

Achieving universal and equitable access to water, sanitation and hygiene (WASH) for all – practitioner perspectives and perceptions

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Abstract/Summary

Every individual holds the human rights to water and sanitation; these rights safeguard access to water for personal and domestic uses and to sanitation at home, at work and in other public places. However, many countries still struggle with realising the rights in practice, and with interpreting what they mean for government. Local government has a pivotal role in making services available to all, but human rights can seem very abstract and may have little meaning for their specific roles and responsibilities. Therefore a consortium of WASH sector partners undertook a project to talk to local government representatives and others to hear their perceptions on how to practically use the human rights framework to make the ‘universal access’ mandate of SDG 6 a reality. The paper provides an overview of the findings that will be useful for sector practitioners to consider when supporting the application of the human rights framework.

Introduction

Water and sanitation are human rights – yet these rights are not fully realised for everyone, everywhere and many questions still remain on how these rights can be used in practice. This paper draws together the key findings from a research project exploring local government perceptions on how to practically use the human rights to water and sanitation to help meet the challenges in achieving universal access to water¹, as expressed in Sustainable Development Goal (SDG) 6.

Lessons learned from this project are feeding into the development of concise, practical and easy-to-implement materials that local government officials around the world can use when planning, designing and / or delivering water and sanitation services for all.

Context, aims and activities undertaken

Every individual, regardless of gender, race, ethnicity, where they live or other form of discrimination, holds the human rights to water and sanitation; these rights safeguard access to water for personal and domestic uses and to sanitation at home, at work and in other public places. All countries recognise that access to adequate water and sanitation services are human rights that must be progressively realised for everyone. However, many countries still struggle with realising the rights in practice, and with interpreting

¹ The project focused on the rights to water and sanitation although many respondents spoke more about water supply rather than sanitation services.

what these human rights mean for government. Similarly, the SDG 6 focus on universal access implies that *all* people must be able to access water and sanitation without discrimination, and target 6.2 also requires governments to “*pay particular attention to women and girls and those in vulnerable situations*”.²

At the national level, the government and all its institutions are duty bearers of human rights and it is their responsibility to work towards realising adequate water and sanitation services for everyone and to thereby fully realise the human rights to water and sanitation for all. This includes water operators, when they are run by the State. Where water operators are private institutions (including private water companies as well as smaller scale providers – both formal and informal), the government has the responsibility to ensure that they do not violate human rights, and also transfers particular responsibilities on to service providers for realising the rights:

States’ obligations to realise the human rights to water and sanitation apply equally to informal as to formal service providers. States are therefore required to ensure that these operators at the least do not interfere with the enjoyment of the human rights to water and to sanitation, and in the best cases that they contribute to the realization of the rights. This is particularly relevant in the context of informal settlements, where residents tend to be disadvantaged and living in poverty, and are most in need of State support and protection. To date, far less attention has been paid to the regulation of informal, small-scale providers than to the regulation of utilities and large private companies. (de Albuquerque, 2014, p.49³)

Local government specifically has a pivotal role in making services available to all, but human rights can seem very abstract and may have little meaning in relation to their specific roles and day-to-day responsibilities. Hence, in 2014, the former UN Special Rapporteur on the human rights to water and sanitation, Catarina de Albuquerque, published a Handbook⁴ with comprehensive guidance on the practical implications of the realisation of these rights. The Handbook applies the rights to the different actions that commonly guide programming in the WASH sector. In particular:

- Water and sanitation services for all will only be achievable if countries systematically identify and address existing inequalities;
- Sustainable maintenance of services over time has to be achieved to ensure services for all;
- Services will need to meet criteria of quality/safety, affordability, accessibility, availability and acceptability to fulfil the human rights framework and the aims of the SDGs.

Although the Handbook provides very practical guidance, information about the human rights to water and sanitation still needs to become more accessible to local government duty bearers. Therefore, the aims of this project were:

- To talk to local government representatives and others to hear their views and perceptions on how they can practically use the human rights framework to make the ‘universal access’ mandate of SDG 6 a reality; and
- To understand and map local government needs and preferences as the main audience for practical and accessible tools and materials for realizing the human rights to water and sanitation.

The project was undertaken by a consortium of WASH sector partners: WaterAid; WASH United; the Institute for Sustainable Futures (University of Technology Sydney); the Rural Water Supply Network

² UN Resolution A/Res/70/1 (2015) Transforming our world: the 2030 Agenda for Sustainable Development, Goal 6.

³ de Albuquerque C (2014) Realising the human rights to water and sanitation: a handbook by the UN Special Rapporteur - Planning Processes, Service Providers, Service Levels And Settlements.

⁴ Ibid. Available at: www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/Handbook.aspx

(RWSN, Skat Foundation); and End Water Poverty. Forty two (42) respondents took part in semi-structured interviews with the project team or submitted short written surveys – 12 of these respondents were local government representatives and the remaining 30 were representatives from national government, civil society organisations (CSOs), donors, international organisations and consultants who work closely with local government partners / counterparts. All were asked about the level of understanding and perceptions of the human rights to water and sanitation and the potential for applying the rights at the local level.

In addition to the data collection process noted above, RWSN also hosted an e-discussion on “Local government and rural water services that last” in April-May 2015. Findings from the e-discussion are also included in this paper where relevant.

This paper provides an overview of the views held by local government on the challenges they face as well as the enabling factors and actions that can support the application of the human rights to water and sanitation at the local level to achieve universal access to water and sanitation by 2030. As much as possible, this paper aims to present the voice of local government representatives with little accompanying analysis from the project consortium – in this way, the authors hope that other sector practitioners will hear this voice and be encouraged to plan their own WASH activities with a greater awareness of the situation many local government representatives face.

Main results and lessons learnt

There is a perceived low level of understanding of ‘water and sanitation services for all’

Amongst the respondents there was a good level of familiarity with the notion of services ‘for all’, but often in cases where local governments were aware of the concept or perceived as being aware of the concept by non-local government interviewees, there was limited understanding of what it really means in practice, what mechanisms could be put in place to achieve it and the different levels of commitment to it. Some respondents understood that ‘for all’ meant reaching as many people as possible and also addressing equality by potentially targeting the most excluded people. However, the phrase ‘for all’ did not trigger a direct association with the human rights to water and sanitation in most responses.⁵ Four respondents also noted that the lack of understanding around these human rights was leading to assumptions that water (and sanitation) should be delivered to everyone free of charge – without recognising the need to recover costs and to pay for operations and maintenance that would improve the chances of services being sustainable over the longer term. Overall, the concept of the human rights to water and sanitation was seen as burdensome and confusing.

When asked why some groups are often missed out or excluded from service delivery, respondents’ reasons included a lack of focus on marginalized people and the extra challenges associated with reaching vulnerable and excluded groups – for example, the roll-out of suitable technology, the higher costs associated with reaching people in more remote areas or challenging situations (e.g. water stressed regions or where there are conflicts or competition for resources) and to reach those in post-conflict areas.

Example local government respondent quotes include: “*This broad international goal has not been really explained to local government or local people*”; and “*when a project is carried in a given community, we think it’s a gift rather than a right that is being satisfied.*”

⁵ This question also highlighted that there was a greater focus on water for all rather than sanitation services for all; however, this could have also been to do with the selection of the respondents and their respective roles.

So, although the language of human rights⁶ is not used widely, local government officials are aware of the concept of delivering services ‘for all’ and know that communities are entitled to clean water services. Several respondents highlighted that the concept of universal access may also be reflected in organisational mandates and initiatives. However, the challenge is that the use of the human rights framework is not clear; for example, although it can be used to steer planning and service delivery extension to excluded groups, it remains an abstract concept for many working at local government level. There may be no link made between the idea of services for all and the human rights framework – in addition, **local government representatives may not recognise themselves as the direct duty bearers of the human rights and therefore do not have a clear sense of their roles and responsibilities within the human rights mandate.**

There does appear to be an appetite for increasing the understanding of the human rights to water and sanitation and for clarification of some of the key components that can be practically used by local governments. Suggestions included:

- Clarifying some of the fundamentals of the human rights to water and sanitation – for example, the meaning of ‘affordability of services’ (not free services), the use of subsidies, the concept of progressive realisation, etc.;
- Clarifying what each component means for different levels of government as duty bearers who can use these human rights as a supporting framework to achieve universal access;
- Documenting and sharing best practices and grounded examples of where the human rights to water and sanitation has been implemented to increase services to more marginalized or excluded groups;
- Clarifying the link to the SDG 6 indicators for water and sanitation and supporting local governments in understanding how they can undertake effective monitoring to assess progress towards achieving these human rights.

The project team is incorporating these insights and suggestions on how practical tools and materials could be designed into the next phase of the project.

Who and what influences decision making about service delivery?

So, if it is not the human rights framework driving decisions about service delivery, what is it that most influences access for excluded communities? Although it is hard to generalise across countries, levels of government, and rural/urban contexts, local government and non-local government respondents highlighted that it is typically **political leadership and political influence that actually determine what decisions get taken about where services are provided and to whom.** Respondents cited the influence and roles of district level leadership, traditional authorities, religious leaders, mayors and city councils as having political sway and decision-making power over service delivery agencies / providers and their budgets. One respondent noted, political interference plays a particularly influential role, *“sometimes also positive, but often negative”*. Clearly, **this has direct implications for sector organisations that are advocating for human rights-based approaches or are supporting the realisation of the rights at the local level.**

⁶ Three local government representatives directly quoted the language typically used to explain the meaning of the rights to water and sanitation. For example, one noted that *“services should be equitable, affordable, accountable, participatory and sustainably managed”*, another highlighted the concept of non-discrimination, and the final one used the terminology of duty bearers and rights-holders.

Respondents highlighted that political leadership is much more influential than the efforts of donors, development agencies and civil society and/or community demand. Similarly the impact of formal service planning processes and data collection (where it is available) for use in evidence-based decision-making about the location or extension of services to excluded groups is also reportedly low.

Several respondents were keen to note however the growing influence of rights-holders (i.e. people needing the services), especially where communities are engaging in governance and rights-based advocacy to challenge decision-makers by demanding that their rights are met. However, this has to be designed carefully within a given context – not only to address apathy but also to ensure advocacy work is appropriate. For example, one respondent noted, *“I may know that I have the right to demonstrate when I am not happy, but knowing that I will be tear gassed, then I may not do it. So a spirit of apathy... for that one [right], I let it go, I have no time for it.”*

Additionally, the influence of external development agencies (donors and NGOs) was noted as being positive from a rights perspective, as they are often able to engage well with local governments through capacity development programmes. Donors and development agencies are reportedly more influential in countries where there is high aid-dependency for WASH sector activities. Needless to say, the sample size for this research cannot provide definitive answers; rather these are the perceptions shared by the respondents on what influences service delivery ‘for all’ in their different contexts.

What are the perceived challenges and barriers for achieving services for all?

Although more than one respondent noted that water and sanitation face different challenges in different contexts, common issues came up across both. **Respondents typically discussed organisational or general WASH sector challenges that may be beyond their control** (e.g. an unstable political context, crack down on civil rights or advocacy, corruption or capture of service providers, etc.), rather than sharing their own personal challenges in their role and what they can do to reach universal access. This reinforced the sense that local government representatives do not necessarily regard themselves as duty bearers of the human rights to water and sanitation, even though they may recognise their *responsibility* in supporting the delivery of services to all. The connection between the two is not readily made – rather, respondents referred more to systemic or sectoral constraints that face them.

Given the variety and large number of challenges raised by respondents, the findings have been clustered into categories to provide an overview. Where relevant, these have been combined with findings from the RWSN e-discussion noted above.

Socio-economic / socio-cultural factors and resource challenges

- **Human resource and skills/capacity** challenges were mentioned by a large proportion of respondents (24) – as one respondent noted, *“people generally have good intentions. The resources, capacities, institutions are the problem”*. One respondent also noted that even in cases where there is availability of skilled staff, the challenge is to motivate them to stay in the hard-to-reach districts.
- **Financial and cost-recovery** challenges were also commonly raised across both water and sanitation (23 respondents), with sanitation particularly seen as under-resourced. There was a contrasting perception however (2 respondents) that *“there is a common misconception that lack of financial resources or inadequate allocations are the root of all problems, however this is not the case. The main challenge or barrier is lack of efficient and skilled human resources.”* Another respondent also noted that *“it is not about money”* and local governments need to be bolder (e.g. by enacting by-laws that set minimum standards). Political interference was noted regarding financial and cost-recovery aspects, including tariffs not being enough to recover costs, and heads of municipalities being

resistant to the idea of increasing tariffs because it is not favourable to them politically. One respondent also noted that “*it's difficult to get resources to fund operation and maintenance and post-construction work...it's not politically marketable*”. Another respondent also noted the need for subsidy policies “*to be disconnected from political decision making processes.*”

- **Community awareness and behaviour change** challenges were discussed by many respondents (13). For example: the lack of community demand for sanitation services due to low levels of awareness of the hygiene and health links; cultural practices and beliefs; and an expectation that water and sanitation services should be provided for free, especially for the most marginalised or vulnerable people.

Institutional arrangements and relationship challenges

- **Lack of clear institutional responsibility for reaching excluded communities / people** (5 respondents), as often “*government roles and responsibilities are unclear... there is no accountability mechanism*” and “*sorting out who has the authority/ obligation in a given context can be difficult*”. Unclear or uncoordinated roles and mandates between sectors and between different levels of government as well as the problem of ‘unfinished’ decentralization (whereby local authorities have the mandate but no budget autonomy) were also raised as challenges during the e-discussion. The online discussion also raised the topic of delegated or contracted management of services which shifted some of the roles and responsibilities of government to private operators / utilities; in such cases in France, Sweden and the UK, local government retains an oversight function.
- **Lack of implementation of inclusive policies and strategies** (4 respondents): “*although there are strategies written in paper, in practice these are not implemented*”. This is linked to a number of challenges reported such as lack of political will and leadership, political interference and lack of clear institutional responsibility.
- **Limited local government authority or lack of an appropriate local government unit** (4 respondents), including cases where there is a hierarchical set-up and culture of respect within government, which provides little independence to local governments to take critical decisions and initiative. For example, “*national government has allocated an agency to act as local government but they have an implementation role and don't influence policy.*”
- **Lack of legal recognition of slum areas** (2 respondents), which leads to government not being able to support these areas. One respondent noted “*these communities may simply be 'off the radar screen' for government institutions or wilfully neglected, as government authorities seek to make life difficult in order not to attract more people to those areas...this can also be driven by discriminatory attitudes, widely shared by government officials and/ or deliberate government policy.*”

Political economy challenges

- **Lack of a legal framework and policy direction** promoting water and sanitation services for all/equality (7 respondents). Although in some cases the human rights to water and sanitation are “*recognised in the constitution*”, these are not “*actualised in policies and actions*”.
- **Lack of political will and leadership**, were cited by the majority of the respondents (26 respondents) as big challenges for both water and sanitation. Linked to this, the political cycles and consequent changing local government priorities pose a challenge. Often “*priority is given to popular, highly visible investments such as roads*” and “*some politicians avoid enforcement regarding sanitation due to fear of losing votes*”. The particular challenge of governments regarding sanitation as a private matter was also mentioned. This hands-off approach can be “*regarded as community empowerment but also convenient, as governments can be fearful and hesitant of taking additional responsibilities.*”

- **Political interference and corruption** (9 respondents) were cited at the government level as well as at the community level, including the issue of “*powerful people not paying for tariffs*” or “*certain parts of the population taking advantage of the system*” in a way that affects its durability in the long-term and service provision to other sections of the community.

Environmental / technical challenges

- **Geographic and technical/technology** issues (2 respondents), such as the lack of appropriate technologies, limited availability of land to build toilets, and difficult access for desludging trucks in urban high population density areas were cited as practical challenges faced by those trying to extend services to the poorest and most excluded communities. Water scarcity and competing demands for water also posed additional challenges.
- **Sustainability/long-term functionality of water and sanitation systems** (2 respondents) is hard to achieve in more remote or rural areas where excluded communities are unable to rely on local government (or other service providers) for operations and maintenance of their services.

Finally, a lack of, or inappropriate monitoring (2 respondents) of services that reach the most excluded, including difficulties in setting up appropriate indicators, and availability of resources for monitoring were highlighted as challenges for local government representatives.

What can be done to build on enablers and opportunities to achieve services for all?

Some of the respondents reported enablers that were considered by others as challenges; this depended on whether the identified factor was helpful or not in their situation. For example, political will and interference, and monitoring were reported as enablers as well as challenges depending on the context.

A key enabler to ensure services can be extended to all was to **have a clear, inclusive or rights-based institutional and policy direction** (9 respondents), including dedicated institutions, a strategic vision with a policy and legal framework, that “*creates options and conditions for people while not over-regulating them*”, and which does not leave the responsibility to deliver and maintain WASH services solely to communities. With a clear policy direction and **political will to enact inclusive policies** (2 respondents), there are more opportunities for extending services to the poorest and most marginalized. For example, one respondent noted that new settlements could generate political will if these are seen as opportunities for prestigious projects.

Another key factor is the **availability of financial resources** (5 respondents). The application of cost recovery principles in setting tariffs, as well as de-linking subsidies from political decisions are seen as enabling the realisation of services for all from a financial perspective. The role of development agencies in promoting cost-recovery principles was also noted.

Similarly, the **efforts of advocacy work and the presence of champions** (7 respondents) can support service extension to excluded communities and people. The idea of the need to be bold and/or to have a champion within government agencies also came through as critical to gain political traction. **How the message for ‘services for all’ is framed** and shared was also seen as critical. For example, not achieving equality can be framed as a risk, which can shift (and elevate) peoples’ perceptions of its importance. The need for good **communication and facilitation skills** was also highlighted as important in ensuring the message inspires enthusiasm and is not discouraging, as well as the importance of generating and providing evidence of the benefits of WASH and collaborating with networks of journalists for advocacy.

Stakeholder engagement and coordination (5 respondents) is also vital. For example, respondents noted the importance of local governments maintaining good connections with local chiefs, the existence

of inter-sectoral teams at the district level, and ensuring women and people with disabilities are represented in local and national level decision-making processes.

To promote effective sector operations and coordination, **monitoring and accountability mechanisms** (6 respondents) are helpful and can be used cleverly in decision-making. For example, the opportunity for local government monitoring systems to drive progress if established with rights-oriented indicators was mentioned. Also, the role of women's groups and youth groups was noted as *“hugely important in autonomising to contribute finance for sanitation and to hold government to account.”*

The **role of donors and NGOs** (3 respondents), particularly in providing capacity building, advocacy and strengthening professional associations is important when seeking to extend services to all. External funding and support from donors with a specific aim to provide water and sanitation services to poor sections of the population was mentioned as a way of promoting a better understanding of poor peoples' rights to access services.

Again, these types of opportunities and enablers can prove useful when considering programme design and when taking service extension decisions – they can also encourage others to use such mechanisms to advocate for universal access in practical and useful ways.

Conclusions and Recommendations

The research intended to highlight the realities facing local government representatives in understanding and implementing the human rights to water and sanitation at the local level. Although respondents were familiar with the notion of services 'for all', there was limited understanding of what this really means in practice and how it might relate to the human rights framework. In addition, the language of rights is not widely used or understood to have any relevance to water and sanitation. Recognising and accounting for these realities is the main recommendation for WASH sector practitioners from this project.

In terms of extending services to vulnerable or excluded people, it is typically political leadership and political influence that determine what decisions get taken about where services are provided and to whom. There are many perceived challenges and barriers for achieving services for all – many of these are externalized or sectoral constraints and regarded as being beyond the scope or remit of individual local government representatives. The research found that a key challenge is that local government representatives may not recognise themselves as the direct duty bearers of human rights – hence their roles and responsibilities are unclear.

However, the respondents also suggested ideas and opportunities for addressing some of the barriers to extending services to all. Efforts to improve the enabling environment for achieving access to all is vital – such as supporting the creation or strengthening of inclusive policies and strategies, understanding the value of political will and using it, ensuring finance is available and proactively using information from monitoring systems. Additionally, advocacy and influencing work can help to strengthen the voice that calls for universal access, notably through supporting the engagement of people who are regarded as vulnerable or marginalised in decision-making so that they can call for their rights to be upheld. Similarly, the call for universal access can be made louder through engagement with influential stakeholders – ranging from journalists, to local chiefs, donors or NGOs.

Clearly, the barriers and opportunities highlighted above have direct implications for sector organisations seeking universal access through advocating for human rights-based approaches or who are supporting the realisation of the rights at the local level. The project team hope that WASH sector practitioners will

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hear this voice and be encouraged to plan their own work with a greater awareness of the situation many local government representatives face.

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