

Human Rights to Water and Sanitation – lessons from Burkina Faso

The Burkinabe have the right to water and sanitation but progress has been uneven. It is not until recently that the sector has started to discuss access from a rights perspective. In line with their own policies, government and donors need to look at how they can integrate right based approaches in practice.

In 2010, the United Nations declared that drinking water and sanitation are human rights. But what does this mean in practice when government funding is tight and needs are great? Are governments taking on their responsibility to progressively protect, respect and fulfil these rights? To what extent can human rights based approaches (HRBA) be applied in the sector? From 2012 Sida's water network has intensified its work to integrate a human rights based approach in its methods. A case study on the right to water and sanitation and the integration of human rights principles (participation, transparency, accountability and non-discrimination) in the water and sanitation sector in Burkina Faso was completed early 2015. This Information Brief summarises the main lessons from the study. Read more: www.sida.se/English/how-we-work/our-fields-of-work/sustainable-societal-development/water-resource-management/

CONDITIONS FOR RIGHTS TO WATER AND SANITATION IN BURKINA FASO

The human right to water and sanitation has a strong legal backing in Burkina Faso, through international conventions and national legislation. Everyone's right to basic drinking water was confirmed already in the water law from 2001 and the constitution grants the principle of non-discrimination. In 2013, the government of Burkina Faso adopted a policy on human rights which includes the mainstreaming of the principles of participation, transparency, accountability and non-discrimination in all

government sectors. Participatory mechanisms for municipal planning are also in place, including guidelines on how to identify and involve marginalised groups. The country enjoys a high level of press freedom and an active civil society. It is however only recently that the government and the sector actors have started openly discussing water and sanitation as a human right.



Photo: ICRISAT

STEADY PROGRESS - BUT NOT FOR ALL

Burkina Faso has met the MDG target on water, as the average access to improved water increased from 44% in 1990 to 82% in 2012 despite a rapid population growth (JMP data). Focus has been on trying to respond to the needs, not on realising a right. In the case of sanitation the target is lagging far behind with only 19% coverage in 2012. Burkina Faso thus follows the global trend of poor progress on sanitation. There are also large disparities between different communities. While the capital Ouagadougou boasts a 94% water coverage ratio, the figure for a few rural municipalities is below 25%. Regional inequality has persisted and there is still a lack of gender awareness in technical norms and decision-making.

Six lessons from Burkina Faso

FORMAL RECOGNITION IS NOT ENOUGH

Despite strong legal backing for the right to water and sanitation many marginalised groups still lack access to water and a majority of all Burkinabe lack improved sanitation. In a country with low literacy rate, weak institutions and relatively low expectations on service delivery the existence of legislation and policies are not enough. Realising rights to water and sanitation involves many intangible aspects that govern actions in the sector, such as knowledge and awareness, sense of civic duties and responsibilities, economic and political incentives and public discourse.



Photo: Petter Meirik/Sida

INCREASE AWARENESS AND CAPACITY

A vast majority of the population, including government staff have but vague ideas of the existence and meaning of economic, social and cultural rights. Actors ranging from civil society, government, donors, academia and the media can all contribute to making people aware of rights and responsibilities. In addition the government needs to strengthen its capacity to mainstream principles of participation, transparency, accountability and non-discrimination into practical operations and routines.

IMPROVE ACCOUNTABILITY MECHANISMS

Decentralisation has moved planning and decision-making closer to people in Burkina Faso. But key decisions on investment priorities are still made at regional and national levels and sometimes even in overseas boardrooms. Holding local, regional and national government entities accountable requires knowledge, time and resources. Here civil society - both water specialised organisations and broader human rights organisations - can fill important roles as watchdogs. And donors can challenge each other to align behind governments' stated objectives of reducing inequalities.

MAKE BETTER USE OF THE DATA

Regional or national averages can mask inequalities between different ethnic groups, between rich and poor, women and men. But already existing data can be better used for monitoring inequality, both in terms of access to service and in allocation of resources. Complementary datasets from other sectors can be utilised before new, ambitious and costly, data acquisition programmes are launched. With relatively simple adjustments, indicators can be refined to capture inequality and not just the average progress. If governments and donors want to make informed decisions on how to reach out to the most marginalised groups, they do not need to first wait for more data. Civil society can greatly benefit from access to information in order to hold government accountable.

HIGHER NORMS MEANS A SLOWER PACE

The government's norms for household sanitation in Burkina Faso are set higher than global minimum norms. While this is positive in the long run, it is also more costly, resulting in a slower rate of realisation. States are supposed to fulfil economic, social and cultural rights as soon as possible within available means. A more flexible or staged approach could mean faster progress.

CREATE SPACE FOR COLLABORATION

Sida has long been active in both water and sanitation sector and in democracy, human rights and gender. Despite fruitful experiences from collaboration, synergies between programmes and staff capacities have not been fully explored. Areas for collaboration have included support from human rights specialists in meetings, reviews or dialogues in the water sector. In the future it may also include identifying opportunities for ongoing/new programmes in the DEMO/HR/Gender portfolio to be informed by and contribute to HRBA developments in the water sector. A push for HRBA in the water sector may also bring benefits for a rights perspective in other sectors. Recommendations moving ahead include:

- Create conditions for collaboration. This includes dedicated time and routines for identifying opportunities for cross sectoral work. Collaboration is more efficient if all staff have sufficient awareness of human rights based approaches.
- Strengthen and support Programme Officers at the Embassies. Sida's Water network should continue its efforts while also expanding its interactions with other Sida networks such as that on DEMO/HR/Gender.