

What is the Toolkit for?

The Toolkit is a practical guide for the Realization of the Human Right to Water and Sanitation through development practice. It provides a methodology and associated tools to assist bilateral and multilateral cooperation agencies and NGOs **in the development of strategies and projects integrating human rights standards and principles** and positively impacting the realization of the human right to water and sanitation in a given country. It concentrates therefore on integrating a human rights-based approach into water and sanitation projects.



The objectives of the Toolkit are:

Clarifying the meaning and implications of the Human Right to Water and Sanitation

Providing a methodology and tools to integrate a human rights based approach in water and sanitation projects

Supporting development partners to align with States' efforts to progressively realize the human right to water and sanitation

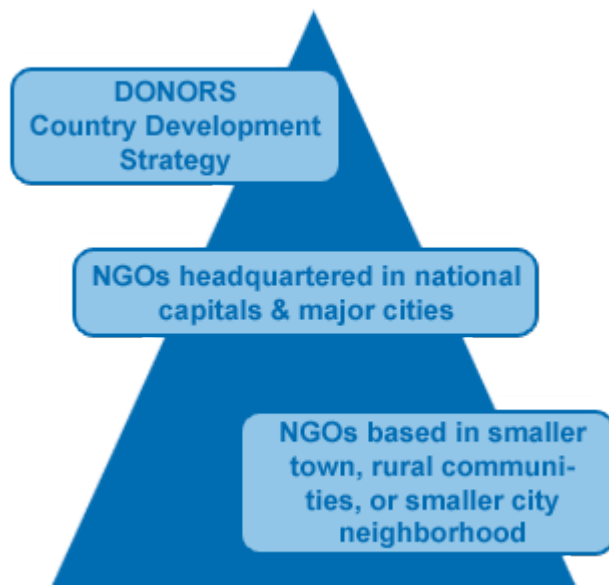
Contributing to align aid, ensure efficiency and support efforts for the realization of the human right to water and sanitation

The Toolkit helps to understand the meaning of the human right to water and sanitation as well as the role and responsibilities of States and development actors for its realization. It also illustrates how to work with a human rights-based approach, which, based on the human rights commitments of the State, is a common framework that facilitates development practitioners to align with the States' efforts. It thus promotes coherence, complementarity and cooperation to strengthen these national efforts.



The methodology presented complements existing manuals on human rights-based programming, by focusing specifically on the implementation of the human right to water and sanitation.

Who is the Toolkit for?



The Toolkit has been developed following the recommendations made by practitioners during the 2011 AGUASAN Workshop that was dedicated to the topic of Human Right to Water and Sanitation. AGUASAN is an interdisciplinary Swiss Community of Practice that, since 1984, has assembled a wide range of water and sanitation specialists. The results from the 2011 workshop pointed out to the need for a Toolkit to provide WASH practitioners with practical guidance on how to implement the human right to water and sanitation through the different steps of the project

cycle.

The Toolkit therefore addresses primarily WASH practitioners, including development cooperation agencies and NGOs. It is also useful for all actors working in the water and sanitation sector, including national and local government institutions.

The Rights-based Development Cascade

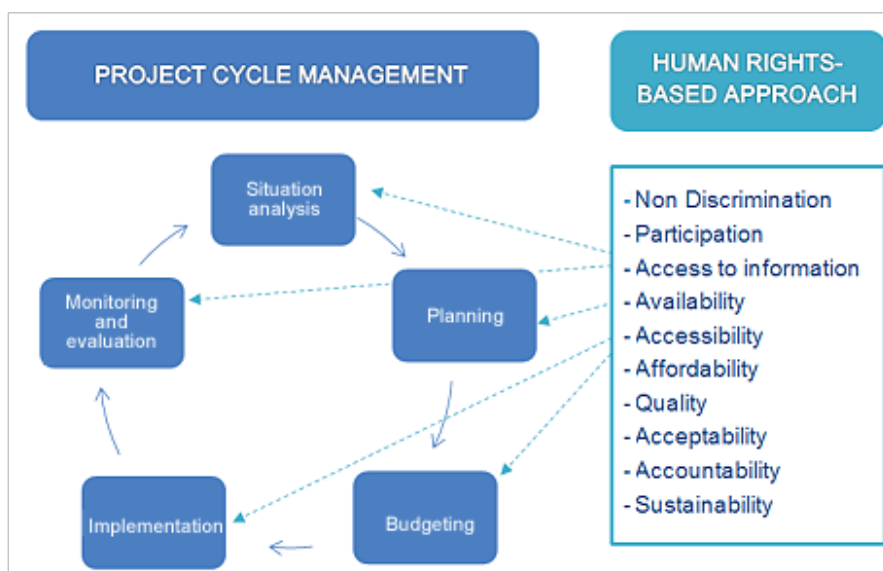
The “development cascade” illustrates the interaction between development cooperation agencies and civil society organisations, which must both coordinate their activities with the host State. The principle of coordination is at the core of aid effectiveness.

What is the Toolkit's approach?

1. A Methodology for a Human Rights-Based Approach

During recent decades, many tools have been developed to strengthen project management, meet the needs of communities, achieve sustainable outputs and anticipate adverse outcomes. Among them the **Project Cycle Management** is the most commonly used by development partners.

The image of a « project cycle » assists practitioners in understanding how to organize their work so that it is based on real needs, is well planned, monitored and evaluated, and allows involved parties to learn from every project to improve their future work. The cycle represents a **continuous process in which each stage provides the foundation for the next**.



Similarly, a **human rights-based approach** has been developed by United Nations Agencies, and increasingly also by civil society organisations, to ensure that development actors aim at fulfilling human rights obligations. A human rights-based approach is **participatory, integrated and people-oriented and facilitates the identification of who is responsible for what in the realization of human rights**.

The Toolkit draws together **these two areas of expertise** in order to ensure that development interventions are implemented where it is most needed with those responsible for water and sanitation in the country, and aimed at fulfilling the human right to water and sanitation. The process of carrying out the project itself should be in line with human rights principles, including **non-discrimination, gender equality, active, free and meaningful participation, transparency and accountability**. The process should contribute to **strengthening the capacities of relevant stakeholders**.

2. A Selection of Tools and Resources

For each step of the Project Cycle Management

1. Situation Analysis / 2. Planning / 3. Developing the budget / 4. Implementation / 5. Monitoring and Evaluation the Toolkit provides:



Key steps and questions to guide the practitioner in the development of a country development strategy or a project, which fully integrates human rights as goals as well as guiding principles in the implementation process;



Data and information sources to assess the existing situation, legal and institutional frameworks, financing mechanisms and country-specific targets in water and sanitation;



Process support tools to provide examples of existing tools and how they can be useful to incorporate human rights into water and sanitation projects; and

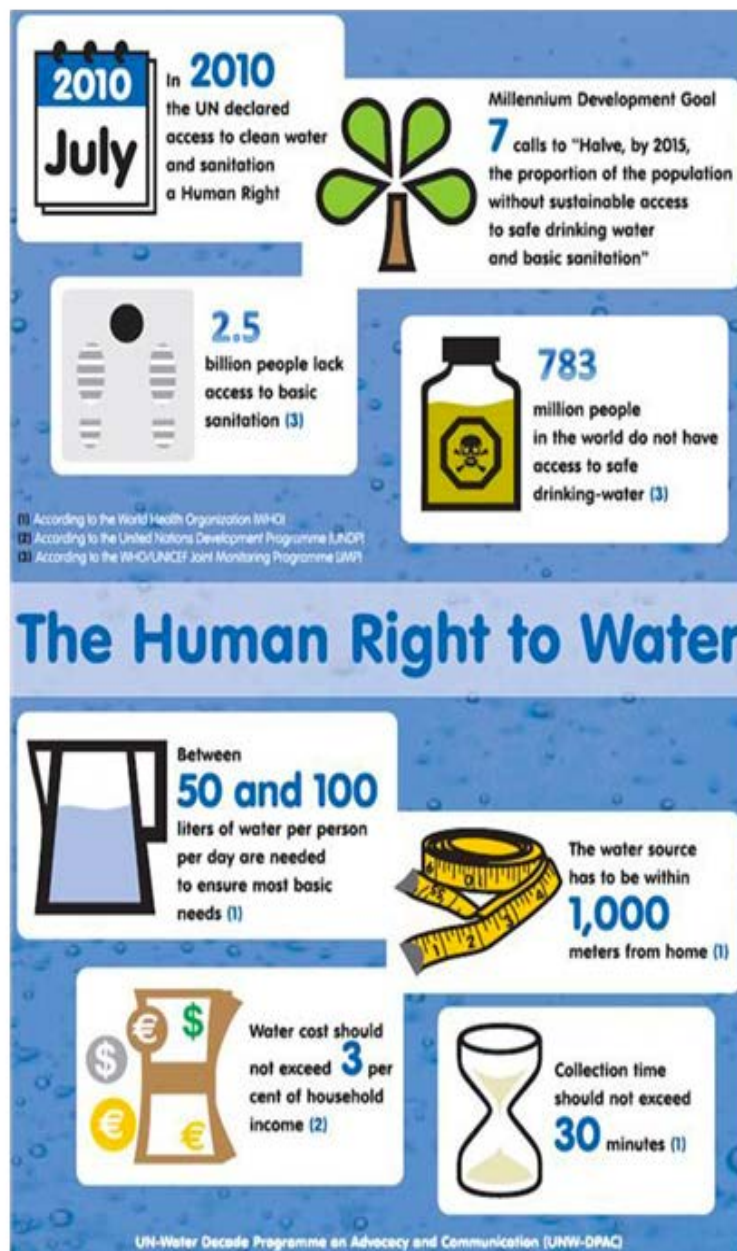


Good practices that illustrate concrete cases of implementation of a human rights-based approach by a governmental donor agency and NGOs.

Background Information

- 1 What is the human right to safe drinking water and sanitation?
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- 2 Who has a human right to safe drinking water and sanitation?
.....
- 3 What are the human rights principles and criteria?
.....
- 4 Who is responsible for realizing this right?
.....
- 5 What are the obligations of development cooperation agents?
.....
- 6 What is a human rights-based approach and how is it different from other development practices?
.....
- 7 What is the added value of working with a human rights based approach?
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- 8 How to articulate Human Rights and MDGs?
.....
- 9 How to articulate human rights and aid effectiveness principles?
.....
- 10 How to articulate the human rights to water and sanitation and integrated water resources management?
.....

1. What is the human right to safe drinking water and sanitation?



Source: Adapted from "Eight short facts on the human right to water and sanitation",
UN Water Decade Programme on Advocacy and Communication (UNW-DPAC).

A LEGAL ENTITLEMENT

In 2010 the UN General Assembly declared the right to drinking water and sanitation as essential to the full enjoyment of life and all human rights. That same year, the Human Rights Council affirmed

by consensus access to water and sanitation as a legally binding human right. These recent milestones add up to important progress in the past years, especially after recognition by the UN Committee on Economic, Social and Cultural Rights, in 2002, in General Comment 15 and the work carried out since 2008 by the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, Catarina de Albuquerque. Human rights obligations related to access to water and sanitation are included [in different human rights treaties and international humanitarian law](#). There is also a growing number of good practices in the implementation of this right, including many countries recognizing the human right to water and sanitation in their constitutions, laws, policies and courts.

The human right to water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity. The human right to water and sanitation entitles everyone to **sufficient, safe, accessible, culturally acceptable and affordable** water and sanitation services for personal and domestic uses, and which are delivered in a **participatory, accountable and non-discriminatory manner**. Governments are obliged to ensure that everybody gains access to these services over a considered timeframe, through creating an enabling environment, namely by adopting appropriate legislation, policies, programmes and ensuring that these are adequately resourced and monitored.

THE PRINCIPLE OF PROGRESSIVE REALIZATION

The human right to water and sanitation provides not only a legal framework for holding States accountable for the realization of this right, but also a set of principles, like participation and non-discrimination, that assist States in prioritising how resources should be allocated to ensure access for all. States have the international obligation to move towards the goal of universal access as expeditiously and effectively as possible, within available resources and within the framework of international cooperation and assistance where needed. This is referred to as the principle of **progressive realization** of human rights. The concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. The concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. However, , States have core immediate obligations to meet, including namely non-discrimination and the guarantee of a minimum essential amount of water, that is sufficient and safe for personal and domestic uses to prevent disease level of water (enough water to prevent dehydration and disease), as established by General Comment 3.



Implementing the Principle of Progressive Realization through Targets

2. Who has a human right to safe drinking water and sanitation?

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Human rights are the inalienable fundamental rights to which each person is inherently entitled simply because she or he is a human being. Human rights are conceived as **universal** (applicable everywhere) and **egalitarian** (the same for everyone). They embody the basic standards without which people cannot realize their inherent human dignity.

Recognising access to safe drinking water and sanitation as a human right therefore means that everybody is entitled to this right.

This implies that states must take concrete steps to ensure its realisation for all people. In this process, the principles of non discrimination and equality demand that States **prioritise** the needs of **marginalised and vulnerable individuals and groups**. This will include analysing whether existing practices are discriminatory – both those explicit in laws, and those stemming more from social and cultural habits – and ensuring that legislation, policies and programmes are reformed to address this discrimination.

3. What are the human rights principles and criteria?

The CESCR defined the human right to water in General Comment No. 15. Subsequently, the guidelines of the Sub-Commission on the Promotion and Protection of Human Rights in 2006, the report on the issue of the Office of the High Commissioner for Human Rights in 2007, and the work of the Special Rapporteur since 2008, are important contributions to the clarification of the meaning of this right.

Human rights **criteria** (availability, quality, acceptability, accessibility and affordability) and human rights **principles** (non-discrimination, access to information, participation, accountability and sustainability) precise the content and scope of the right and guide its implementation process. All these elements give meaning to the human right to water and sanitation, and must be taken into account for its implementation.

In this section we will explain what each of these criteria and principles mean and provide examples of their practical application.



AVAILABILITY



ACCEPTABILITY



AFFORDABILITY



QUALITY



ACCESSIBILITY



NON
DISCRIMINATION



PARTICIPATION



SUSTAINABILITY



ACCES TO
INFORMATION



ACCOUNTABILITY



The human right to water and sanitation means that water must be available in **sufficient quantities** for personal and domestic uses – cooking, drinking, personal and household hygiene –, with these uses being prioritised over water uses like agriculture and industry. Likewise a sufficient number of sanitation facilities must be available.

According to the World Health Organization (WHO), 50 to 100 liters per person per day is an adequate quantity of water to meet health requirements.



Helvetas Assistance to Improve Water Availability in Nepal

The Water Resources Management Programme (WARM-P) by Helvetas Nepal has been designed to use the limited water resources at a community's disposal as efficiently as possible, with water for personal and domestic use prioritised. Helvetas works with the communities, local NGOs and local government, including representatives of the regional offices of the Department of Water Supply and Sewerage of the Government of Nepal to develop Water Use Master Plans that incorporate drinking water and sanitation projects. Representatives from each household jointly identify all available water resources in the area, assess all the water-related needs of the people and the desired uses, such as drinking, irrigation and hydropower. The community then discusses possible water projects and agrees on a priority list of the identified projects, with technical consultants available to assess the feasibility of the community's plans and recommend the most suitable technical solutions for the finalization of the Water Use Master Plan. Key to the programme's sustainability is the inclusive nature of the planning and the links into the government structures.

[See Good Practice Nepal](#)



Water must be safe for consumption and other uses and not threaten human health. Sanitation facilities must be hygienically and technically safe to use, which means that they must effectively prevent human, animal and insect contact with human excreta. To ensure hygiene, access to water for cleansing and hand-washing after use is essential. States enjoy a relative margin of discretion to establish quality standards while following WHO standards.

A Toolbox for Safe Water Provisioning



Hydrosanitas has developed an interactive global knowledge base for water treatment solutions. This toolbox of alternative approaches to safe water provisioning, specifically to rural and remote environments, has proven to be a successful instrument for identifying options and making informed decisions. Through the coordination of currently fragmented information into a single accessible knowledge base, individuals, community leaders, drinking water quality practitioners, funding agencies, policy makers, governments, businesses and other stakeholders, from both developed and developing countries, will be able to participate knowledgeably in decision-making for water provisioning. Over time, it is expected that the application of these strategically integrated solutions will have a significant impact in reducing illness from water-related diseases in vulnerable communities around the world.



ACCEPTABILITY

Water and sanitation facilities and services must be culturally and socially acceptable. Depending on the culture, acceptability can often require privacy, as well as separate facilities for women and men in public places, and for girls and boys in schools. Facilities will need to accommodate common hygiene practices in specific cultures, such as for anal and genital cleansing. Also women's toilets need to accommodate menstruation needs. In addition to safety, water should also be of an acceptable colour, odour and taste.



NGO Support to Improve Sanitation Acceptability in Tanzania

Assisting women and girls in managing menstrual hygiene is an issue addressed by the Tanzanian NGO Water and Environmental Sanitation in a schools sanitation project. The aim is to contribute to improving the ability of girls reaching puberty to effectively **manage menstruation with dignity and confidence** and hence remain in school. Teacher sensitization and lesson planning for supporting girls in menstrual hygiene management is available for use across Tanzania. WaterAid India has piloted the manufacture by local women of sanitary towels, as a more hygienic alternative to using rags.



ACCESSIBILITY

Water and sanitation services must be accessible to everyone in the household or its vicinity on a continuous basis, as well as in schools, health-care facilities and other public institutions and places. Physical security must not be threatened during access to facilities.

There is no physical access when you have to travel a distance of more than 1 km or when it takes more than 30 minutes return trip. (WHO)



Civil Society Support to Achieve Water Accessibility in Pakistan

In the province of Baluchistan in Pakistan, there is an interesting example of ensuring access to water for drought affected people.

Baluchistan has the lowest access to water and sanitation indicators in Pakistan and is badly affected by drought due to the fact that the water level decreased significantly. Youth Activist Groups of Loralai Area Water Partnership prioritized this issue, collected money from local philanthropists and bought a mobile water tanker for the purpose to provide free drinking water to drought affected areas. This project is running successfully and the people receiving drinking water on a daily basis are only paying an affordable fee of 300 rupees per household per month, so as to cover the fuel expenses, maintenance expenses of the water tanker and the driver's salary. Thanks to community contribution and ownership, this project is based on self-help and is self-sustained.



AFFORDABILITY

Access to sanitation and water facilities and services must be done at a price that is affordable for all people. Access to sanitation and water must not compromise the ability to pay other essential necessities guaranteed by human rights, such as food, housing and health care.

That water must be affordable does not mean that water should be free as a rule, but that no person can be deprived of the right to water for economic reasons. UNDP proposes that household spending in water does not exceed 3% of family income.



Water Operators Ensuring Water Affordability in Portugal

In Portugal, a study by the Water and Waste Services Regulation Authority (ERSAR), the Portuguese regulator, showed that the uptake of connections to existing wastewater infrastructure was slower than expected due to the high cost of connection. While in average it only represents 26% of the monthly income, for low income households in some municipalities the cost of connection can reach three times their monthly income. To ensure water affordability, ERSAR has recommended service providers to eliminate the connection charge and compensate this loss of revenue by increasing the fixed part of the tariff gradually over a five year period. In this way, all users will contribute to pay for the cost of connecting the unserved. ERSAR has developed a set of indicators to benchmark the performance of the more than 300 service providers. Starting

in 2011, the set of indicators includes a macro-affordability indicator that tracks, for each municipality, the cost of consuming 10m³ of water as proportion of average household income. Color ratings are given to municipalities: “green” when the cost is below 0.5% of household income, “yellow” when it is between 0.5% and 1%, and “red” when it is above 1%.



NON DISCRIMINATION

Non-discrimination is central to human rights. Discrimination on prohibited grounds including race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status or any other civil, political, social or other status must be avoided, both in law and in practice. In order to address existing discrimination, positive targeted measures may have to be adopted. In this regard, priority must be given to the most marginalized and vulnerable to exclusion and discrimination. Services must also be technically safe and take into account the safety needs of people with disabilities, as well as of children.



A Public Private Partnership to Address Non Discrimination in West Africa

The West Africa Water Initiative, a public-private partnership funded by the Conrad N. Hilton Foundation, compiled a list of solutions proposed by people with physical disabilities themselves to access and use hand-pumps, transport water for domestic use, and access and use latrines. Solutions take into account the extent and type of disabilities, age, gender and marital status, education and livelihood. Regarding pump use solutions encompass improved handles to facilitate grasping while pumping. For latrine improvement solutions include improved or concrete flooring, technologies which help avoid the need to sit directly on the latrine hole, handles or support devices to assist in squatting, and devices to aid blind persons in locating the hole.

This includes the right to seek, receive and impart information concerning water issues. To reach people and actually provide accessible information, multiple channels of information, that consider cultural communication preferences, have to be used. Moreover, capacity development and training may be required – because only when existing legislation and policies are understood, can they be utilised, challenged or transformed.



The Role of Education Bodies in Access to Information on Water Governance in Mexico

Since 2005, the Mexican Institute of Water Technology has developed a series of workshops in rural and urban communities to promote gender analysis and women participation in integrated water management and policy. The results of those workshops are published in the Women' Blue Agenda which highlight issues relating to water for domestic purposes, irrigation and environmental protection, and makes a strong connection between land rights and access to water. Based on these agendas, the workshops seek to contribute to the proposals for public policy advocacy, laws, regulations as well as participatory mechanisms to promote a greater role for women, as well as gender equity, in integrated water management and policy.



Processes related to planning, design, construction, maintenance and monitoring of sanitation and water services should be participatory. This requires a genuine opportunity to freely express demands and concerns and influence decisions. Also, it is crucial to include representatives of all concerned individuals, groups and communities in participatory processes. Poor people and members of marginalized groups are frequently excluded from decision-making regarding water and sanitation, and hence their needs are seldom prioritized. Community participation in the planning and design of water and sanitation programmes is also essential to ensure that water and sanitation services are relevant and appropriate, and thus ultimately sustainable.



States Integrating Participation in the Senegal River Basin Management

A participatory approach for the design of the water development and management master plan (SDAGE) in the Senegal River Basin involved 33 facilitators speaking the local language to ensure the greatest participation of the local population . This program allows the popularization of the principles of SDAGE, the ownership by field stakeholders and the recognition of their contributions. It shows that the population can actually contribute to the water resources politics when the messages and objectives are made clear to them. Furthermore a strong on-the-field support is necessary, complemented with an ambitious media strategy (radio spots etc.).



ACCOUNTABILITY

The realization of human rights requires responsive and accountable institutions, a clear designation of responsibilities and coordination between different entities involved. States should be held accountable for meeting these obligations and ensuring that non-State actors respect them. Persons or groups denied their HRTWS should have access to effective judicial or other appropriate remedies, like courts, national ombudspersons or human right commissions.



A National Legal Framework for Accountability in Honduras

The Framework Law of the Water and Sanitation Sector of Honduras (Framework Law), enacted in 2003, is based on the policy of decentralization of public management in the country. It assigns responsibility for the provision of water and sanitation services to municipal governments and to the administrative boards of water, JAAP, (with technical assistance from the Central Government), which are subject to regulation and control by the Regulatory Body of the Water and Sanitation Services (ERSAPS). The Framework Law requires a broad citizen participation in the entire process of service delivering. In order to fulfill its mandate, the ERSAPS, with the support of the Swiss Cooperation, designed and established a strategy based on the creation of two local instances: a Local Unit for Monitoring and Control (USCL), which is an instance of citizen participation, with monitoring functions of the services provision, control of requests and claims of the users of water and sanitation services; and a Municipal Commission of Water and Sanitation (COMAS), responsible for the planning and coordination of the WatSan Sector actions, at the municipal level. The figure of a technical officer in regulation and control (TRC) was also created, responsible for informing the ERSAPS, through its web site, on the management of the providers of the WatSan services; this figure is in operation since the year 2011.

[See Good Practice Honduras](#)



The human rights obligations related to water and sanitation have to be met in a sustainable manner. This means practices have to be economically, environmentally and socially sustainable so that future generations can enjoy the right too. The achieved impact must be continuous and long-lasting.



NGOs support for Sustainable Water Governance in Peru

The WWF-CARE Consortium has successfully managed a programme, which addresses biodiversity conservation while promoting livelihood improvements among poor upstream communities in Peru. The Equitable Payments for the Watershed Services programme proposes an innovative financing mechanism linking poor communities upstream (service providers) with public/private water users downstream (service buyers). Communities changed from subsistence to sustainable agriculture by restoring/conserving ecosystem integrity. Local, regional and national Governments have included this innovative financing mechanism for conservation and development as part of their governance strategy. Appropriation of the programme concept and methodology by the government and its scaling up and replication is ensuring long-term sustainability.

All the above elements (human rights criteria and principles) give meaning to the human right to water and sanitation, which must be respected, protected and fulfilled by States, who are primarily responsible for guaranteeing fundamental human rights.

1. Source: C. de Albuquerque – United Nations Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, with V. Roaf, “On the Right Track. Good practices in realising the rights to water and sanitation”, 2012, p.113.
2. For more information : <http://www.inweh.unu.edu/Health/VM.htm>
3. For more information : <http://www.twesa.org/>
4. Source: C. De Albuquerque with V. Roaf (see fn.2), p.140.
5. Source: C. De Albuquerque with V. Roaf (see fn.2), p.85. For more information : <http://www.ersar.pt>
6. For more information : <http://www.hiltonfoundation.org/wawi>
7. For more information : http://www.wsscc.org/sites/default/files/publications/norman_washdisabilities_ruralafrica_2010.pdf
8. <http://www.solutionsforwater.org/solutions/the-women-blue-agenda-in-mexico>
9. For more information : <http://www.solutionsforwater.org/solutions/participatory-approach-for-the-design-of-a-water-development-and-management-master-plan-sdage-in-the-senegal-river-basin>
10. <http://www.solutionsforwater.org/solutions/strategy-for-local-participation-for-the-regulation-and-control-of-water-and-sanitation-services-of-honduras-5>

4. Who is responsible for realizing this right?

STATE RESPONSIBILITY

The obligation to respect

States must refrain from interfering with existing access (**obligation to respect**). Development projects, such as a hydroelectric power plant, cannot take place without a previous impartial impact assessment study to determine that the right to water of the population is not affected.

The obligation to protect

States must equally prevent third parties – as for example private companies or NGOs – from interfering negatively with the enjoyment of human rights of others (**obligation to protect**). Importantly, the State cannot exempt itself from its human rights obligations by involving Non-State actors in service provision. Even in these situations, **the State is the primary duty bearer of human rights obligations** and has an obligation to adopt measures – like ensuring proper regulation – to make sure that **Non-State actors** comply with human rights standards. On the other hand, Non-State actors must comply with the laws and regulations of the country in terms of a general legal obligation: they have a basic responsibility to **respect** human rights. To that end they must assess the actual and potential impact of their activities on the realization of the human right to safe drinking water and sanitation before and while undertaking their activities through the exercise of **due-diligence** “to become aware of, prevent and address adverse human rights impacts”.

The obligation to fulfil

Finally they must adopt the necessary measures to enable and assist individuals to enjoy their human rights and to ensure direct provision as a last resort, when individuals are, for reasons beyond their control, unable to provide for themselves (**obligation to fulfill**).

Among other necessary measures States must take to realize their human rights obligations, they must **develop, implement and monitor a national strategy and/or a water and sanitation action plan in accordance with, and for the realization of, human rights criteria and principles**. In that respect, human rights are the goals and guiding principles in development efforts: a human rights-based situation analysis is the basis for identifying priorities and action. The plan of action ensure that the human rights criteria (availability, accessibility, quality, affordability, acceptability) and principles (non-discrimination, participation, access to information, accountability and sustainability) are taken into account throughout the process, as well as develop **the capacities of rights-holders to claim and realize their human rights and of duty-bearers to meet their obligations**. Non-State actors are then expected to coordinate their activities with those by the State to ensure coherent and sustainable water and sanitation governance.

5. What are the obligations of development cooperation agents?

Development partners are understood in this section as both State and Non-State actors. They can be State actors in the cases of **bilateral and multilateral governmental development agencies** and Non-State actors in the cases of **national and international non-governmental organizations (NGOs) and Private Sector**. Among them the Toolkit is meant to address specifically **bilateral development cooperation and international and national NGOs** insofar as they are meant to assist the State in its mission.

Obligations of State Actors

As to bilateral cooperation agencies, human rights treaties and declarations reflect clear requirements for States to cooperate with and assist each other mutually. **The principle of international cooperation** is established in the UN Charter and in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

In accordance with the **obligation to respect**, States must not negatively affect the human rights situation in their partner countries. They also have an obligation to ensure that third parties involved in the delivery and implementation of their development assistance (e.g. private contractors and technical advisers) do not interfere with the enjoyment and realization of human rights in partner countries (**obligation to protect**). Under the **obligation to fulfill**, they should ensure that their assistance facilitates the ability of each developing country to comply with its own human rights obligations. As explicitly affirmed by the Committee on Economic, Social and Cultural Rights, international projects and approaches should contribute not only to economic growth and other broadly defined objectives, but also to enhancing enjoyment of the **full range of human rights, in particular economic, social and cultural rights**.

Obligations of Non-State Actors

The Committee on Economic, Social and Cultural Rights, in its General Comment No. 15, also refers to the obligations of non-state actors, which are:

- Cooperate effectively with state parties in all matters related to the implementation of the right to water
- Incorporate human rights standards and principles in programmes and policies
- Give priority in the provision of aid, distribution and management of water and water facilities to the most vulnerable or marginalised population groups.

Coordination between State and Non-State Actors

It is well established that, from a human rights perspective, States can opt to involve Non-State actors in sanitation and water services provision. But the State cannot exempt itself from its human rights obligations and hence remains the primary duty-bearer. Therefore, also when involving other actors in services provision, the role of the State is crucial. The obligations of States and the responsibilities of non-State actors are complementary. Other development actors can and should support the State in the realization of human rights.

Coordination of Non-State actors' activities with States' activities is a key element in development cooperation, in line with aid effectiveness principles and especially the principle of aid alignment (See below,8). According to the principle of coordination, development partners are expected to synchronise their activities with the national water and sanitation plan of action to ensure coherence and synergy in water and sanitation governance. Though coordination is not a human rights principle, it is a key principle in this Toolkit because coordination with States is at the core of development partners' intervention.

6. What is a human rights based approach and how is it different from other development practices?

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HUMAN RIGHTS-BASED APPROACH (HRBA)

Using a human rights-based approach (HRBA), development partners should direct their programmes to promote and protect human rights- **based on agreed international human rights standards and principles**. The approach seeks to identify groups and people whose rights are been violated, understand why certain people are unable to enjoy their rights, and redress unjust distributions of power that impede development progress. In this sense it identifies **rights-holders** and their entitlements and corresponding **duty-bearers** and their obligations, and works to strengthen the capacity of duty bearers to comply with their obligations and right holders to claim and exercise their rights. In that respect, human rights are the goals and guiding principles in development efforts: a human rights-based situation analysis is the basis for identifying priorities and action. The plan of action ensure that the human rights criteria (availability, accessibility, quality, affordability, acceptability) and principles (non-discrimination, participation, access to information, accountability and sustainability) are taken into account throughout the process, as well as develop the capacities of rights-holders to claim and realize their human rights and of duty-bearers to meet

their obligations. Non-State actors are then expected to coordinate their activities with those by the State to ensure coherent and sustainable water and sanitation governance.

OTHER APPROACHES

This section schematically presents the major differences between approaches followed by development partners and the theological and instrumental rationale for a human rights-approach.

COMPARATIVE HIGHLIGHTS BETWEEN HUMAN RIGHTS, CHARITY AND NEEDS-BASED APPROACHES

Source: *Danish Institute for Human Rights, "Applying a Rights-based Approach. An Inspirational Guide for Civil Society"*, 2007, 10

| Charity Approach | Needs Approach | Rights-Based Approach |
|--|--|--|
| Focus on input not outcome | Focus on input not outcome | Focus on process and outcome |
| Emphasizes increasing charity | Emphasizes meeting needs | Emphasizes realizing rights |
| Recognizes moral responsibility of rich towards poor | Recognizes needs as valid claims | Recognizes individual and group rights as claims toward legal and moral duty-bearers |
| Individuals are seen as victims | Individuals are objects of development interventions | Individuals and groups are empowered to claim their rights |
| Individuals deserve assistance | Individuals deserve assistance | Individuals are entitled to assistance |
| Focuses on manifestation of problems | Focuses on immediate causes of problems | Focuses on structural causes and their manifestations |

7. What is the added value of working with a human rights based approach?

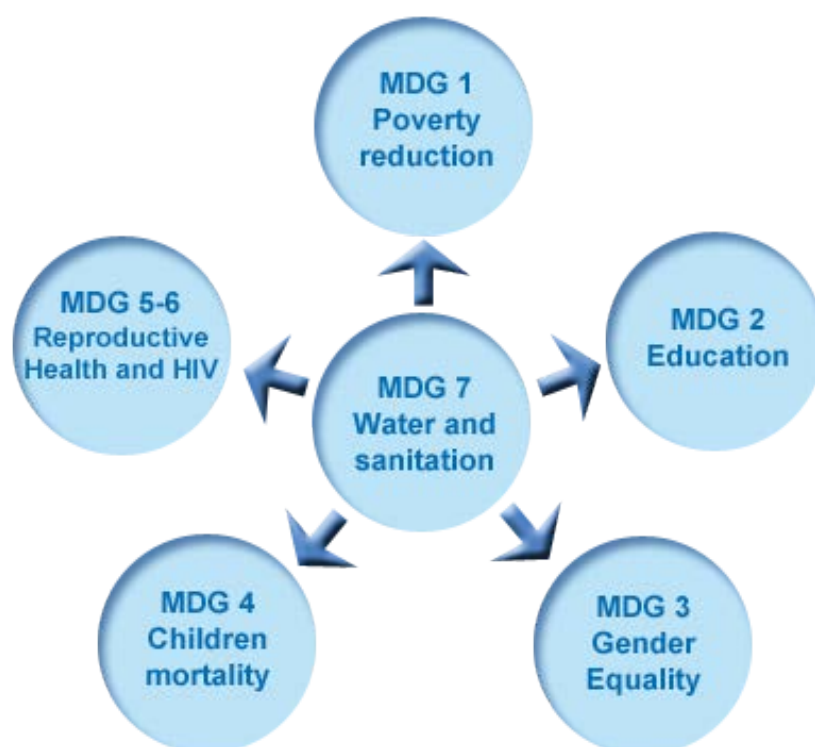
While human rights embody legally binding obligations and need no instrumental justifications, there is increasing evidence that a human rights-based approach cannot only promote inclusive development processes, but also helps to fight inequalities and promote sustainable development results.

- Realizing the human right to water has been recognized internationally as a **legal obligation**. It means that equitable access is a **non-negotiable legal entitlement**, rather than a commodity or service provided on a charitable basis.
- Human rights provide a **legitimate internationally agreed framework** for legal, policy reforms.
- Working with a human rights-based approach means going beyond service delivery and **addressing inequalities** which lie at the heart of the current levels of lack of access. Without such an approach the response is likely to be disconnected from the causes of the lack of access and ill-adapted to contributing to its resolution on a durable basis;
- Improving the human right to water and sanitation will **advance other human rights**, such as the right to education, health, food, housing, an adequate standard of living and freedom from discrimination;
- Human rights can help create the necessary **political commitment, social mobilisation and international aid** to reach universal and sustainable access to drinking water and sanitation.
- The human rights framework can help achieving a greater and more sustained impact of development interventions.

8. How to articulate human rights and MDGs?

The international human rights framework is a baseline commitment on global efforts to meet all the Millennium Development Goals (MDGs), as stated in the Millennium Declaration and reaffirmed in the 2010 High Level Meeting of the UN General Assembly.

The realization of all the MDGs is affected by the access or lack of access to water and sanitation, and states have specifically committed to « reduce by half by 2015 the proportion of people without access to safe drinking water and sanitation » (MDG 7).



In light of the human rights principles described (See Section 4), the MDGs target limited progress and focus on **outcomes**, ignoring the importance of **processes**. Indeed, human rights standards attribute relevance to processes, compelling the participatory formulation of public policies and development plans and the institutionalization of democratic processes. Human rights also demand the establishment of accountability mechanisms that will enable individuals to hold governments answerable.

Furthermore the indicators used to measure progress towards the MDG targets on water and sanitation do not take into account the normative criteria of the human right to water and sanitation, as for example quality and affordability (which are not being assessed at the global level).

A human rights framework invites States to adapt and align the MDGs to their national context, state of development and available resources, being always guided by human rights, especially the principles of non-discrimination, participation and accountability. States and development partners **must target the most vulnerable populations and identify groups that face discrimination**. Hence a focus on non-discrimination and equality, eventually combined with the concept of equity (which is well-known to development practitioners) would change the way progress is made and measured globally.

In preparation of a post-2015 development agenda, the UNICEF's and WHO's Joint Monitoring Programme recently initiated a multi-stakeholders process to assess the feasibility of incorporating specific, rights-based indicators into the development of new development targets and indicators, so as to enable them to monitor whether access to water and sanitation services are safe, affordable and are delivered to all people without discrimination, concentrating first on those who are marginalised and vulnerable.

Turning from the MDG to the human rights paradigm, States and development partners will need guidance to integrate new targets and principles in water and sanitation governance aiming at universal access, while prioritizing the most neglected groups.

9. How to articulate human rights and aid effectiveness principles?

- 1 What is the human right to safe drinking water and sanitation?
- 2 Who has a human right to safe drinking water and sanitation?
- 3 What are the human rights principles and criteria?
- 4 Who is responsible for realizing this right?
- 5 What are the obligations of development cooperation agents?
- 6 What is a human rights-based approach and how is it different from other development practices?
- 7 What is the added value of working with a human rights based approach?
- 8 How to articulate Human Rights and MDGs?
- 9 How to articulate human rights and aid effectiveness principles?
- 10 How to articulate the human rights to water and sanitation and integrated water resources management?

In 2005, 90 States and 26 multilateral organizations adopted the Paris Declaration on Aid Effectiveness and committed to **harmonize** their agenda to **align it with** national priorities. The 5 “aid effectiveness principles” (ownership, alignment, harmonization, result-based management and mutual accountability), reaffirmed in the 2008 Accra Agenda for Action, are part of a major global aid reform aimed at securing **country ownership of the development agenda at national and local levels**.

In support of **harmonization**, the human rights framework is common to both donors and host States. International human rights obligations constitute a mutually agreed, universal normative framework, supported not only by political guarantees, but also by the force of legal obligations to which donors and recipient States are committed to (**mutual accountability**). Within this common framework, donors must channel support through countries’ own institutions and procedures (**ownership**). They must ensure that changes in the delivery and management of aid will support, or at least not undermine, the realization of human rights, especially for those groups whose rights are most often denied (**result-based management**). As to host States, they must ensure that the “national development agenda” donors

must align with and integrate a human rights-based approach (**alignment**). In practice, the national poverty reduction strategy, national water and sanitation strategy and the integrated water resources management plan do not always integrate human rights standards and principles. There may be a human rights plan of action, but most often with only few or no references to water and sanitation. This situation makes it even more important to reassess the complementarity and coherence between aid effectiveness and human rights principles.

Aid effectiveness principles and human rights are therefore mutually strengthening. Human rights principles enhance a democratic process that is fundamental to ensure meaningful and inclusive citizen-based ownership as promoted in the Paris Declaration. The other way around, the Paris Declaration promotes a model of partnership that improves transparency and accountability in aid management to produce sustainable development outcomes.

10. How to articulate the human right to water and sanitation and integrated water resources management?

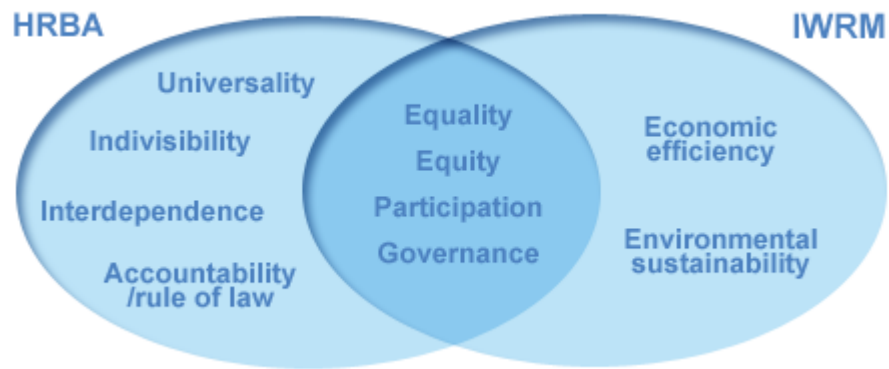
- 1 What is the human right to safe drinking water and sanitation?
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- 9 How to articulate human rights and aid effectiveness principles?
- 10 How to articulate the human rights to water and sanitation and integrated water resources management?

Since the 1992 Dublin and Rio conferences, Integrated Water Resources Management (IWRM) has gained international recognition. The concept is now the worldwide model for water management. It has been a key component of the recent wave of national water reforms in most countries. The Global Water Partnership defines it as a “process which promotes the coordinated development and management of water, land and related resources in order to maximize economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems and the environment”.

Access to water resources is central to the enjoyment of different human rights, such as the right to food and the right to livelihood. Realizing the human right to water and sanitation means that water resources are managed so as to protect water as **sources of drinking water** and that **safe water must be available in sufficient quantities for personal and domestic uses**- cooking, drinking, personal and household hygiene-, with **these uses being prioritised** over water uses, like agriculture and industry. It also means that every person has the right to **get information and effectively participate in water policy making**. A HRBA makes all duty-bearers accountable for the observance of human

rights, including river basin agencies.

The main discordance between the two concepts is probably the recognition of water as an **economic value** by IWRM, while a HRBA recognizes water as a **social and cultural good**. Although a properly applied IWRM will ensure **social equity** in the allocation of water resources, in practice **economic efficiency** can trump equity. The divergent appraisal of water as an economic or a social good can create divergences between IWRM and HRBA, especially in relation to the criteria of water **availability** and **affordability**.



Articulating IWRM and HRBA has the potential to give clear direction for government and organization working in the water sector. By definition IWRM and HRBA share similar principles: participatory approach, non-discrimination, accountability, sustainability and transparency.

A human rights-based approach to water resources management ensure that focus is primarily to fulfill human right commitments and that legal requirements are in place to ensure the provision of access to water and sanitation to all (shift from needs to entitlement in the right). The HRBA gives a precise, accurate, verifiable and legal definition of what is **an acceptable access to water and sanitation**.

Similarly a HRBA will benefit from an IWRM approach in using successful planning tools and success story that incorporate every aspect of water management. A solely WATSAN approach that mainly focuses on immediate needs to provide access to water and sanitation is likely to not fully address the human right to water and sanitation, especially in regard to environmental and economic sustainability, thus compromising social sustainability.

Self-assessment – A human rights-based analysis of your own strategy

| | |
|---|--|
| 1. Does your strategy recognize the human right to water and sanitation? | |
| 2. Do you take into account the international and national legal obligations of the country recognizing the human right to water and sanitation? | |
| 3. Are you aware of the national priorities in the water and sanitation sector? | |
| 4. Do the priorities of your organization align with the national priorities mentioned above? | |
| <p>5. Does your organization address the criteria and principles of the human right to water and sanitation in its strategy?</p> <p>If so, precise if the programme/strategy tackles:</p> <p>Non discrimination</p> <p>Access to information</p> <p>Participation</p> <p>Accountability</p> <p>Accessibility</p> <p>Availability</p> <p>Quality</p> <p>Acceptability</p> <p>Affordability</p> <p>Sustainability</p> | |
| 6. Does your strategy aim at strengthening capacities of both rights-holders to know and claim their rights and duty-bearers to meet their obligations? | |
| 7. Does your strategy contribute to setting up an enabling environment for the progressive realization of the human right to water and sanitation? | |
| 8. To what extent has participation of affected | |

| | |
|--|--|
| populations been taken into account in the development and implementation of your strategy? | |
| 9. What positive impact has your support had on the capacities of both rights-holders to know and claim their rights and duty-bearers to meet their obligations? | |
| 10. What positive impact has your support had on the setting up of an enabling framework for the progressive realization of the human right to water and sanitation? | |
| 11. Are your strategy/plan of action, report and budget allocation in the country available? | |

You can find a ranking of donors transparency at: [Publish What You Fund](#)
