

PATI & NEUMEYER

41st WEDC International Conference, Egerton University, Nakuru, Kenya, 2018**TRANSFORMATION TOWARDS SUSTAINABLE
AND RESILIENT WASH SERVICES****Making rights real in India: using a tool on the rights to
water and sanitation with local government officials***B. Kumar Pati (India) & H. Neumeyer***PAPER 2928**

All countries have recognised that water and sanitation are human rights and there are solid commitments to realising services for all. However, guidance on putting the human rights to water and sanitation into practice still tends to address more central levels of government, rather than local government where services need to be planned for, implemented and maintained. A group of organisations has developed the 'Making Rights Real' toolkit to close this gap. The toolkit was tested in India with the aim of understanding its effectiveness in changing thinking among local government officials. Throughout the trial, encouraging impressions as well as important learnings for the further use of the toolkit were made.

Background: the Making Rights Real toolkit

Through a number of UN resolutions and other international and regional declarations, all countries have agreed that water and sanitation are human rights (United Nations General Assembly, 2017, and United Nations Human Rights Council, 2016). Human rights are also at the basis of the Sustainable Development Goals and are explicitly mentioned in the 2030 Agenda for Sustainable Development. Despite these obligations and commitments, many countries still struggle to align WASH sector practice with the human rights to water and sanitation.

Guidance on the practical use of the human rights to water and sanitation has so far mostly addressed central levels of government. For example, the "Handbook for realising the human rights to water and sanitation" was developed by the first UN Special Rapporteur on the human rights to water and sanitation as guidance to State actors on how the rights can be incorporated into the institutional regulatory and legal frameworks of the State, as well as into budgeting and service-delivery processes and accountability mechanisms (De Albuquerque 2014). At the national level, such responsibilities usually lie with ministries or legislative bodies.

However, in most countries, the responsibility for realising water and sanitation services is devolved to local government. If human rights are to be useful in practice, they need to therefore be understood and used by local government officials (LGOs). Using the Handbook as inspiration, a group of organisations came together to develop guidance for this specific target audience.¹ In our experience, such guidance did not yet exist beyond individual projects that could not be easily replicated. The aim therefore was to develop an approach to make the human rights to water and sanitation relevant, understandable and useable for LGOs.

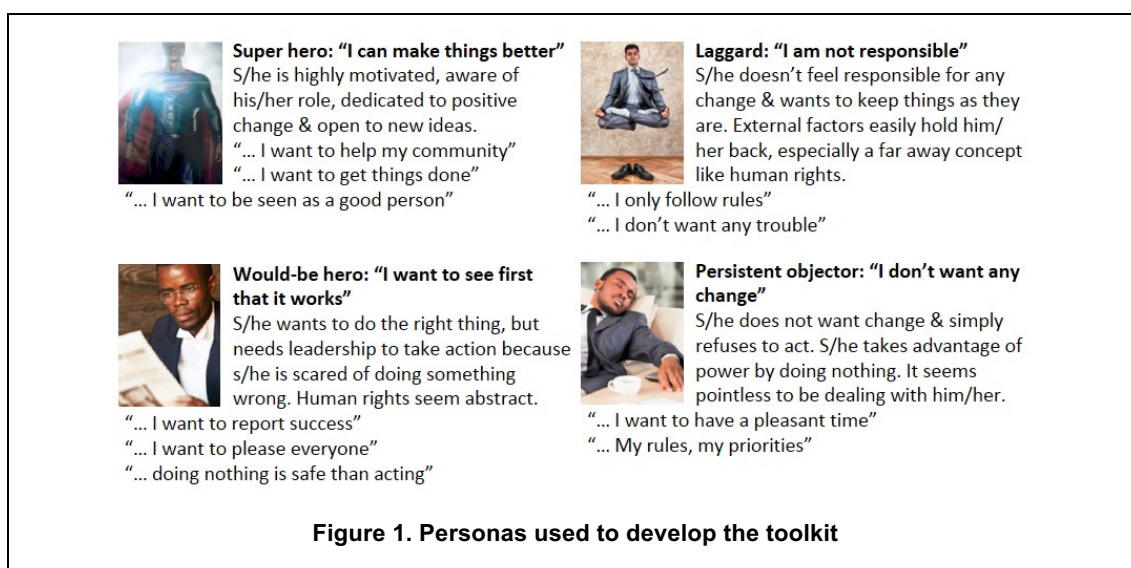
Development of the toolkit

As a starting point for the development of the approach, field research was carried out in a number of countries among LGOs and development practitioners who work closely with LGOs. The research showed that LGOs across various countries grapple with very similar challenges. Apart from a lack of financial and human resources, political leadership and influence typically determine decisions. Many LGOs do not see themselves as duty bearers of human rights, so that their roles and responsibilities remain unclear (Keatman 2016).

Using the understanding of the typical needs, influences and constraints of LGOs as the foundation, approaches from marketing and communication were used to present the human rights framework in such a way that it would become relevant to the day-to-day work of a ‘typical’ LGO.

The approaches used include:

- User journeys are a way of defining each step towards a decision or action, including what influences thinking at each of those steps. This helps to determine which information is most relevant at each step and will therefore most likely to lead to a change in thinking. The Making Rights Real toolkit uses the following steps that are commonly found in local government processes to make human rights relevant to LGOs: (1) Awareness; (2) assessment and analysis; (3) planning; (4) implementation; (5) monitoring and (6) raising funds and allocating budgets.
- Personas serve as a mental model to describe an imaginary person as clearly as possible, including their history, motivations and aims. Using personas makes it easier to understand who has the highest motivation for change and is therefore the best person to target. In developing the toolkit, LGOs were grouped into the categories shown in figure 1. The toolkit was designed with the ‘would-be hero’ in mind, as this persona has the intention to achieve the best for communities and so is most likely to act in accordance with human rights if given relevant guidance.



Intended use of the toolkit

Apart from the content of the toolkit, it was important to decide how to bring human rights information to LGOs. While political leadership and influence determine what decisions get taken, the field research also indicated that external development agencies (donors and NGOs) have a positive influence from a rights perspective, as they are often able to engage well with local government (Keatman 2016). Because of this influence and because the organisations that developed the toolkit are ‘development agencies’, it was decided that the toolkit should be applied through the large network of WASH sector professionals that have established working relationships with LGOs.

The toolkit consists of:

- The Pocket Guide, containing basic thoughts and principles of the human rights framework applied to the role of LGOs. It is intended to start the conversation with LGOs.
- The Journey, depicting common government processes and relating them to the human rights framework.
- The Manual, containing more detailed information about human rights for reference.

The toolkit is intended for use in one-on-one conversations between WASH sector professionals who have the knowledge and capacity to understand and convey human rights within the given context. The toolkit is purposefully concise and focuses entirely on the practical value of human rights, which then needs to be

presented within the local context. The key indicator of success for the toolkit is therefore whether organisations working on WASH at the local level are able to change the perception that LGOs have of their roles, using the toolkit.

Trial in India

Keeping this in view, WaterAid and WASH United in coordination with UNICEF India, tested the Making Rights Real toolkit in three districts, Bhadrak, Debagarh and Nuapada, of Odisha, an eastern state of India. The trial was implemented from August to December 2017 with three local partner organisations of WaterAid, with a specific thematic focus in each district:

- In Bhadrak, PJS India focused on the improvement of WASH in schools;
- In Debagarh, JEETA focused on rural sanitation;
- In Nuapada, RCDC focused on addressing (naturally occurring) fluoride contamination in drinking water.

All three organisations had experience with raising awareness of and building capacity on human rights among communities as rights holders, and had working relationships with officials at the different levels of district government. The partner organisations had no experience with addressing government with human rights based advocacy.

In India, water and sanitation are not explicitly framed as fundamental rights. However, the right to life in the Indian Constitution (Article 21) is interpreted as including the right to water (Bombay High Court 2014). Furthermore, Article 15 of the Constitution on the prohibition of discrimination is interpreted as protecting the rights to water and sanitation of marginalised people. While these interpretations exist, awareness of what this means for LGOs is generally low.

WaterAid and WASH United guided the partner organisations through the process of trial implementation and monitored results. The aim was on the one hand to understand the effectiveness of the tool in changing the perceptions of LGOs and on the other hand, to learn how much support partner organisations need in order to use the toolkit with LGOs.

The following is a summary of the steps of the trial process:

1. Identification of local government officials

In a first step, the partner organisations identified the LGOs to approach. Considering the functional system of bureaucracy in India and service delivery in relation to WASH in particular, it was decided to target officials with relevant functions at three levels, i.e. at Gram Panchayat (lowest unit of government), Block and District levels. In addition, the partner organisations also identified the individual ‘would-be heroes’ (see figure 1) among the functionaries. These formed the target group throughout the trial.

Levels	Drinking water	Sanitation	WASH in schools
Gram Panchayat Level	Four Sarapanches	Four Sarapanches	Four Teachers Four Sarapanches
Block level	One Junior Engineer (Rural Water Supply and Sanitation) One Block Coordinator	One Block Development Officer One Junior Engineer (Rural Water Supply and Sanitation)	One Block Education Officer One Cluster Resource Centre Coordinator
District level	One Additional District Medical Officer One District Coordinator – District Water and Sanitation Mission	One District Magistrate/Collector One Executive/Additional Project Director (Rural Water Supply and Sanitation)	One District Girls’ Education Coordinator One District Inclusive Education Coordinator

2. **Baseline interviews**
The partner organisations used structured interviews on the roles and responsibilities of LGOs related to each of the thematic focus areas. This served as the baseline for the perception of human rights among officials. Questionnaires covered three broad areas: (a) Understanding of and approach to services for all, (b) challenges to achieving services for all, (c) enablers and opportunities to achieve services for all. Since government officials often perceive human rights as a threat, questions were grounded in human rights but avoided using explicit human rights terminology.
3. **Equipping partner organisations to use the toolkit**
At a workshop, the partner organisations presented the findings of the baseline and prepared for the use of the toolkit. To ensure neutrality of the baseline, this was also the first time when the partner organisations themselves received the toolkit. The intended way of using the tool (in one-on-one conversations with government officials and grounded in the context) was explained. Partner organisations used role-play to test how they could best introduce the toolkit and structure a conversation with LGOs on its basis.
4. **Use of the toolkit with local government officials**
The partner organisations then used the toolkit with LGOs on three occasions during a period of 8 weeks. In a first meeting, partner organisations used the toolkit for an introductory conversation and collected first impressions of LGOs. They then had two rounds of follow-up meetings with each LGO, during which the toolkit was used to discuss specific challenges and the officials' role in overcoming them.
5. **End line interviews**
The process concluded with end line interviews to understand the perspective of LGOs on human rights following use of the toolkit. Structured interviews at end line now explicitly included human rights and covered four broad areas: (a) Changes in understanding and approach to WASH services for all, (b) challenges to achieving services for all and ways to overcome them, (c) enablers and opportunities to achieve services for all, and (d) knowledge of and appetite for the human rights to water and sanitation.

The findings

Engaging LGOs on human rights and hoping to achieve change is a long-term endeavour. The trial in India was intense, but short and so any findings presented here need to be read in that light. The trial has convinced us that the Making Rights Real toolkit is useful to engage LGOs and can be used by different organisations in different contexts. However, the findings are not rigorous enough to promise success elsewhere – and there are important learnings on how to improve the toolkit as well. Further work will be needed to improve the toolkit and to collect more experiences.

Encouraging impressions

Generally, LGOs at all levels were open for having discussions, including about challenges. Overall, officials voiced confidence and commitment to change, expressed understanding for the gravity of challenges discussed and accepted what could be done better. This is likely due to the decision to target only 'would-be heroes', as well as the established working relationships between the partner organisations and the LGOs. It was found that officials at higher levels in the district administration are more articulate in a rights-based discourse. This might be the case because they are more exposed to hearing and talking about issues of exclusion. The following are encouraging impressions that were collected throughout the trial. While we were hoping to find indications of a change in thinking, we were surprised to see action as well in all intervention districts.

Actions taken in the different districts:

- In Debagarh, LGOs for the first time considered accessibility of household sanitation for people with disabilities. The district had been declared open defecation free (ODF) in July 2017, and so admitting to this challenge also meant admitting that the 'ODF label' has gaps. The district requested support from WaterAid on the design and costs of accessible services. Two Gram Panchayats were chosen as pilot areas to ensure accessible sanitation for people with disabilities. Furthermore, in two Gram Panchayats, the Sarapanches (Head of Gram Panchayat) have allocated resources for road construction to geographically remote villages and developed action plans for ensuring WASH services for all in those villages.

- In Bhadrak, education officials focused on accessibility for all. They conducted orientation sessions on accessible WASH facilities for all Engineers dealing with WASH in the district, developed an action plan for orientation of masons on the same as well as an action plan on monitoring accessibility of facilities for persons with disabilities. LGOs further decided to initiate a process for addressing menstrual hygiene management and the safety and security of girls in all schools in the district, including through providing awareness raising materials for blind students.
- In Nuapada, Sarapanches started to take firm action to promote surface-water facilities over ground water extraction in fluoride-contaminated areas.

Indications of a change in thinking:

- Using the toolkit helped to better understand exclusion. LGOs named disabilities, geographical remoteness and even caste and power dynamics within communities as challenges for achieving services for all. However, it was also found that LGOs preferred to act (or found it easier to act) on accessibility for persons with disabilities, with much less action on geographical remoteness and no action or plan for addressing social exclusion. This is likely due to a number of factors. ‘Technical’ fixes to exclusion, such as accessible WASH technologies and even roads, are easier to identify and implement. Addressing social exclusion requires different skills and interventions and will take more time.
- The toolkit can help to make planning more robust. At district level, planning is often done to meet the targets set by the state level. The focus in the toolkit on ensuring services for all and on understanding who usually misses out gives guidance on how to include the needs of all in planning. At the Gram Panchayat level, the Sarapanches (Head of Gram Panchayat) expressed an understanding that ensuring services was not at their discretion, but their duty. They also better understood their role and responsibilities regarding institutional WASH within the Gram Panchayat, especially schools.

Learnings from working with the partner organisations

The entire process was a learning experience for everyone involved. Testing the toolkit gave partner organisations space to discuss challenges in WASH services with LGOs in a more structured way and with a focus on systemic issues. Prior engagement of partner organisations with LGOs had been more focused on addressing a particular issue from a service delivery perspective, rather than discussing the roles and responsibilities of local government in addressing it. One partner organisation, RCDC in Nuapada, is planning to build the capacity of the Jalabandhu (a community based organisation working on water related issues) in the use of the tool.

For WaterAid and WASH United, it was key to understand how much capacity building partners would need in order to use the toolkit within their context. Most importantly, we learned that the toolkit is best used in conjunction with other tools. For example, the base-, mid- and endline interviews served to monitor indications of a change in thinking, but they also proved to be highly useful for the partner organisations to start a conversation with LGOs about systemic challenges to achieving WASH for all. The personas were initially used internally to develop the toolkit, but have proven to be a very effective (and intuitive) method for choosing advocacy targets. The partner organisations also found them encouraging because they realised that the system may appear to be full of laggards, but once one looks more closely, there is an encouraging number of would-be heroes to work with. Combining the toolkit with (already available) guidance on accessible sanitation facilities and their costing helped LGOs to take action rather than to just admit that there was a problem. These learnings can be taken forward to benefit others who want to use the toolkit.

The group of organisations that developed the toolkit still needs to understand better how guidance and support for partner organisations can be provided without the need for a project as detailed as the one described here. Providing additional tools like structured questionnaires and referencing existing resources will go a long way to enable grassroots organisations like the ones that conducted the trial in India to use the toolkit with very limited external support. However, the toolkit will likely always need some support and encouragement for use by larger organisations, which in this trial was the role of the WaterAid East India office. Learning how to most effectively use those relationships for all involved will be a very important next step so the toolkit will be used more widely.

Conclusion

When the process started in August 2017, there was a lot of apprehension: How to go about using the toolkit, whether LGOs would take the toolkit in a positive node or reject it, what the reaction would be among LGOs when ‘confronted’ with human rights terminology, what the findings would be, etc. Allowing these doubts and accepting that failure – i.e. no indication of a change in thinking – is possible was

important to create space for learning, and the experience was more encouraging than expected. The response of officials to the toolkit was such that the partner organisations now feel confident to apply the toolkit in their ongoing work as an effective tool for advocating for the realisation of the rights to water and sanitation for the most excluded and marginalised. While there is definitely scope for improvement and more contextualisation of the toolkit will lead to even better results, the feeling at the end of the trial is that the toolkit was being applied for bringing about positive change, rather than just being tested.

Beyond the test in India described here, practitioners in other countries are finding the materials useful when engaging with local government officials, and more organisations are gradually beginning to use the materials in their work. The hope is that more and more practitioners will use the toolkit for encouraging and guiding local government officials they work with on operationalising the human rights to water and sanitation.

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Note

¹ The Making Rights Real toolkit was jointly developed by WASH United, WaterAid, the Institute for Sustainable Futures (University of Technology Sydney), End Water Poverty, UNICEF and the Rural Water Supply Network. It is available in a number of languages at www.righttwater.info/making-rights-real.

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