

IWA's Manual on the human rights to safe drinking water and sanitation

UNECE 3RD MEETING OF THE EXPERT GROUP ON EQUITABLE ACCESS TO WATER AND SANITATION (PARIS, 11-12 MAY 2015)



INTRODUCTION

Preparation of the IWA Manual as part of the implementation of IWA Governing Assembly Resolution on *Rio+20 follow-up by the International Water Association: Effective contribution of Water Professionals to the Realization of Commitments made by Governments at the International Level.*

It invites the IWA Membership

- to respect and contribute to implementing the human right to safe drinking water and sanitation in all their activities, and to assist utilities, and national and local governments in their efforts to improve water and sanitation services; and,
- to develop together operational guidelines for the contribution of water professionals to the practical implementation and progressive realization of the HRWS, [...]

TARGET AUDIENCE, OBJECTIVES

Operators and managers of private and public sector utilities, others with responsibilities for the formal or informal provision of drinking water supply and sanitation services, NGOs and other civil society groups, and government agencies at all levels, dealing with the planning, implementation, surveillance and regulation of water supply and sanitation services.

- to introduce the target audience to the principles and concepts contained in the HRWS,
- to clarify to them language and terminology used in the promotion of human rights, and
- to provide guidance concerning their roles and responsibilities in contributing to progressive realization of the HRWS, and on how the human rights principles and actions can be incorporated into the essential functions of their companies, agencies and institutions.

CREATING THE ENABLING ENVIRONMENT



- The first action towards progressive realization of the HRWS is the creation of an enabling environment (policy, legal and regulators framework, institutional arrangements).
- This is the responsibility of Government as the duty bearer.
- Utility managers, operators, regulators and NGOs, as actors, can play a role informing decision-makers, lobbying for optimal solutions and ensuring perverse legislation and regulation are avoided.

CREATING THE ENABLING ENVIRONMENT

- Creating an enabling environment includes various steps:
 - Mapping and analysis of the existing legislation
 - Reform of the legal framework to accommodate the responsibilities and accountability in line with the obligations implied by the HRWS
 - Establishing effective institutional arrangements
 - Creating effective regulation
 - Developing guidance on assessing and managing resource needs incurred by legislation and regulation
 - Developing guidance on implementing the legal and regulatory requirements for monitoring indicators for HRWS criteria and principles
 - Periodic reporting on status, trends and developments in legislation, institutional arrangements and the regulatory framework

CREATING THE ENABLING ENVIRONMENT

The role of operators and regulators in the above processes may include:

- Participation in a national coordinating body for the HRWS
- Review of proposals for policy formulation, legislation and regulation from the operator/regulator perspective
- Check policy and legal reform related to the HRWS for possible perverse or adverse effects.
- Consider existing pro-poor policies and programmes for re-labelling under the HRWS
- Put issues pertaining to the HRWS on the agenda of national associations of operators
- Support the development of measurable, relevant and actionable indicators for HRWS criteria that can be used by regulators in their surveillance activities
- Design capacity development initiatives on the HRWS for utility staff and regulators.

TRANSLATING THE HRWS INTO OPERATIONAL TERMS

Availability, quality, acceptability, accessibility, affordability

Examples for drinking water supply

Availability

To satisfy the availability criterion contained in the human rights framework, water service providers must achieve the immediate access service level of 50 l/p/d.

This level of availability may not be achievable continuously in permanently or seasonally water scarce area.

Under such circumstances, legal or policy frameworks should prioritize water for human consumption and domestic use over other water uses.

[include the S-Africa example Ch4 page 3]

TRANSLATING THE HRWS INTO OPERATIONAL TERMS

Availability, quality, acceptability, accessibility, affordability

Examples for drinking water supply

Availability (continued)

Aspects of immediate concern to regulators should be captured in regulatory frameworks to ensure the availability of drinking water under special circumstances:

- to serve those without a permanent dwelling, such as homeless people, migrant agricultural labourers or nomadic communities, without any risk of discrimination whatsoever;
- through water points in institutional facilities (such as schools, hospitals) in sufficient numbers, to address the specific needs of children, the elderly and the disabled, and of institutionalised people (such as prisoners, refugees and asylum-seekers).
- to support, technically and financially, the self-provision (abstraction and treatment) of drinking water for those who do not have a public service available.

TRANSLATING THE HRWS INTO OPERATIONAL TERMS



Availability, quality, acceptability, accessibility, affordability

Examples for drinking water supply

Water quality

For service providers, the quality of water delivered at the point of supply to the consumers is of primary concern. For piped systems, distribution aspects need to be considered in addition to water resource and treatment aspects.

Water transport (from a standpipe to the house) and household storage carry their own water quality risks, but these are not the responsibility of the water service provider.

In the spirit of participation and communication, providers should advise consumers on the management of these risks through consumer representatives or through local government information systems.

TRANSLATING THE HRWS INTO OPERATIONAL TERMS

Availability, quality, acceptability, accessibility, affordability

Examples for sanitation services

Accessibility

In relation to access to waste management infrastructure, operators need to apply transparent criteria for the entitlement to connect to a sewerage system, or conditions that need to be met to allow for effective waste removal from septic tanks.

For private or shared sanitation facilities, the responsibility for ensuring access for all lies within the individual household or the households sharing a facility.

In the absence of private or shared facilities, the public authorities, where feasible in partnership with a private sector entity, should guarantee access to public facilities within a reasonable distance.

TRANSLATING THE HRWS INTO OPERATIONAL TERMS

Availability, quality, acceptability, accessibility, affordability

Examples for sanitation services

Affordability

For the cost of sanitation services to be affordable they should be proportionate to the households' disposable income. This proportion is determined by socioeconomic factors, contextual cultural perceptions and willingness to pay.

Separate tariff-setting and cost-recovery mechanisms for sanitation are strongly recommended.

TRANSLATING THE HRWS INTO OPERATIONAL TERMS

Availability, quality, acceptability, accessibility, affordability

Examples for sanitation services

Affordability (continued)

Public services should give priority to subsidy mechanisms targeted to deal with this challenge of connection costs.

Where no public service is available, subsidies to support the adequate installation of on-site sanitation facilities are a more viable option. A regulatory framework should be in place to ensure the periodic emptying of septic tanks at an affordable price.

HRWS WITHIN THE ESSENTIAL FUNCTIONS OF SERVICE PROVIDERS



- Design HRWS promotional measures in line with the model of service delivery
- Organizational restructuring of the utility based on a proposed checklist of issues
- Incorporate human rights considerations in all essential functions of the utility

HRWS WITHIN THE ESSENTIAL FUNCTIONS OF SERVICE PROVIDERS

Checklist for utilities and other providers

- Incorporate a clear set of goals and policy objectives focused on the progressive realization of the human rights to safe drinking water and sanitation (as appropriate within the overall remit of the organization/enterprise) into the corporate framework of policies and strategies.
- Adopt or update performance standards and indicators that relate to the HRWS criteria and principles, in particular with a view to a continuous process of reducing inequality and discrimination in access to services.
- In situations with multiple service providers, establish a national or regional body that coordinates efforts across the WASH service sector to assist the government in meeting its obligations to respect, protect and fulfil the HRWS.
- Carry out an in-depth review of the structure and functions of the organization/ enterprise to identify options for modification and strengthening in favor of the full integration of visible and effective HRWS actions, and establish a routine of periodic review of the structure and functions for further incremental improvements in this respect.

HRWS WITHIN THE ESSENTIAL FUNCTIONS OF SERVICE PROVIDERS

Checklist for utilities and other providers (cntd)

- Carry out **baseline surveys of coverage** by the drinking water supply and/or sanitation services in the mandated area or area under jurisdiction, **with a focus on marginalized and under-privileged groups, informal communities and individuals/groups with special conditions** (handicapped, elderly, HIV-positive individuals, homeless, institutionalized people).
- Analyze the baseline survey data to **determine, for the various client groups, which criteria and principles** (other than equality and non-discrimination) **require priority attention** (i.e. quality, access, availability, affordability, reliability, sustainability, participation).
- **Create a corporate in-service training programme** to enhance awareness, knowledge and capacities with respect to the HRWS of all staff throughout the organization/enterprise.

HRWS WITHIN THE ESSENTIAL FUNCTIONS OF SERVICE PROVIDERS

Checklist for utilities and other providers (cntd)

- Create a **community awareness programme** as part of the client relations activities **to educate current and potential future clients about the HRWS** and in particular, their position as rights-holders and the implications for rights and responsibilities.
- **Strengthen essential support functions** (a monitoring system, a client complaint mechanism, anti-corruption measures, liaison with national human rights authorities, with other relevant public sectors and with a possible national regulator) to ensure optimal resource use for the progressive realization of the HRWS.

HRWS WITHIN THE ESSENTIAL FUNCTIONS OF REGULATORS



UN “Millennium Development Goals” (2000) and the anticipated UN “Sustainable Development Goals”

The “IWA Bonn Charter for Safe Drinking Water” (2005)

UN “International Guidelines on Decentralization and Access to Basic Services” (2009)

ISO Standards 24510, 24511, 24512

Access to safe drinking water and sanitation recognition as human rights” in the United Nations General Assembly Resolution (2010).

■ 1st International Regulators Forum:

– Organized by IWA and the Portuguese Water and Waste Services Regulation Authority (ERSAR) in Sept 2014

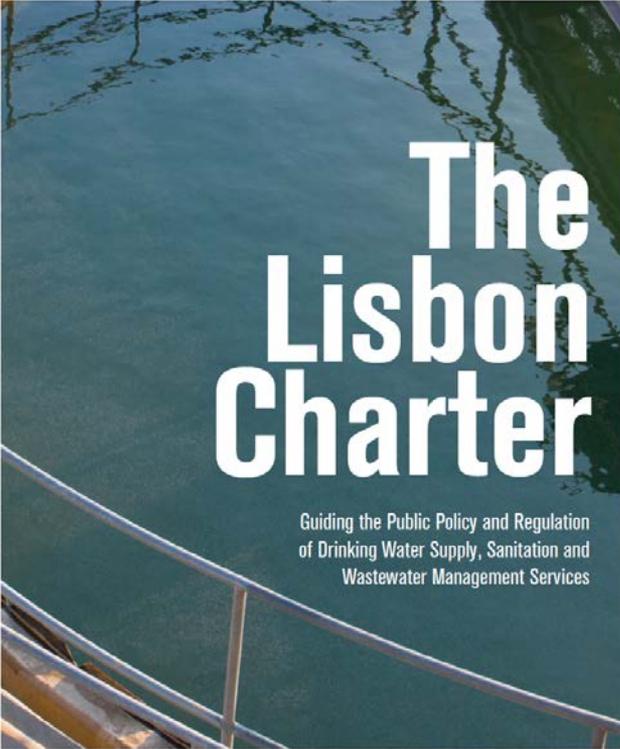
– Agreed to develop an international framework of:



Lisbon Charter

- good practice for public policy and regulation in water services;
- with clear references to the rights and responsibilities of the various stakeholders.

THE LISBON CHARTER



The Lisbon Charter

Guiding the Public Policy and Regulation
of Drinking Water Supply, Sanitation and
Wastewater Management Services

- A set of guiding principles for sound public policies and regulation for water services
- Defines and provides guidance on the rights, duties and responsibilities of (1) governments and public administration, (2) regulatory authorities, (3) service providers, and (4) users
- Provides a point of reference for institutional and regulatory framework development
 - Government ministers at 7th World Water Forum agreed to adopt the '**Lisbon Charter**' for public policy and regulation of water and wastewater management

HRWS WITHIN THE ESSENTIAL FUNCTIONS OF REGULATORS

The WHO Drinking Water Quality Guidelines focus on the following essential elements of adequate regulation:

- Protection of public health
- Protection of source water
- Adequate infrastructure
- Water treatment and delivery performance
- System assessment and enforcement
- Sound operation and maintenance procedures

All these elements must be assessed for options to include an effective HRWS component.

SENSITIVE ISSUES

- Criteria for technical options – from financial/economic to expand into a human rights-based approach
- Affordability mechanisms: subsidies, value chains and pro-poor policies
- Cut-offs, credit control and debt collection
- Integrating progressive realization against various criteria – the challenge to achieve simultaneous progress on various fronts
- Avoiding regression
- Geographic stratification of network extension options
- Land tenure issues
- Prepaid meters
- Interim standards
- Continuity of supply.

THANK YOU



We look forward to hearing from you!

IWA Contact

CAROLINA LATORRE ARAVENA

Attorney at law (CHL) & LLM in Water
Law

Programme Officer at IWA

Carolina.Latorre@iwahq.org

Skype: iwacarolinalatorre

The Hague Office

ROBERT BOS

Senior Advisor

Robert.Bos@iwahq.org

Telephone: +41 22 756 0055

Mobile: +41 79 770 4245

Switzerland

Route du Creux-du-Loup 10

CH 1285 Ségognin

www.iwa-network.org