

Theme	4. Governance & Management
Topic	4.1 Implementing the right to water and sanitation for improved access
Main Question	What practical steps should be taken to ensure that users can hold governments and other actors accountable for ensuring improved access to water and sanitation?
Related sub-questions	<p><i>Question 1:</i> What measures need to be put in place at the local, national and international levels to ensure that the right to water and sanitation is fully taken into account in sector reform, budgeting and national and international policy formulation?</p> <p><i>Question 2:</i> What steps need to be taken to improve the ability of users to use the right to water and sanitation as tool to hold public officials and international agencies accountable?</p> <p><i>Question 3:</i> What aspects of the right to water and sanitation (and the duties of governments and other actors) require clarification? In particular, what is the division of responsibility between governments and individuals for sanitation?</p> <p><i>Question 4:</i> How can the water and sanitation sector meet its human rights requirement to pay special attention to socially excluded groups (poorest of the poor, people in informal settlements, excluded minorities)?</p> <p>A cross-cutting theme to the above questions is to challenge participants to demonstrate good practise in regard to each of these topics, including lessons drawn from pro-poor and gender mainstreaming approaches to water and sanitation.</p>
<u>General introduction</u>	<p>States have recognised the right to water in a variety of fora, for example, at the UN General Assembly, the Human Rights Commission, the Non-Aligned Movement Summit and the Council of Europe. They have also recognised the right to water and sanitation at the Cairo Conference on Population and Development and the Asia-Pacific Water Forum (comprising 36 countries). Recognition in national law is accelerating. The number of countries that explicitly recognised the right to water in national law increased from six in 2002 to at least 24 in 2007. Of these 24, six recognise the right to water and sanitation.</p> <p>General Comment 15, the Sub-Commission Guidelines on the Right to Drinking Water Supply and Sanitation and the 2007 OHCHR report on this issue have all provided significant content and clarity on this issue, as have the significant amount of publications on this topic. The United Nations Human Rights Council is now considering this issue.</p> <p>The right to water and sanitation is therefore set to play a major role. However, its sustained integration at the national level in legislation, policy and in practise is at a very early stage in most countries (with the sole exception of South</p>

	<p>Africa). It is necessary to apply the internationally agreed consensus and make a difference for all those people needing a better access to water or sanitation services. After having recognised the right to water and sanitation in their legislation, the challenge for governments and others is to ensure that this recognition does not remain an empty promise. They must find practical ways to implement the right and progressively to make it effective for their population.</p> <p>The 5th World Water Forum should thus consider the strategic steps that need to be taken at the local and national levels to domesticate international standards. What are the likely blockages? Which constituencies can be relied upon to push forward a rights-based approach? What approaches have been taken to convince sceptics? What are the factors that lead to human rights being more than ‘public relations’ and actually leading to greater accountability, changed power relations between those in poverty and those in authority? Where has the right to water and sanitation been mainstreamed at the national level? What worked? How have (or can) water utilities overcome the objections of local authorities and land ministries to the provision of water services in informal settlements?</p> <p>At the international level, it is useful to consider means by which the UN human rights system can play a constructive role in ensuring the practical implementation of the right to water and sanitation, including through monitoring by treaty bodies.</p> <p><i>Resulting Question 1:</i> What measures need to be put in place at the local, national and international levels (from national to local) to ensure that the right to water and sanitation is fully taken into account in sector reform, budgeting and national and international policy formulation?</p> <p>-----</p> <p>Most discussions on the right to water and sanitation have focused on the government role. However, one key value-added of a rights-based approach is the accountability and empowerment of users, in particular those living in poverty. How can users be assisted and facilitated in learning about their rights and advocating for them? Where has this approach worked? It must be noted that community advocacy is beset by a myriad of challenges, including: Lack of financial security, factionalisation within communities, patron-client relationships, lack of resources and skills? What are the key challenges? How should governments, international agencies and civil society address this issue? How can the water sector partner with other sectors to address this issue.</p> <p>(The discussion here should take account of the parallel theme on ‘stakeholders’ which addresses issues of participation. However, the focus here is on accountability, which is broader than participation).</p> <p><i>Resulting Question 2:</i> What steps need to be taken to improve the ability of users to use the right to water and sanitation as tool to hold public officials and international agencies accountable?</p>
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In the various international documents on the right to water (General Comment 15, Sub-Commission Guidelines, OHCHR Report) as well as the Manual on the Right to Water and Sanitation and the WWC publication at the 4th World Water Forum, many of the outstanding questions about the implications of the right to water have been addressed. However, it remains necessary to decide how broadly 'sanitation' is defined in human rights terms (e.g. whether it includes waste-water disposal and solid waste management) and the division of responsibility between governments and individuals. Although this issue will be addressed by UN human rights bodies, the recommendations of the participants of the 5th World Water Forum will be useful.

However, there are a number of key issues that require clarification, most of which are practical rather than legal. A non-exhaustive list is included below:

- Although the central government is ultimately responsible for the right, in practise responsibility is shared with local authorities. In addition, responsibilities are often shared between Ministries. What are the most appropriate mechanisms to ensure that the right is implemented in spite of institutional separation? How can it be made clear to users which actor is accountable?
- The obligation of the government to raise resources for water and sanitation is not tightly defined by human rights standards, (correctly so in view of the wide variations between countries). However, is it possible to propose more specific and tangible indicators to assess whether a State is raising the maximum available funds for water and sanitation for the poor and marginalised?
- What forms of enforcement mechanisms have worked in practise for the central government to make ensure that its obligations are fulfilled by local authorities and other service providers?
- What are the means by which the government can ensure that the right to water and sanitation is realised for those who rely on small-scale provision?
- Where access to clean water can only be provided progressively due to resource constraints, what considerations should be used to prioritise provision? What provision must the government make in the short-term for those who are excluded?

Resulting Question 3: What aspects of the right to water and sanitation (and the duties of governments and other actors) require clarification? In particular, what is the division of responsibility between governments and individuals for sanitation?

The right to water and sanitation requires particular attention to socially excluded groups, including women, inhabitants of rural and urban deprived areas, indigenous peoples, nomadic and traveller communities, internally

	<p>displaced persons, those of low-caste, people with serious or chronic illnesses and those living in arid and semi-arid areas. However, many prescriptions for action in the water and sanitation sector simply treat the issue of lack of access as only of insufficient income. However, lack of access is not only an issue of income, but rather due to deliberate exclusion and neglect of particular groups. How can water and sanitation sectors address these issues? How can it ensure that its own institutions avoid discrimination and neglect? How can address issues that are often deeply political? What type of specific and targeted measures have been (or can be) taken to address the needs of vulnerable and marginalised groups in a practical and financially viable manner? How can (or have) the ‘voice’ of excluded communities be strengthened in public participation processes). What forms of expertise do water sector professionals require in order to properly address this issue?</p> <p><i>Resulting Question 4:</i> What are the key ways in which the human rights requirement of attention to vulnerable and marginalised groups can be operationalised in the water and sanitation sector?</p>
(Types of) Organizations to be involved in topic consultations	<p>International Agencies: UN-Habitat, WHO, UN-OHCHR, UNDP, WSSCC, UN Economic Commissions, UNESCO</p> <p>National Governments: Ministries of water, health, finance, international development (e.g. South Africa, Brazil, Argentina, Germany, France, Bangladesh, Sri Lanka, Uganda, among many others will be interested).</p> <p>Local authorities: Mayors</p> <p>Association(s) of providers: Aquafed, Suez, Veolia, Thames,</p> <p>Professional Associations: IWA</p> <p>Research Institutions: IWMI, Dundee University, Oxford Water Centre, University of Lausanne</p> <p>Multilateral donors: World Bank, AFDB, ADB</p> <p>NGOs: COHRE, ISW, WWC, GCI, Amnesty International, FIAN, Sulabh Sanitation Movement, Water Aid, Freshwater Action Network, Ecumenical Water Network, Council of Canadians, Food and Water Watch, World Water Council, ALMAE, Académie de l'Eau (France), WECF, Nueva Cultura del Agua, Business & Human Rights, UCLG & Human Rights in Cities, James Dorsey – EWP, Informal settlements organisations, R. Petrella, World Toilet Association</p>
Process of paper and session development:	<ol style="list-style-type: none"> 1. Draft 1 of topic scoping paper to be sent to key institutions for comments 2. Improved draft to be placed on website 3. Improved draft with comments received to be discussed at the February coordinators meeting to: <ol style="list-style-type: none"> a. Agree on key questions

	<ul style="list-style-type: none"> b. Agree on the topic document so that it can be placed on the Forum web- site c. Agree on key stakeholders to take part in the development of the topic d. Agree on consultation process: relevant meetings with key stakeholders e. Agree on the process and actors to develop the forum session.
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