The legal basis for the right to water in national Kenyan law is the Water Act of 2002. It is the main legislation that regulates the water sector, in which Kenya committed itself to adopting a human rights-based approach. In the 2007 National Water Services Strategy (NWSS) safe water and basic sanitation are referred to as a basic human right and should therefore be accessible and affordable to all. The Water Act and the water sector reform together provide a framework for the development of and reforms to public policies and plans, to prioritise resources, and to monitor performance. In order to fulfil its human rights

obligations the Kenyan government adopted specific initiatives to enhance the right to water and sanitation, such as the Pro-Poor Implementation Plan for Water Supply and Sanitation (PPIP-WSS). It also introduced a pro-poor water tariff structure to fulfil its obligation to facilitate access to water and sanitation services to those most in need. To protect its citizens from unequal access to water, the Ministry of Water and Irrigation (MWI) established a regulator. By regulating the sector, the Kenyan government has now provided for a legislative, administrative and financial framework for realising the human rights.”

## Summary

The good practices briefly presented above comprise a range of measures. The table below summarizes the main measures according to SDC' six strategic fields: institutional, social, economic, technological, environmental and knowledge.

Strategic field	Measure
<b>Institutional</b>	<p><b>Law on water management</b> (Hungary) “The management of the water and sewage sector has to be implemented in such a way that satisfies the needs of society”</p> <p><b>National environmental plan</b> (Hungary) including concrete targets and timelines</p> <p><b>Water Act</b> (Kenya) Adoption of a human rights based approach, clear allocation of responsibilities between the various institutions</p> <p><b>Establishment of a regulating body</b> (Kenya) responsible for monitoring compliance with the human rights principles in every aspect of service provision in the sector</p> <p><b>Service contracts between service providers and households</b> (Hungary) clarifying rights and responsibilities of households and service providers</p> <p><b>Procedural protection against disconnection (Government Decree)</b> (Hungary) a minimum of 50 liters has to be provided</p> <p><b>Accountability mechanisms at the level of utilities</b> (Kenya) Water companies are required to adopt a customer service approach and set up adequate complaints mechanisms</p> <p><b>Water quantity and quality standards</b> (Kenya, Nepal) Standards set for minimum water quantity and water quality as well as maximum distance between household and water point</p> <p><b>Combined and coordinated efforts from all actors</b> (Nepal) Government, non-governmental organizations, civil society, local private sector</p>
<b>Social</b>	<p><b>Development of a Foundation</b> (Hungary) with the participation of the local water and sewage company to support low-income households in arrears</p> <p><b>Prevention against discrimination (National Strategy)</b> (Kenya) The national strategy details how to reach the urban poor, the marginalised and vulnerable groups</p> <p><b>Focus on disadvantaged groups</b> (Nepal) small farmers, landless, occupational caste and women</p> <p><b>Encouraging participation through The Water Services Regulatory Board</b> (Kenya) The Water Services Regulatory Board empowers consumers and the unserved to organise themselves in Water Action Groups (WAG) and thus become a formalised negotiating partner vis-à-vis the service providers (Kenya)</p> <p><b>Promotion of local participation and resource mobilization</b> (Nepal)</p> <p><b>Public audit</b> (Nepal) as a way to increase community participation and voice</p> <p><b>Citizen’s control on public affairs</b> (Benin) instrument for people to have a say</p> <p><b>Capacity development of village development committees and communities</b> (Nepal)</p> <p><b>Awareness raising</b> (Nepal, Vietnam)</p>

<b>Economic</b>	<p><b>Cross-subsidies between domestic and non-domestic users</b> (Hungary) to support low-income households</p> <p><b>Special subsidy programmes</b> (Hungary) water and sanitation company Nyirsegviz covers the basic (constant) component of the water and sanitation fees of low-income households</p> <p><b>Pro-poor water tariff structure</b> (Kenya)</p> <p><b>Special basket funding mechanism</b> (Kenya) Water Services Trust Fund: Water service providers are encouraged to apply for funding to extend their services to informal urban settlements</p>
<b>Technological</b>	<p><b>SODIS</b> (Vietnam)</p> <p><b>Well upgrading</b> (Benin)</p>
<b>Environmental</b>	<b>Water Use Master Plan</b> (Nepal)
<b>Knowledge</b>	<p><b>Capacity development</b> (Benin) Capacity development of local public and private sector actors (planners, construction companies, water managers, etc.)</p>

**The main characteristics of the good practices can be summarized as follows:**

#### **Clear allocation of responsibilities**

- Clarifying responsibilities of the different institutions
- Effective State oversight and sector regulation

#### **Pro-poor orientation**

- Policy (focus on disadvantaged groups)
- Financial instruments (cross-subsidies, pro-poor water tariff structure)
- Empowerment
- Increased participation
- Ensuring a voice for the disadvantaged (e.g. public audit)

#### **Setting targets and standards**

- Targets and timelines in the national environmental plan
- Standards for minimum water quantity, water quality, maximum distance

#### **Monitoring and accountability mechanisms**

- Independent regulatory body
- Utility customer service approach (complaints mechanisms)

## **Annexes**

- Good practice questionnaire Helvetas Nepal
- Good practice questionnaire Helvetas Benin
- Good practice questionnaire Helvetas Vietnam
- Good practice questionnaire Hungary