



The Right to Water and Sanitation a practical guide

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A FRANCISCAN PERSPECTIVE ON THE RIGHT TO WATER

Franciscans International brings together followers of St. Francis and St. Clare of Assisi towards a common goal: a world more just and peaceful. The life of St. Francis inspires us in our efforts for peace building, integrity of creation, and concern for the poor.

Francis broke the division between rich and poor. For him, the meaning of life was not creating richness but fraternity, by being one and compassionate with all creatures. The entire creation became family for him. This is evident in Francis' Canticle of the Creatures which represents his vision of brotherhood and sisterhood rooted in God.

The Canticle is still very inspiring even today, when the world is struggling with poverty, climate change, destruction of nature, shortage of resources, and notably access to water. Water is essential to sustain the Earth and its inhabitants. Therefore, access to such a basic good is not a matter of choice, but a Human Right.

Francis's respect for Sister Mother Earth reminds us that the right to water is certainly important, but at the same time we need to respect the Water's rights too!

*"All Praise be Yours, my Lord,
through Sister Water,
so useful, lowly, precious and pure",
St. Francis of Assisi*

We, as followers, must care for water, not only because it is a resource for us, but also a gift which should be preserved from contamination, pollution, and human greed. This publication on water issues is a joint collaboration between Franciscans International and Waterlex. The purpose is to provide the Franciscan Family and other stakeholders with tools to address water challenges in everyday life. We hope this practical guide will contribute to making the right to water a reality for the most vulnerable.

Sr. Odile Coirier FMM
Environmental Officer
Franciscans International

"In Saint Francis' Canticle, as in nature, everything is connected and interrelated. Water, like blood in a living organism, seems to be the element that connects all creatures. Water is in all forms of life. Water is the true source of life.

Whenever we look at water, we admire its beauty and are enchanted by it. We try to understand its mysteries and recognize its importance. We also realize that we need to stop degradation, pollution and the waste of water. We need to reject without compromise the act of transforming water into a consumer product because water is a gift of God and a precious common good. We are called to guarantee access to water.

We should call on governments and institutions to do their part. But we must all do our part. Even small daily actions will add up in the fight to protect water resources and to guarantee life now and tomorrow. The key word is shared responsibility. In the struggle to protect water, not only do we have to keep in mind waste, deterioration, pollution and consumption, but also other dangers such as privatization and the interest of transforming water into merchandise."

by Pilato Pereira OFM Cap

Water and Dignity for All: A challenge for All Nations,
In: World Poverty - Franciscan Reflections, 2007.

FOREWORD

On 28 July 2010, the UN General Assembly declared: “Safe and drinking water and sanitation is a HUMAN RIGHT, essential for the full enjoyment of life and all other human rights.”

Besides recognizing that we all need water and that we couldn't otherwise survive without it, the UN also urged governments to ensure that each person has at least 20 liters of clean water per day. However, figures sadly show that worldwide, 2 million children die every year because of water-borne diseases (diseases related to unsafe water or lack of water), 885 million people lack clean water, and 2.6 billion people have no access to basic sanitation.

The Committee on Economic, Social and Cultural Rights, in its General Comment No. 15 on the Right to Water affirms that: “Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights. The Committee has been confronted continually with the widespread denial of the right to water in developing as well as developed countries. Over one billion persons lack access to a basic water supply, while several billion do not have access to adequate sanitation, which is the primary cause of water contamination and diseases linked to water. The continuing contamination, depletion and unequal distribution of water are exacerbating existing poverty. States parties [governments] have to adopt effective measures to realize, without discrimination, the right to water, as set out in this general comment.”

Finding sustainable solutions to ensure the provision of water and sanitation in poor rural and urban communities will also help reduce poverty and give hope for a better life. The lack of safe water affects daily livelihoods and this, in turn, has a negative impact on household income. Urban poor and slum dwellers around the world pay 5 to 10 times the price that rich people pay for water. This makes them even poorer. Additionally, some are forced to switch to unsafe water, which exposes them to disease and prevents them from earning a living.

More concretely, the lack of safe water and basic sanitation leads to sickness, prevents children from attending school, and keeps parents from going to work. Conversely, improving access to water and sanitation represents a first step to ensure livelihoods, education, and better health. In addition, improving access to water also implies that time spent in obtaining water can be used more productively, such as in activities aimed at ensuring new opportunities and livelihoods for the family. Furthermore, access to water improves food harvests and increases agricultural household income.

Ensuring safe and sufficient water supply for everyone is becoming a serious and urgent matter that governments must address without further delay. Leaders **MUST** consider this a priority across all regions and countries of the world.

Francesca Restifo
Director of Advocacy
Franciscans International

A KEY TO READING THIS GUIDE

This guide is designed to raise awareness on the importance of the right to water and sanitation. It is addressed to Franciscans and those who work at grassroots, and aims to help them with practical ways to address the challenges of poverty and water issues.

This guide adopts a bottom-up approach to highlight the steps that citizens and communities can take together with government to address water and sanitation challenges.

Section 1 gives an overview on water and sanitation challenges faced by the poor and most vulnerable groups. Section 2 explains the role and responsibilities of governments with respect to the right to water and sanitation. Section 3 identifies key issues and the way to set priorities. Section 4 gives suggestions on how to manage available resources to satisfy the needs of the citizens. This is followed by Section 5 that stresses the importance of following-up on the authorities' commitments. Lastly, Section 6 and 7 show how to bring local concerns to both national and international level.

How to use this guide

This guide is an introduction to the issue of water and sanitation and highlights key challenges and needs. It is structured in 7 sections, which set out main objectives and concerns. Throughout the guide, boxes such as this one raise questions, which can be answered while reading. At the end of each section, a box highlights the key points.



Picture Credit : UN Photo/Ray Witlin

SECTION 1 - WATER AND SANITATION CHALLENGES

Objective

This section provides an overview of the current local challenges related to the right to water and sanitation.

Worldwide, one in ten human beings does not have access to safe drinking water. This number includes women and children, who are particularly vulnerable to water-related diseases.

Improving access to safe drinking water and basic sanitation services for the poorest and most vulnerable groups is a major challenge, which requires commitment from every group of society, including religious communities.

One major misconception about today's water crisis is that it is due to lack of water as a resource and lack of infrastructure. In fact, it is a problem of management, and more broadly a problem of governance. In other words, it is mainly due to a lack of transparency, a lack of community participation in decision-making, and a lack of accountability by decision makers.

The global water crisis can be adequately faced and prevented if:

- available financial resources are effectively spent;
- resources are spent in a transparent manner;
- affected communities participate in decision-making and implementation;
- adequate and efficient remedies against mismanagement are instituted.

1. THE NEED TO ENSURE GOOD WATER QUALITY

Children fall sick because of the poor quality of the water they drink. Every time children cannot go to school because they are sick, parents have to spend their (limited) financial resources on medication instead of on other important goods, such as learning materials. Therefore, lack of access to safe drinking water and lack of development are closely related. There are several reasons related to unsafe water. We are now going to look at two major reasons: a) lack of protection of the water point, and b) human pollution.

1.1 LACK OF PROTECTION OF THE WATER POINT

A major cause of unsafe water is that the water point is not protected. A water point is called 'not protected', when the water is directly in contact with contaminants such as animal defecation or environmental pollution.

In rural areas, good ways to protect a water point include putting a tap over the well; using a bucket that is only ever used to take water from the well; or raising a barrier around the water point to prevent animals from entering the area. Beyond these initial good practices, decontamination and purification of water are frequently required. In rural areas, the

contamination is due to the use of pesticides which go straight into the ground water. In urban areas, the major source of contamination is human waste. While human waste can be taken out of the water using chlorine, more complex technologies are needed to destroy pesticides.

Questions:

1) How do the water points look near your community?

2) Do people have access to:

- Piped water system
- Water pump
- Hand-dug well
- Open source (lakes, ponds, rivers or streams)



Picture Credit : WaterLex Photo/ JB Charrin

1.2 HUMAN POLLUTION AND ACCESS TO SANITATION FACILITIES

Humans often cause water pollution. It is therefore important to know which activities lead to water pollution. Among these, bad hygiene habits especially inadequate water storage and lack of hand washing (before cooking or eating) are the major causes of water related diseases. In some regions these bad hygiene practices are directly related to the lack of sanitation infrastructure. In many countries, children fall sick because they play outside, including areas where the common practice is open defecation.

In 2008, 17% of the world’s population was practicing open defecation. Further, over 39% of the world’s population lives without access to hygienic sanitation (referred to as ‘Improved sanitation’ by UNICEF/WHO, and defined as “a facility that hygienically separates human excreta from human contact”).

In the questions box below is a picture of a rural sanitation facility from Northern Benin. This is a good example of rural sanitation to the extent that it is just outside the village and can be used by all villagers, so that open defecation will not take place. On the other hand, it is not a good example because there is no hand-washing opportunity right outside the facility.

Questions:

- 1) What are the sanitation facilities/practices of your local community?
- 2) Do people have access to:

- Household Latrines
- Community Water Flush Latrines
- Community Dry Latrines
- Open Defecation



Picture Credit : WaterLex Photo/ JB Charrin

2. THE NEED TO ENSURE SUFFICIENT WATER QUANTITY

Besides the lack of good water quality, local populations also face the challenge of lack of water as a resource: water is not provided in sufficient quantity to cover the basic drinking needs of the population. This seriously affects the lives of the communities, especially in respect to children, who suffer and even die because of lack of water and dehydration.

This can be due to geographic features or seasonal constraints. For example, during certain dry months, local populations are often forced to switch from safe to unsafe water points. This means that because the hand-pumped well has run dry, the population uses unsafe water from the river, which causes water-borne diseases due to pollution. This is why consistent access to safe water in sufficient quantity is very important.

3. THE NEED TO ENSURE FINANCIALLY AFFORDABLE WATER

Given growing levels of pollution and the related need for purification, only in rare circumstances is access to safe drinking water free of charge. Whether financed by indirect taxation or directly by the water point user, the maintenance of the infrastructure has a cost. In some urban areas, slum dwellers living in areas not covered by piped-water infrastructure, are forced to buy water in buckets from private water sellers.

This 'private water' is sold to the poor at a cost that is up to 10 times the normal price paid for piped municipal water. So, paying too much for water can prevent poor households from purchasing medications, providing education or other fundamental needs for children. In other words, ensuring adequate access to financially affordable water will help alleviate extreme poverty.

In rural areas, lack of awareness about the importance of having access to safe water represents an obstacle to finding money for the maintenance and treatment of water points. A good practice would be to assess the financial capacity of poor households in order to equitably distribute the cost of the water infrastructure among all users.



Picture Credit : UN Photo/Eskinder Debebe

Question:

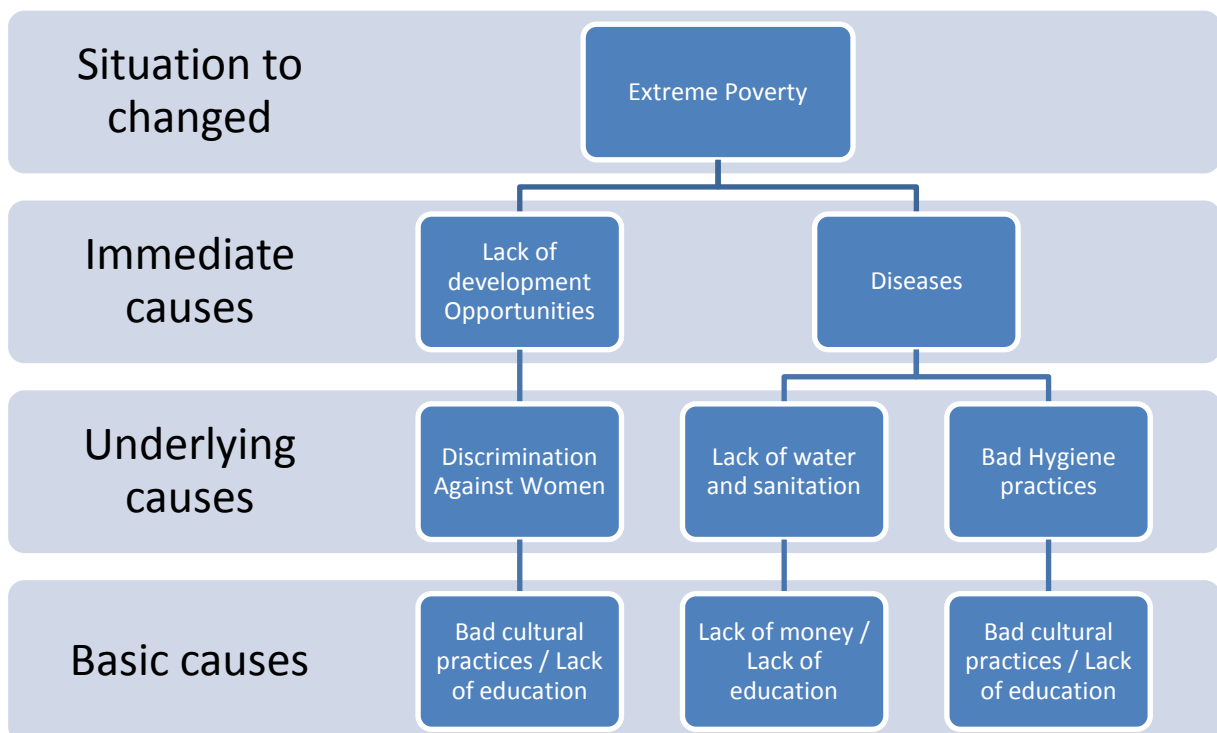
How much of their monthly budget do people spend on water:

- More than 20%
- Between 5-20%
- Between 1-5%
- Safe drinking water is free - not paid for by the local community

4. THE NEED FOR PHYSICALLY ACCESSIBLE WATER

In many cultures, girls and women are expected to walk hours each day to collect water for the whole household. Families prefer to send girls to collect water instead of sending them to school. Unfortunately, global figures show that lack of physically accessible water results in no primary education for one out of seven girls.

This is another example that clearly demonstrates the link between lack of water, lack of development, and extreme poverty. The diagram below is a useful guide for mapping the difficulties of a community. It is interesting to note that lack of education is often the cause of many of the challenges.



© WaterLex 2011 - Diagram adapted from UNICEF conceptual malnutrition framework - 1990

Summary – Section 1

Local communities can suffer from:

- Lack of water in sufficient quantity
- Lack of good quality water
- Lack of physical access to water points
- Water supply too expensive (including necessary water treatments)

Bad practices have a negative impact on the right to water and sanitation:

- Discrimination (Only girls and women are responsible for collecting household water)
- Bad hygiene habits (including open defecation)
- Lack of awareness to contribute to maintenance of water points

SECTION 2 - THE ROLE AND RESPONSIBILITIES OF GOVERNMENTS

Objective:

This section introduces 'International Human Rights Law' and the obligations of governments related to water and sanitation.

Improving the behaviour of governments requires a sound understanding of their formal responsibilities and duties at international level (so-called international obligations).



Picture Credit: UN Photo / Jean-Marc Ferré r

These obligations to safeguard and respect human dignity are set out in a set of documents known as International Human Rights Law Instruments.

When a government recognizes a Human Right, it recognizes three types of related obligations: to 'respect', 'protect' and 'fulfill' that particular Right.

In the field of International Law related to Water and Sanitation, governments commit to:

- Respect their citizens' access to water and sanitation by ensuring that all government activities (including government-funded activities) do not harm water points. This is particularly important in times of armed conflict;
- Protect their citizen's access to water and sanitation, by protecting access to water from abuse and overuse by other actors (such as farmers or private companies);
- Fulfill the right to water, by contributing to improving access to water and sanitation for everyone, including the poorest and most vulnerable communities.



Picture Credit: UN Photo / Eric Kanalstein

Further, governments commit to developing all these activities in conjunction with their citizens. For this, a government commits to informing everyone about the status of the implementation of its obligation and to sharing relevant documents (see following section on 'right to information'). Sharing documents includes in particular the budgets and other details for water and sanitation projects. A government should also commit to defining the project priorities in conjunction with the citizens and affected communities. (See

following section on 'right to participate').

Governments must comply with their international obligations and are accountable at both national and international level for the realization and fulfillment of these commitments.

Questions:

Has your government committed to doing something for the citizens?

- Yes
- No

Do you have a copy of relevant documents?

- Yes
- No

Does that document include the construction of water points and/or latrines?

- Yes
- No



Summary – Section 2

Governments must comply with international standards on the fulfillment of the Human Right to water and sanitation.

This is the commitment by a government to:

- promote access to water and sanitation;
- protect this right from any abuse by third parties; and
- contribute to improving access to water and sanitation for the poor and most vulnerable citizens.

A government commits to carrying out these activities by consulting the citizens in the decision-making process (see the following section on 'right to participate').

SECTION 3 - CONSULTATION AND PARTICIPATION OF LOCAL COMMUNITIES

Objective:

This section introduces consultation and participation in decision-making processes concerning the management of water resources. This is to ensure that governments take into consideration the needs and priorities of the citizens.

1. CONSULTATION AND PARTICIPATION



Picture Credit: UN Photo/Sebastian Villar

One of the most important human rights obligations relating to access to safe drinking water and sanitation is the right to be consulted and to participate in the decision-making process.

The lack of financial resources is used as a justification by many governments to avoid their internationally recognized obligations. This highlights the need to strengthen the participation of all stakeholders to ensure their right to water and sanitation is respected at

national level.

Consultation and participation require transparency and accountability. In addition, access to information and non-discriminatory policies should be guaranteed. Most importantly, the most vulnerable and disadvantaged groups should be given priority consideration.

Consultation and participation are key elements of the decision-making process. The right to water and sanitation requires that governments ensure the maximum available resources for the entire population and that they progressively realize this right.

2. EXCLUSION OF PARTICULAR GROUPS



Picture Credit: UN Photo/Josiane Daher

Governments often prefer to allocate funds, including taxpayers' money, to large-scale projects, such as dam construction or river diversion that are beneficial to a few people or industries rather than the majority of the population.

In some countries, specific ethnic or minority groups are excluded from decision-making processes due to political reasons, thus challenging their right to water and sanitation. As already mentioned, in most developing countries,

women and girls have the traditional role of collecting water, often from great distances. In Asia and Africa, women and girls shoulder the burden of water hauling. In Africa, 25 % of household time is spent each year in carrying water. As such, their health, education, and opportunity to earn a livelihood are highly disadvantaged.

Due to the fact that women and children are frequently excluded from the decision-making process, their specific needs and priorities are not taken into consideration. Women are certainly the most concerned with health issues, since they are the ones educating children on hygiene practices. However, in the majority of cultures they are excluded from decision-making.

Questions:

Do women in your area participate in community consultations about access to water and sanitation?

Yes No

Are women able to share their concerns and priorities about water and sanitation?

Yes No



Picture Credit : UN Photo/Eskinder Debebe

The objectives of community consultations are:

- To understand the needs and concerns of the stakeholders regarding issues related to water and sanitation;
- To identify the priorities of the citizens, taking into consideration women's expectations.

The first step consists of assessing the needs of a community, followed by clarifying their priorities. Objectives can be established over a 5-year period, for example. All the expectations can then be built into the action plan, according to priority, over the time span of the action plan.

Questions:

What are the basic needs that your community is lacking?

What would their first priority be?

In relation to access to water, would you prefer to:

- Improve water quality (e.g. buy a chlorination mechanism);
- Improve water quantity (e.g. build a new water system such as rainwater harvesting);
- Ensure physical access to water (e.g. installation of pipes);
- Ensure financial affordability of water (e.g. subsidies by the authorities for the poorest).



Picture Credit : UN Photo/ Evan Schneider

Summary – Section 3

It is important that all groups and sectors of society are involved in the decision-making process and, in particular, that women participate in community consultations.

Priority needs of local communities can vary from place to place. Communities need to meet to discuss setting common priorities, and develop an action plan within a timeframe.

SECTION 4 – BALANCING THE NEEDS OF CITIZENS AND THE RESOURCES OF GOVERNMENT

Objective

The objective of this section is to make the link between the needs and priorities of the citizens and the available resources of the government.

Prioritising needs and bringing them to the government’s attention is an essential step in the process in claiming one’s right to water and sanitation.

The second step consists of linking the specific priorities identified by the local community with the capacity of the local authorities. This can be hindered by financial limitations of the government, which might effectively obstruct the expectations of the citizens.



Picture Credit: UN Photo/Sophia Paris

These financial limitations might be linked to different issues. For example, some municipalities may not have funds because they are not able to raise taxes. If this is the case, a possible solution could be to inform the community about the on-going problem and discuss the possibility of establishing a local development fund, based on the direct contribution of the community concerned. In this way, each family could contribute to the fund according to its own resources and capacity. Some could give money, while others could

donate part of their agricultural production to be sold on local markets and so raise money for the municipality.

Beyond the contribution from the local citizens, municipalities also receive income in the form of revenue/taxes from companies established in their area. Companies should also be required to contribute to the local development fund.

Another important factor is transparency, which is fundamental to meeting the needs of the community: the community should know the amount of financial resources that its municipality can invest over an estimated period of time (this could be 5 years) to boost community development.

A development plan should ideally cover all the development areas of the municipality and describe all the municipal expenditure. It could also be focused on a specific theme, such as the water and sanitation sector. In any case, such a development plan must include:

- The financial contribution from the citizens;
- The financial contribution from the government;
- The financial contribution from companies in the area.

More importantly, the development plan must also be SMART: which stands for Specific, Measurable, Attainable, Relevant, and Time-bound:

- In the water and sanitation sector a **specific** objective is for example: build sanitation latrines. Writing a general phrase like “address sanitation problems” will not be specific enough.
- The objective must be **measurable**. Saying “build sanitation latrines” does not represent a measurable action. The government has to know exactly how many latrines need to be built.
- Commitments must be **attainable**. Authorities need to have money and means to implement the projects. Otherwise the objective is unrealistic and not attainable. If the authorities do not have the necessary skills to do that by themselves, they must invest in purpose-specific companies.
- The development plan must be **relevant**, therefore include the activities that meet the priorities identified together with the local community.
- The commitments must be **time-bound**. The government must establish a deadline for the full accomplishment of the project plan. The document can mention, for example, that “the 3 latrines are going to be built by December 2012”.



Picture Credit: UN Photo

Finally, communities must monitor the implementation of the plan to ensure full completion.

Summary – Section 4

Sometimes people expect too much from the authorities, forgetting that they need to contribute as well.

Aside from potential mismanagement, the government might not have the financial resources and the skills to satisfy all the demands of the people.

The establishment of a Development Fund, including a specific fund for the water and sanitation sector, is a useful way to ensure progress.

The Development Fund, agreed to by both the community and the government, needs to be managed by the government, and monitored by the community according to the ‘S.M.A.R.T.’ criteria.

SECTION 5 – LOCAL GOVERNMENT COMMITMENTS: MONITORING AND SUPERVISION

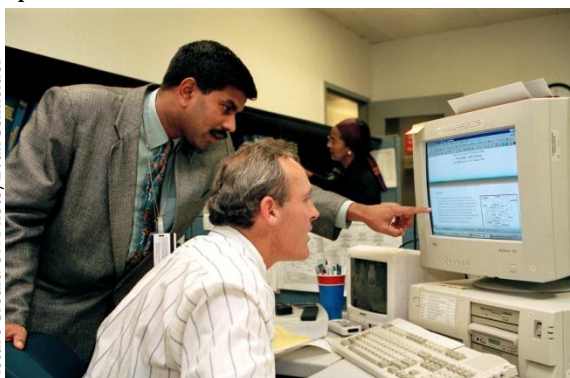
Objective:

This section focuses on how to monitor and follow up on the government commitments in the development plan.

Once the community and the local government have agreed on a SMART development plan (see section 4), the task for the community is to supervise the implementation of the commitments. In fact, the commitments included in the SMART plan should not be taken for granted. It is fundamental to make sure that the government remains aware of its obligations, and fulfils its human rights commitments regarding water and sanitation. Therefore, to ensure full delivery of what was promised, there must be regular supervision and monitoring of local government's promises.

Politicians are required to report in public why and how money was spent and explain the specific actions taken to avoid abuses and corruption. The government must be held accountable for its actions and should be encouraged to respect peoples' rights.

Picture Credit: UN Photo/Evan Schneider



The SMART plan should allow the community to monitor and check how the project implementation is progressing, when the work starts, which authorities are involved, who the subcontractors are, how much they have been paid, and by which dates a water point or a latrine should be finalized.

Everyone in the community can do this 'monitoring and supervision', although it would be easier to create a 'monitoring and supervisory committee' who would follow up on the fulfillment of the plan on behalf of the whole community.

Summary – Section 5

Good plans and projects are not enough without supervision.

Communities can promote accountability by government through establishing their own monitoring and supervisory committee.

Monitoring and follow-up includes getting information about:

- Starting date
- Authorities who are responsible
- Subcontractors
- Budgets
- Completion date

If implementation does not make proper progress, the community must remind the authorities of their commitment and responsibility.

It is the right of communities to point out abuse and corruption.

SECTION 6 – SHARING LOCAL CHALLENGES AT REGIONAL AND NATIONAL LEVEL

Objective:

This section focuses on how local problems may be similar among many communities, and how citizens can become more effective when people get together at regional and national level.

It is important to realize that the challenges faced at local level are not unique. Very often, other communities and leaders face similar obstacles and problems. For example, their municipality might also not be willing to address their concerns or share documents and information with the community.

So it is very helpful for communities to organize a meeting at regional or national level with other communities committed to advocating for issues related to water and sanitation. The purpose of such a meeting is to share knowledge and experience, so as to:

- Improve the effectiveness of all the communities to access their right to water and sanitation;
- Obtain new ideas on how to overcome specific difficulties;
- Share best practice from ‘success stories’ in other areas.

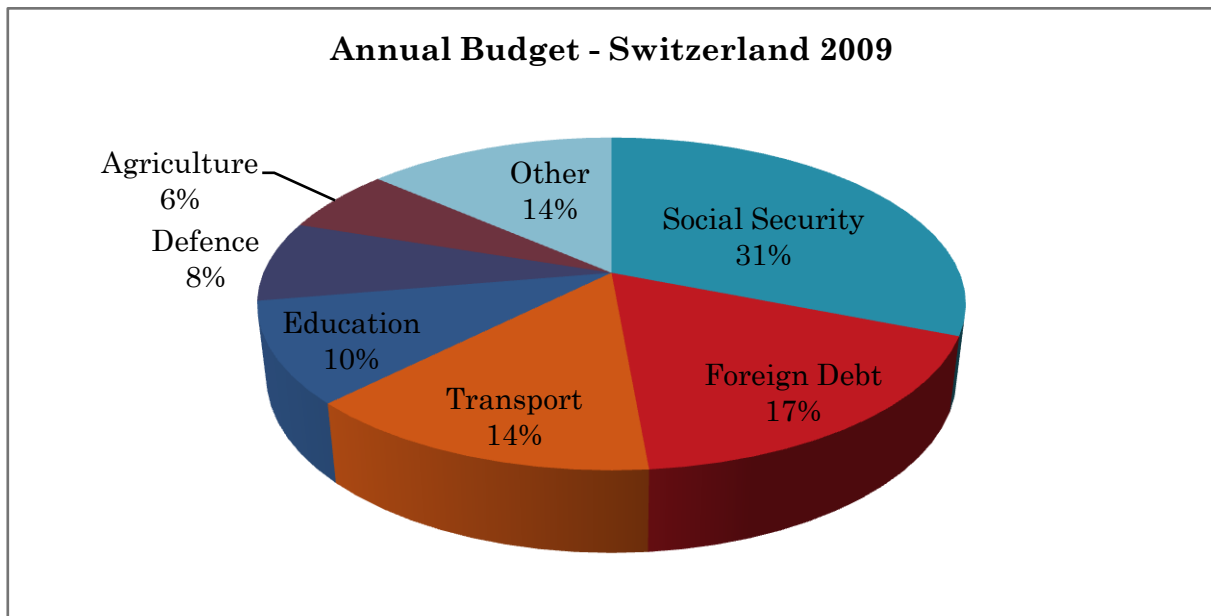


Picture Credit: OFM.org Photo – Rome 2010

Another result from such joint meetings is that it may help to demonstrate that the main challenge lies with the central government. For example, in many countries, the municipalities are responsible to improve access to water and sanitation for local communities. However, it may be that they cannot raise enough taxes from their citizens and local businesses, and the central government does not provide any support. A potential area of discussion of the joint meeting could be to focus on the creation of a national coordinating group to address these problems at national level, on behalf of all communities.

Engaging at the national level is more complex, but the results are also larger. National authorities have to write a National Strategy in which they explicitly state where the money they receive will be spent (in developing countries, these documents are called the ‘National Poverty Reduction Strategy’).

The chart on the next page shows how the Swiss authorities chose to spend their citizens’ money in 2009 according to individual sectors.



Data Source: Statistiques Financières 2009 de la Suisse - RI, DFF-AFF, Neuchâtel 2011.

In order to ensure that a new government (after elections) spends a specific amount in a particular sector, and in order to prevent re-negotiation of previous agreements between civil society and the new government, some countries include the government's obligations in a Legal Act or even in the Constitution of the country. This is the case in Indonesia, where Art. 31 (4) of the Constitution states that "The state shall give priority to the education budget by allocating at least twenty percent of the state's as well as of the regional budgets to meet the requirements of implementing national education."

The document that shows the amount of resources that a government plans to allocate to the water and sanitation sector is often called the 'National Water and Sanitation Strategy'. In the ideal situation, such documents specify the budget allocated to the sector as a whole, accounting all relevant individual budget lines from the key sectors related to water. If such documents do not exist, it means that the authorities did not commit to spending a specific amount on water and sanitation. In this case, it might be relevant to consider organizing a national or regional campaign to promote the adoption of such a policy document.

In this process, it is important to note that most countries have so-called national human rights institutions (NHRI). These bodies have a specific mandate to monitor and assist the government in the implementation of its human rights commitments. They should therefore be considered as a potential partner in this advocacy process.

Summary – Section 6

Sharing knowledge, experience, and concerns with other communities who have similar projects and challenges can be very helpful.

Through co-ordination at regional and national level, it is possible to develop an advocacy strategy to improve the activities and commitments of regional and national governments.

SECTION 7 - BRINGING NATIONAL CONCERNS TO THE UNITED NATIONS

Objective:

This section focuses on the international mechanisms that can be used to bring national concerns to the international level.

Although it is the first step, representing local concerns at the national level is not always a guarantee that they will be heard and, most of all, will be effectively addressed. In order to overcome some national barriers, governments agreed to establish two types of additional mechanisms at the international level, namely legal and political ones.

1. THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (UN-CESCR)

An example of such a legal mechanism is the Committee on Economic, Social and Cultural Rights (CESCR). This body has been created by the States who signed the human rights convention called International Covenant on Economic Social and Cultural Rights (ICESCR). The responsibility of this body of experts is to supervise and advise States on how they can improve the implementation process of their commitments under their convention, the ICESCR.

This expert body is particularly important for human rights lawyers, because it was the first body to explicitly recognize in 2002 the Human Right to Water. At that time it declared that “The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.”

This expert body could acknowledge the existence of the ‘right to water’ because the ICESCR already explicitly recognizes the right to an adequate standard of living (art.11) and the right to health (art.12), which both need the realization of the right to water to be fully enjoyed.

The effect of this recognition is that when States submit and present their report every 3-5 years to this body, the experts will ask the State representatives if the ‘right to water’ is respected, protected and progressively realized in their country.

In this process, victims and NGOs play an important role, as they can provide additional information to the experts which can be compared to the information provided by the government. This additional information can then be used by the experts to issue recommendations to the government.

2. THE HUMAN RIGHTS COUNCIL (UN-HRC)

In the context of international organizations such as the United Nations (UN), governments also agreed to put in place specific political mechanisms which provide a consultative role for civil society through the voice of the NGOs that have received accreditation, known as General Consultative Status. Accredited NGOs, such as Franciscans International, can express their



concerns and draw the attention of the State representatives to national concerns that might otherwise remain unheard.

Within the UN, the Human Rights Council (HRC) is the main body dealing with human rights in all UN member States. It therefore also deals with the ‘right to water and sanitation’.

On the basis of information received from the grassroots, NGOs can submit to the Council written and oral submissions concerning human

rights violations in a given country. NGOs can also host issue-specific events next to the official meeting room in order to raise the awareness of the State representatives on an issue of their concern. The goal of these NGO activities is to bring human rights abuses committed in a country to the attention of all governments, as well as suggest steps on how these abuses could be prevented, while hoping for an international response.

2.1 THE UNIVERSAL PERIODIC REVIEW (UPR)



The Universal Periodic Review (UPR) is a specific mechanism within the UN-HRC processes. This State-driven mechanism monitors how individually, every State fulfills its international human rights commitments. Every 4 years, each State is therefore reviewed by the Council.

During UPR sessions, accredited NGOs can bring local concerns, regarding human rights issues, to the attention of the Council, in different ways:

- NGOs can submit their own written report;
- NGOs can also issue short public

statements in front of all governmental delegates.

These reports are particularly valuable if they include a monitoring of the commitments made by the given State, as they allow for the other States of the Council to issue relevant recommendations.

2.2 THE SPECIAL RAPPORTEURS



Another specific mechanism within the UN-HRC is the appointment of independent experts, called “Special Rapporteurs”. Their mandate may cover the monitoring of all human rights in a given country or the world wide monitoring on one specific human right. In the field of water and sanitation, the HRC appointed Ms Catarina de Albuquerque (on the left side picture).

Victims may send information to her regarding their situation, and NGOs regarding the status of respect, protection and realization of the ‘right to

water and sanitation’ in a given country. Following such complaint or report, the expert may ask the State for further information, as well as for a field visit into the country to gather additional information and then also issue recommendations for improvement. In these processes, NGOs often play a facilitating role between the UN expert, the governments and the victims.

Summary – Section 7

States have agreed to establish at the international level some additional legal and political mechanisms.

Within the **legal mechanisms**, victims and NGOs may present reports to the experts which monitor the implementation of a given human rights convention. These reports allow the experts to get access to alternative information, and therefore issue more accurate recommendations to the States.

Within the **political mechanisms**, NGOs may directly interact with governmental representatives or with UN experts. Their written reports and their public statements are a unique opportunity to give a voice to the most marginalized groups and publicly suggest steps on how governments could better comply and implement their human rights commitments.

Franciscans International



Franciscans International (FI) is a non-governmental organisation (NGO) with General Consultative status at the UN. Founded in 1989, Franciscans International is a unique initiative of the global Franciscan family, with nearly 800,000 members around the world who work at grassroots on human rights issues. FI has three regional offices: New York (Americas), Geneva (Africa and Europe), and Bangkok (Asia and Pacific).

The ministry of Franciscans International (FI) is to bring the concerns from the grassroots to the United Nations (UN). The FI priority areas are: Extreme Poverty, the Environment, and Peace-building. FI addresses these from a rights-based perspective, using the Universal Periodic Review and other UN mechanisms as primary tools for advocacy.

For more information please see: www.franciscansinternational.org

WaterLex



Founded in 2010, WaterLex is a network of field experts, diplomats, human rights lawyers, academics, private and non-profit actors committed to the improvement of governance in water and water-related sectors. A legally registered public interest association in France and Switzerland, WaterLex intends to play a facilitating role in governance processes, while providing the various stakeholders with reports and tools developed on the basis of the current state of knowledge, training activities adapted to their needs, and mediation and counseling services in the field of human rights, particularly the right to water and sanitation.

For more information please see: www.waterlex.org

Fastenopfer



The *Swiss Catholic Lenten Fund (Fastenopfer)* is a Catholic NGO in Switzerland. It provides financial support for over 350 projects in Africa, Latin America, Asia and Switzerland. Other objectives of the Swiss Catholic Lenten Fund are to raise the Swiss population's awareness of the problems of development and to intervene in the public debate on various development-related questions.

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