

Water Economics and Governance
Prof. Manoj Kumar Tiwari
School of Water Resources
Indian Institute of Technology, Karagpur

Lecture – 09

Rights to Water and Sanitation: Underline Principals and Implementation

Hello everyone. So, this week; we have been talking about water rights. Earlier, we discuss various aspect or our entitlements under the right to water in the last class we have been talking about the right to sanitation. So, in this lecture, we will be talking about what are the basic underlying principles behind human rights. So, actually there are certain set of governing principles which are applicable to all human rights irrespective of whatever; it entitles right to life or right to water or right to sanitation right to freedom of speech and all this.

So, all human rights has to basically follow some set of underlying principle. So, we will be talking about some of those principle and how they are in what way they can be basically integrated in right to water and some of the implementation aspects of right to water and sanitation.

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The underlying human rights principles

Human rights principles apply across all of international human rights law and therefore must be complied with. The full set of human rights principles comprises the principles of:

- ✓ **Non-discrimination and equality,**
- ✓ **Access to information and transparency,**
- ✓ **Participation,**
- ✓ **Accountability, and**
- ✓ **Sustainability.**

Source: <http://www.righttowater.info/why-the-right-to-water-and-sanitation/the-right-to-water-a-legal-obligation/the-content-of-the-rights-explained/>

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So, this is what we are going to discuss in this lecture now as we were just talking that human right principles apply to like various aspect; it could be right to water right to sanitation or various other human rights, but all sets of human right principles apply

across international human rights law and therefore, they all must basically comply with a set of principles.

So, these principles include that a non discrimination and equity is one of the principles then access to information and transparency participation accountability and last, but definitely not the least sustainability. So, these are a set of underlying human rights principle. So, if we basically go one by one.

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The underlying human rights principles

- ✓ **Non-discrimination and equality**
 - Discrimination on the grounds of *race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status* must be prohibited.
 - States must also work towards **eliminating existing inequalities**, which typically not only include income groups but also rural – urban populations, gender disparities etc.
 - Some places, persons and groups will often require particular attention in the realisation of the rights to water and sanitation, as they are often marginalised or are potentially vulnerable. (*Ex: people living in informal settlements, refugees, traveller communities, prisoners, older persons, people with disabilities, victims of natural disasters, people with serious/chronic illnesses, transgender and intersex individuals.*)

Source: <http://www.righttowater.info/why-the-right-to-water-and-sanitation/the-right-to-water-a-legal-obligation/the-content-of-the-rights-explained/>

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The first aspect suggest that all the human rights should comply at a non discrimination and equity label. So, that like discrimination on the grounds of race, color, sex, language, yours political opinion religion national or social origin birth status migration status poverty richness all these what all these grounds should not lead to any discrimination into the implementation of any of the human rights.

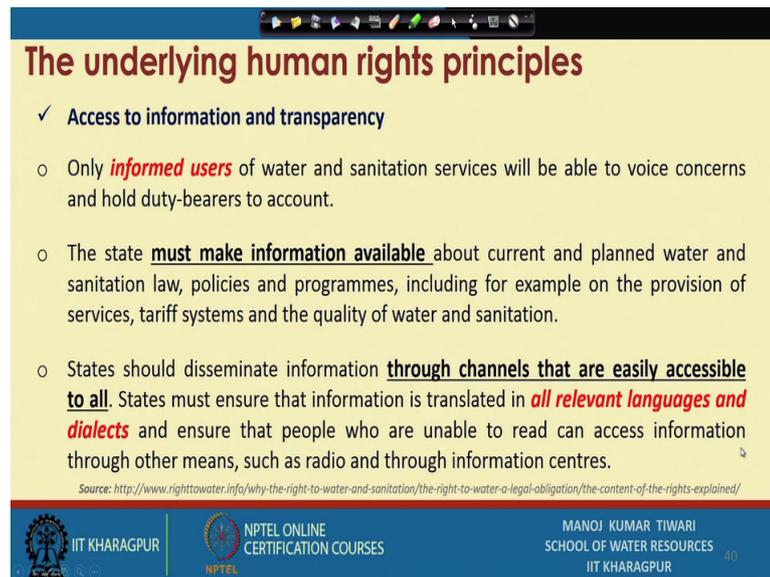
And so is for the water. So, any discrimination should be prohibited the states or our government. In fact, must also work towards eliminating existing inequalities these are very important point because it should not that we should not discriminate based on all these issues what we are talking about race, color, sex, etcetera, but if there are existing discrimination or existing inequality the its government responsibility to eliminate those inequalities as well. So, which basically not only include the income groups, but also like the inequalities between rural and urban population there is a great deal of inequality.

Particularly if we talk about in terms of water supply we have been talking this in the previous lectures that if you see the status of water supply and sanitation in urban or rural area you will see a great deal of inequalities in India as per our ministry of urban water and sanitation over eighty percent of urban population are fed with pipe water supply, but we all know what is the status in or the in the rural part of the country. So, all these urban rural inequality gender disparity also regional inequalities, all these should eventually be dealt with to like concept or principle of equality and its basic responsibility of state which should be which is integral concept under the implementation of human rights all human rights including water as well.

At few places the persons or groups would need more special attention would require particular attention in realization of the rights to water and sanitation because these set of people may actually be marginalized or they are more vulnerable towards the social and a political crisis and that leads to that leads to that that takes these group of people, into some sort of problem, and its responsibility of state or government to put special attention on to these people some example of such groups or such group of people could include people living in informal settlements refugees traveler communities prisoners various older people or person with disabilities ok.

Then some flood or draught affected people. So, they also like a people affected by the natural disasters they need special attention some time people with serious or chronic diseases they need special type of care. So, all these are grounds on which some special attention may be given to these people in order to realization of their rights.

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The underlying human rights principles

- ✓ **Access to information and transparency**
 - Only **informed users** of water and sanitation services will be able to voice concerns and hold duty-bearers to account.
 - The state **must make information available** about current and planned water and sanitation law, policies and programmes, including for example on the provision of services, tariff systems and the quality of water and sanitation.
 - States should disseminate information **through channels that are easily accessible to all**. States must ensure that information is translated in **all relevant languages and dialects** and ensure that people who are unable to read can access information through other means, such as radio and through information centres.

Source: <http://www.righttowater.info/why-the-right-to-water-and-sanitation/the-right-to-water-a-legal-obligation/the-content-of-the-rights-explained/>

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So, that was one underlying principle which talked about the non discrimination and equality the other one talks about the access to information and transparency. Now this actually is again a very important point in realization of the any right because people should be informed first thing.

So, if I am not informed about what are my rights I will not be able to exercise it a person who knows that he has a right to get clean and adequate amount of water for their daily needs at affordable cost will only have will only be able to raise an issue if he is not basically giving all these if he is not gaining all these thing from his elected government systems. So, information is a key thing in realization of the rights. So, only informed users of water and sanitations services will be able to voice concerns or whole duty bearers to account.

So, whose ever holds the responsibility should be basically made realize that yes we are aware with our rights and that is what will force them; that is what will put pressure on to the official staff to act accordingly to the government mandate or the international mandates in order to implementation of these rights now how people will get information they should get information. It is also the responsibility of state to ensure that its community or its people are actually getting transparent information about the these rights. So, a states must make this information available about current and planned water and sanitation law policies programs including of sort of for example, tariff systems what

are the rates how what are the payment systems for water and sanitation services all these information should be provided to the user also in a very very transparent manner.

Now, how this information could be provided. So, these days we have various platforms through which information can be dissipated it should basically go on to radio or air into the television channels these days we have lot of social media groups. So, these social networking platforms this could be used for dissipation of information, but this may not be the sufficient because all the community is not linked to some these advance media channels in terms of television or your fm radios or various social networking groups all of them are not linked with. So, the government must realize the need and should put this into some of the very basic ways of information dissipation the basic newspapers national channel which is accessible to everywhere.

Then your basic radio systems, all these things must basically we used as a medium to provide the information in a transparent manner that is also responsibility of state then they should basically disseminate information through all these channels which are easily accessible to everybody and must ensure that information is translated in all relevant languages and dialects that is another very important point because in India. Let say if government is disseminating this information in a select group of languages let say only English is used for dissemination of this information it will be very difficult for all the community to comprehend the language itself.

So, they will not again be able to exercise their rights properly. So, e in order to make them aware it is the responsibility of state to disseminate or to provide the information in all relevant languages. So, for example, if your e if you want to if its state of West Bengal is willing to provide this information they must use may be Hindi, English as well as Bengali in southern states in a state of Karnataka, they must use Kannada. So, these kind of local languages and dialect also should be used in order to disseminating this in disseminating this information to this.

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The underlying human rights principles

- ✓ **Participation**
 - The human rights to water and sanitation can only be realised in an effective manner when people become part of all processes that relate to the realisation of these rights.
 - Participation must be active, free and meaningful. It must provide for real opportunities to influence the planning process.
 - Opportunities for participation, including community needs assessments, must be established as early as possible.
 - Any plan or decision-making that relates to the realisation of the rights to water and sanitation must be developed through a participatory and transparent process.

Source: <http://www.righttowater.info/why-the-right-to-water-and-sanitation/the-right-to-water-a-legal-obligation/the-content/>

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Now, next principle is on to the participation. So, the participation ensures that one is aware with the steps being taken by the state or by the government in order to ensure its right.

So, the human right to water and sanitation will be basically exercised in effective manner when people become part of all processes. So, involvement of various stake holders is of very high relevance and very high importance in realization of the human rights and particularly right to water and sanitation. So, the participation must be active form and must be free from the political or other interventions and in a meaningful way. So, that is it provide real opportunities to sort of involve in various decision making processes. So, the participation through participation the community or the user group or representative from the community and user group should basically make their way in should make their way to a position where they can influence the policy decisions.

So, it is ultimately the user who are going to use any of these facilities whatever is being created into the name of water infrastructure and all that. So, because it is the ultimate affect goes on goes on to the user. So, they must have a say in what are their demands what are their needs and in what particular what way they want these facilities. So, the policies should be made according to the demands or according to the opinion it is not that the user can only govern how a policy is to be made because he may not be a aware

with various other concerns involving the finance involving the available technologies or the difficulties of implementation.

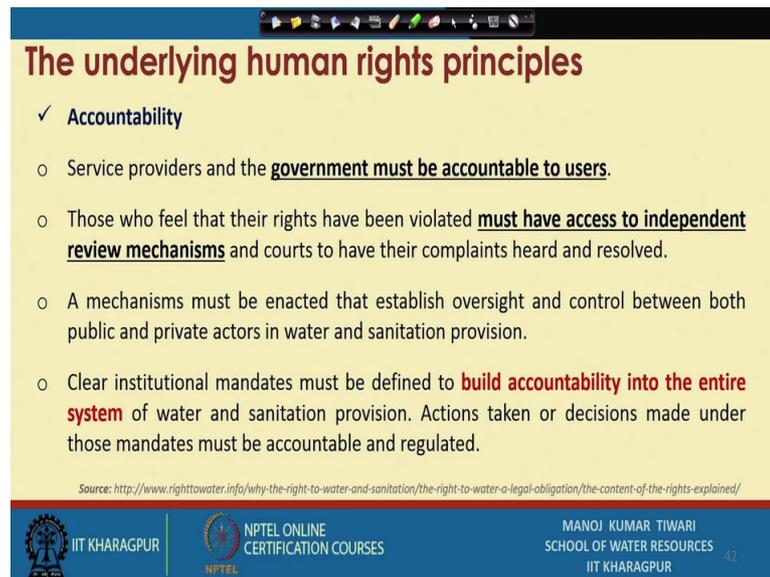
A user may not be aware with all these there are different institutions government may be able to set like in a better position to assign fund allocation they may be in a better position to know that how much funds can be allocated for this particular activity a technologist will be in a better position to suggest which could be the most technologically feasible system for implementation of such and such program. So, there has to be a say from the technical side as well; however, the user also should have a say in saying what are their particular demands or what are their particular expectations from all these programs that are been laid out.

So, they must involved in a way they must participate in a way. So, the they should get an opportunity to influence the planning process now this involvement should be as early as possible because if some things need to be changed or need to be amended or the policy revision is needed it is better to do it as a initial stage because when things are in process when basically say the community has started getting outcome of a project and then they come up no this is not acceptable then revise revising that or changing that entire project becomes a very costly affair and that may not be a sustainable approach to do it.

So, this participation or the participation from the end user and community should be as early as possible. So, that they can put through their demand or their expectations at the right the beginning stage and the policies or plans or infra infrastructure is developed according to keeping the view of the demand from the community. So, this any plan or decision making which sort of relates to the realization of right to the water and sanitation must be developed through this participation process and in a very transparent way.

So, that is the third principle then comes the accountability.

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The underlying human rights principles

- ✓ **Accountability**
 - Service providers and the **government must be accountable to users**.
 - Those who feel that their rights have been violated **must have access to independent review mechanisms** and courts to have their complaints heard and resolved.
 - A mechanisms must be enacted that establish oversight and control between both public and private actors in water and sanitation provision.
 - Clear institutional mandates must be defined to **build accountability into the entire system** of water and sanitation provision. Actions taken or decisions made under those mandates must be accountable and regulated.

Source: <http://www.righttowater.info/why-the-right-to-water-and-sanitation/the-right-to-water-a-legal-obligation/the-content-of-the-rights-explained/>

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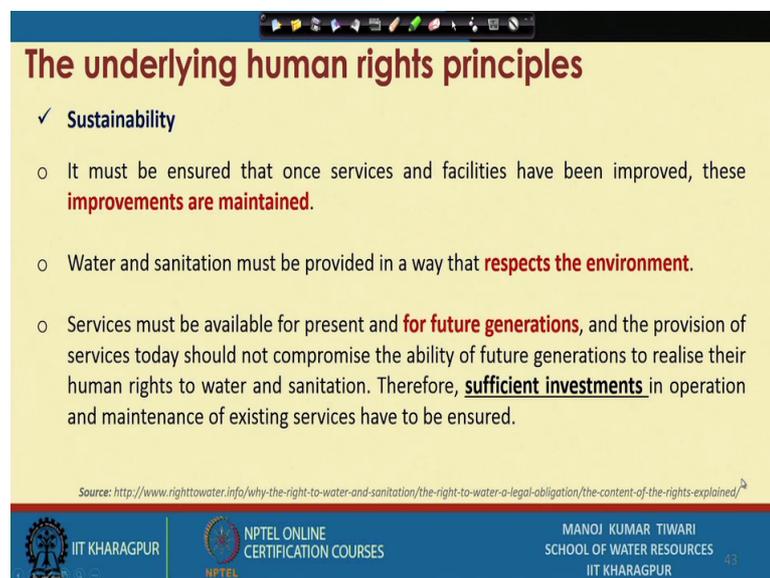
Now, that holding accountability is important in order to getting the job done if the state or government or system does not hold anyone accountable for anyone accountable for not properly implementing the rights to water or sanitation then there is no liked it is not likely to have or see any improvement in the society. So, service provider and the government must be accountable to the users if user is not getting adequate amount of water and sanitation services as is under the purview of the right to water and sanitation.

So, somebody has to take the responsibility somebody has to take the accountability that it is a failure of either service provider or government or managerial staff, but at some end there is there is some sort of failure which is letting user not to get its the not to get what is the entitlement under the right to water and sanitation.

Further those who feel that this they are not getting the adequate due under these rights must have an access to independent review mechanism and even courts to have their complaints heard and resolved that is a very underlined principle of accountability as well if you hold someone accountable. So, he must take the responsibility and if I am not getting what is due I may have an access to independent review mechanism complaint mechanism and would be basically able to go to the court and put somebody accountable that because of this particular government or this person or this manager or this company I am not getting what I should be getting under my right to water or sanitation act.

There has to be a proper mechanism for establishing this like oversight and control between both public and private actors in water and sanitation provisions. So, one should be basically again figure out that due to whose oversight this issues or the problems are arising further there needs to be clear institutional mandate which sought out defines to build the accountability into the entire system, who under the entire system who takes what role and who takes the accountability for what kind of process or intermediate actions of water and sanitation provisions. So, action taken or decision made under these mandates must be accountable and properly regulated of course, should be informed also as the we discussed earlier that transparency.

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The underlying human rights principles

- ✓ **Sustainability**
 - It must be ensured that once services and facilities have been improved, these **improvements are maintained**.
 - Water and sanitation must be provided in a way that **respects the environment**.
 - Services must be available for present and **for future generations**, and the provision of services today should not compromise the ability of future generations to realise their human rights to water and sanitation. Therefore, **sufficient investments** in operation and maintenance of existing services have to be ensured.

Source: <http://www.righttowater.info/why-the-right-to-water-and-sanitation/the-right-to-water-a-legal-obligation/the-content-of-the-rights-explained/>

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And information system is one of the basic needs or basic requirements of a of a human right human right practice systems.

Then last is this sustainability. So, it must ensure that the service or facilities that is being provided or that is being put through should be should be sort of maintained in a sustainable way. So, what, ever condition is being improved that improvement should also be sustainable that improvement should be maintained for over a period of time it is not that I because there is a let say review panel is coming and I that that is what happened actually in many of cases in various developing countries in India if politician is visiting a city you will see that city is cleaned up roads are made nicely all the patches

are filled up, but again the maintenance goes off and you will see this similar or earlier status prevailing back in a couple of months time.

So, that should not happen if any improvement or any this thing is being made that should be sustainable; that means, it actually last for a significant amount of time or should be should be basically maintain further. So, that is that is the one of the principle of sustainability which should be basically ensured in the right to water and sanitation as well the water and sanitation services must be provided ensuring that it respects the environment respects the environment means, does not mean that we in order to provide sanitation service to public we provide this your lines and all that and take that is your line put it into some river that is not a sustainable way because then we are polluting the source of water river. So, although the people are getting sanitation facilities they are getting the river line, but what is eventually happening with that is not a sustainable practice.

So, those kind of thing should be avoided the services must be available for present as well as future generation which is a important underlying principle of the sustainability and the provisions that we are doing today should not affect the ability of future generation to realize their human rights to water and sanitation. So, sufficient investment should be made in operation and maintenance of the existing services and. So, that we do not compromise on to the sustainability aspects under the implementation of human right.

Now, we will talk about this concept of sustainability and what exactly sustainability is in our in the subsequent lectures when we when we finish or discussion on to the water rights we are going to talk in further detail on to this sustainability aspects.

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Implementation of Rights to Water and Sanitation

- ✓ As with any human right, the right to water imposes three types of obligations on State Parties
 - **Fulfil:** Governments must adopt the necessary measures directed towards full realisation of the right, for example, by passing legislation, devising and implementing programmes, allocating budgets and monitoring their progress
 - **Respect:** Governments must refrain from unfairly interfering with people's access to water, for example, by disconnecting their water supply.
 - **Protect:** Governments must protect people's access to water from interference by others, for example, by preventing pollution.

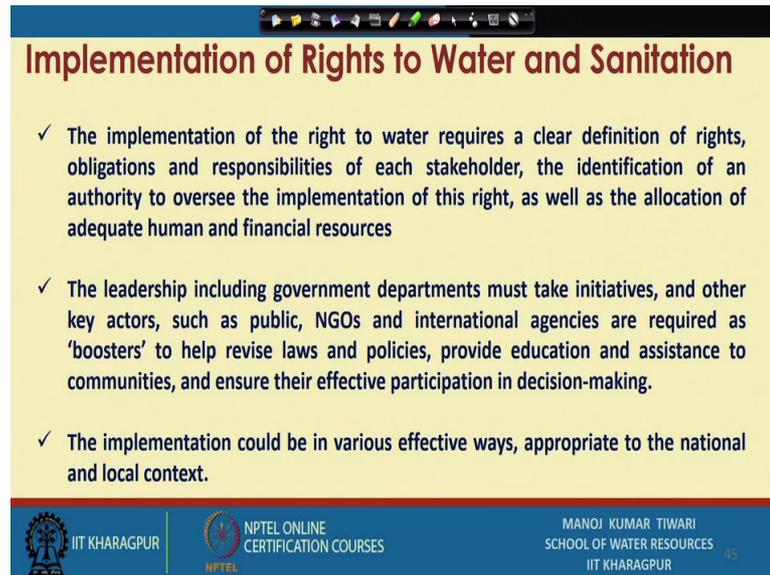
Source: The Right to Water: From concept to implementation; World Water Council, 2006

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Now, if you see the implementation of right to water and sanitation. So, as with any human right the right to water and sanitation also imposes three type of obligations on to the government or state parties what we call. So, that is the fulfill respect and protect now fulfill means government must adopt the necessary measures towards full realization of the right. So, they should basically ensured the fulfillment of the right that is one aspect by passing legislation devising implementation program allocating funds monitoring their progress. So, all these are aspects of fulfilling the fulfilling the human rights.

And then they must refrain from unfairly interfering with people's access to water like dis-continuing their water supply or cutting down their sanitation services. So, that should not have happened and they should respect the people's access to water and sanitation services and further they should protect the systems in order to keep a sustained access for water and sanitation. So, they should basically protect these services from other by like preventing pollution and all these aspects.

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Implementation of Rights to Water and Sanitation

- ✓ The implementation of the right to water requires a clear definition of rights, obligations and responsibilities of each stakeholder, the identification of an authority to oversee the implementation of this right, as well as the allocation of adequate human and financial resources
- ✓ The leadership including government departments must take initiatives, and other key actors, such as public, NGOs and international agencies are required as 'boosters' to help revise laws and policies, provide education and assistance to communities, and ensure their effective participation in decision-making.
- ✓ The implementation could be in various effective ways, appropriate to the national and local context.

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So, that is about the implementation the implementation of right to water requires a sort of very clear definition of rights obligations and responsibilities of each stakeholder. So, whosever is having what responsibility and these things should be basically clearly identified and there has to be an authority which or who basically oversees that the implementation of these rights as well as allocation of adequate human and financial resources have been made in order to implement these human rights.

The leadership our leadership including the government bodies should take these initiative and the other actors other stakeholders involving public then in various international agencies and NGOs should also act as a booster or as a basically promoter to towards revising the law and policies in order to making these making the realization of human rights more framed in a better way.

The implementation could be in various effective ways which is appropriate to national and local context. So, there are various ways of implementing human rights and it is not necessarily that if the way India wants to implement human right would be the most appropriate way for some other country to implement the human right. So, depending on the availability of water resources funds and other aspects the different countries or different organizations or different states can take different routes for ensuring the human right to water and sanitation.

Ah this some basic methods which can assist in the implementation of human rights are either by legislation and policy integration. So, one should explicitly mention the reference of human rights into their constitution should develop appropriate law should develop national policies plans and sort of should allocate resource enabling local authority the implementation of human rights. So, that is by providing law and in initiative by the government then there has to be an accountability mechanism. So, that is judicial action another bodies such as human right commission water tribunals and all that they enforce the; they enforce the realization of human right or implementation of human right in the state.

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Implementation of Rights to Water and Sanitation

✓ **Some methods to assist in the implementation of the right to water:**

- **Community advocacy approach:** communities or social groups can mobilise and advocate for the right based on national laws (where applicable) and international agreements that support the right to water
- **Community implementation approach:** communities and municipalities can within their area of jurisdiction establish the right to water through their actions and local regulations despite non-recognition at the national level.

Source: The Right to Water: From concept to implementation; World Water Council, 2006

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So, that is the other that is an alternate approach then there is a community advocacy approach where communities or social group or mobilize basically sort of the government for making national laws or implementing the human rights.

So, the pressure is build up or developed from the community side as they want the realization of the human rights there is a community implementation approach as well in community advocacy approach the community basically pressurize the government body to through international agreements or the national laws to sort of provide the basic necessities under the right to water and sanitation.

Well there is a community implementation approach, where community and municipality basically within their own area of jurisdiction establish the implementation of right to

water through the local actions local regulations ab; they may not be recognized on a national level or international level, but on a local scale they can frame their own policies their own mechanism for the realization of human rights.

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Implementation of Rights to Water and Sanitation

✓ **Inhibitors to Success:**

- Many individuals and communities are **unaware** that they have rights which they can exercise and demand. Awareness is critical at all levels and in all institutions, including government, private sector, civil societies, communities and individuals.
- There is a **lack of human capacity and funding** (particularly in Africa where the lack of funding may be the dominant factor).
- Adoption of the right to water in national legislation becomes only meaningful if it is accompanied with **a plan of implementation and a plan for financing**. Secure and sustainable provision will only come through policy change.

Source: The Right to Water: From concept to implementation; World Water Council, 2006

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So, that is an another approach which basically initiates from the basic what are the basic inhibitors for success of human rights because when we are talking about that human right should human rights should incorporate like can be implemented in this this way there are certain inhibitors which sort of which are hurdles towards the realization of human rights and one of the m major one is that many individual and community are actually not aware that they have right they have this human right to water and sanitation.

You cannot exercise your right until and unless you ha you are aware with that I will be basically be able to take a step in od I will pose a demand only when I know that yes I can get this I am authorize to get this services. So, then only I will able to pose a demand. So, awareness is a very critical in all institutions including government social civil societies, social groups, communities, individuals, private sector, everywhere further there is a lack of human capacity trained manpower and financial resources in funding particularly in the Africa.

So, that is another sort of key problem in the realization of human rights further the adaptation to right in the national legislation will become only meaningful if you have a

plan for implementation at many countries what has been done after that after that in human right adaptation that they have agreed to follow the human right they have made the some policies also in their document, but there is no clear set plan for implementation and funding because when you tend to implement these things you need some sort of funding as well. So, that is lacking and that is one of the major challenges in realization of the human right.

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Implementation of Rights to Water and Sanitation

✓ **Key factors to Success:**

- Status monitoring to **identify those who do not enjoy the right to water**. This monitoring necessitates reliable sources and transparency. Governments must have a good knowledge of the situation on the ground.
- The **cooperation of field-level government officials** is vital: this group of actors is important both for developing the project strategy and for timely implementation.

Source: *The Right to Water: From concept to implementation*; World Water Council, 2006

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How will how will attain the success the success can actually attained with several key factors there has to be state monitoring to identify that who are in the most need of these things. So, they must identify that those who do not enjoy the right to water because it is in order to do any intervention it is very essential to have a good knowledge of the situation that is one of the key point that must be ensured, then there has to be a cooperation of field level government official that is also very vital because these are the actors these are the person which are very important for developing the project and implementing the project.

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Implementation of Rights to Water and Sanitation

✓ **Key factors to Success:**

- **Community ownership:** good management of water utility and effective cost recovery are closely linked to a community's sense of project ownership.
- **Mediation through a NGO** is an effective midterm strategy and is often key to the project's success.
- **Access to sanitation** is essential to ensure access to safe water (surface and groundwater).

Source: The Right to Water: From concept to implementation; World Water Council, 2006

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So, they must sort of involved and they must be incorporated in the realization of these rights the community should have a sense of ownership. So, a good management will only come when the community have a sense of ownership that yes it is our project it is for our betterment it although these state or government is managing may be managing it.

But it is for benefit of us and we should basically protect and prevent this thing. So, that sense of ownership should be basically developed in the communities, then there has to be a mediation through a NGO which is again effective mid-term strategy involving some NGO and the access to sanitation is also very important in order to have the access to safe water because otherwise surface and ground water contamination or mismanagement issues will arise.

So, these are some of the key factors for success and it is very important to key a holistic view of managing these facilities which are which should be basically put in practice for implementation of the right to water and sanitation. So, with this we will end this session here and we will talk about the some other aspect on to the right to water and sanitation in one more lecture and then we will move on to the sustainability concepts.

Thank you.