

## **OPEN GOVERNMENT AND WATER AND SANITATION DECLARATION**

### **A global call to strengthen implementation of water sanitation and hygiene services**

The rights to water and sanitation are recognized as human rights under international law. Despite this, many countries have not incorporated these rights into national laws or constitutions. Nor have countries institutionalized the responsibility to address the lack of access to clean water, sanitation and hygiene (WASH), or addressed the intersecting social, economic, political and environmental constraints. Even where clear regulatory authority, policies and programs has been domesticated, there has been a failure in implementation and in the prioritization of funding.

In cities and rural areas across the globe, access to clean water and safely managed sanitation is an urgent problem that remains out of reach for billions of people. Vulnerable and underrepresented groups such as poor communities and people living in informal settlements and refugee camps, women, the elderly and youth, people with disabilities, and indigenous communities are disproportionately affected by poor or corrupt WASH service delivery practices. These communities bear the greatest burden of health and socio-economic impacts and have little or no voice in the availability or quality of WASH services they rely on for their lives and livelihoods..

This Declaration is being drafted during the Covid-19 Pandemic that has illuminated significant injustices in communities, schools, health centers, and refugee centers across the world including inequality of access to WASH services. At the same time climate change is leading to water stress and insecurity, threatening the sustainability of WASH services, including damage to WASH infrastructure and degraded physical access to WASH facilities. The Intergovernmental Panel on Climate Change (IPCC) predictions for more extreme events including floods and droughts will only further endanger the provision of sustainable water services, increasing the need for collective action and stronger political leadership to ensure smart investments in WASH as a foundation for resilience and public health. This increasingly dire context highlights the need to identify concrete steps that must be taken to address implementation barriers for water and sanitation services.

Numerous international and national platforms and partnerships including Sustainable Development Goals 6 and 16, Sanitation and Water for All (SWA), OECD Water Governance Initiative, International Open Data Charter, the Open Contracting for Infrastructure Data Standard, and the Free Flow Principles all recognize the fundamental importance of transparent, participatory, and accountable open government strategies. But despite this long list, open government advocates and WASH stakeholder participants continue to operate in their own siloed forums. And while these initiatives are making important contributions to strengthen WASH services, a fundamental and deadly gap remains between principal and practice.

We believe the right to water and sanitation will only be fulfilled if there is a sufficient commitment to achieving OPEN GOVERNMENT in the sector supported by all stakeholders. Adopting open government reforms can help governments strengthen their institutional capacity, facilitate coordination and trust between stakeholders, and resolve information asymmetries. They can also ensure civil society organizations or direct citizen engagement have a role in shaping government commitments to transparent, responsive, and accountable WASH services, free from corruption.

Therefore, we, the undersigned organizations and individuals, call on international cooperation partners, international financial institutions, bilateral and multilateral agencies, national and local governments, private sector, utilities, civil society and citizens to commit to bold action under the Open Government Partnership and other WASH platforms to reform the water and sanitation sector. We offer concrete recommendations for action that fall under four areas that represent the foundation of open government: Transparency, Public Participation and Inclusiveness, Accountability and Integrity. These recommendations have been developed in consultation with the OGP Support Unit, which actively encourages the use of OGP action plans as a mechanism to advance OGP member commitments in the water and sanitation sector. In making these recommendations we recognize the following factors:

- Access to information, public participation and access to justice are also fundamental human rights. The rights to water and sanitation by which people are right-holders and States are responsible for providing them water and sanitation services relies on these fundamental principles to ensure people can access accurate, objective, timely and disaggregated WASH information and data, monitor service delivery policies and practices, support better decision-making and prevent corruption. More broadly these rights and responsibilities are fundamental for the functioning of a democratic society and sustainable development.
- Persistent unequal access to clean water and sanitation services is entrenched institutionally, financially, socially and culturally in every country. Structural power differences, discrimination, gender stereotypes, and competing interests among the wide range of water and sanitation stakeholders create significant barriers at all levels of governance. Overcoming these barriers requires the development of targeted processes that incorporate the knowledge and experience of vulnerable and underrepresented communities and ensure they have a role making the decisions that shape their communities and future generations.
- WASH service delivery implementation challenges are compounded by a lack of clarity over institutional roles and responsibilities and poor coordination between WASH actors across the overlapping set of laws and policies, programs, funding mechanisms at the national, municipal, provider, and community level. This complexity is often compounded by politically motivated resistance to sharing power, funds, or other resources with local actors and the lack recognition of “community-based management models for water services.” Further, Ombudsman or National Anticorruption and Ethics Offices aren’t typically involved in WASH or water policy oversight, denying people the opportunity to use these institutional mechanisms to hold service providers and other WASH actors accountable.
- The involvement of private sector and government service providers and large water users is fundamental for guaranteeing citizen participation and inclusion. But the particular characteristics of the WASH sector make it particularly vulnerable to corruption. These characteristics include a highly technical, monopolistic sector with high levels of discretion, low levels of accountability, the involvement of large flows of public money, and high levels of informality in service provision, especially for the most poor and marginalized. WASH services

are often provided through only one provider for a given territory and there is frequently a widespread presence of informal service providers that are not regulated or operate without a license. In order to strengthen anti-corruption within the WASH sector the opportunities for corruption must be reduced and the constraints against it increased. Further urban and rural areas require different participation and accountability strategies and mechanisms that reflect their unique challenges, stakeholders and socio-political contexts.

- Several countries have implemented open government strategies in the WASH sector. However open data, opportunities to engage decision makers or funders, and accessible complaint mechanisms are still lacking, especially for the most vulnerable and underrepresented. However, there are already a number of inclusive participatory models utilized in the water space that can be scaled up, such citizen assemblies, participatory budgeting, user or community member bodies, civic technology, public procurement monitoring or tools such as Integrity Pacts. These targeted mechanisms address implementation challenges and help overcome power imbalances between users of water and sanitation services and those that control the resources.

At this pivotal moment in time, we have the opportunity to galvanize policy-making will and leverage open government strategies to transform our shared values for clean water and sanitation for all into a reality. We call on ***Governments, Public and Private Utilities, Financial Institutions, and Multistakeholder Partnerships*** to implement the following recommendations:

## **RECOMMENDATIONS**

### **TRANSPARENCY:**

***Water Sector Financing Transparency:*** increase transparency on the allocation of financial resources for water and sanitation programs and their impact by providing:

1. Access to contracts and bids provisions related to water and sanitation infrastructure projects including what information is allowed to be classified, why and for how long, in accordance with the Open Contracting Standard.
2. Budget, subsidies and expenditure reports and project investments WASH information including the amounts aimed at providing services to the most vulnerable, including how prioritization of decisions is made by any government agency or utility, the reasons why, and what technical information guided decisions.
3. Information, data and metrics on the setting of water fees or tariffs.

***Service Management information:*** increase transparency around service management by providing

1. Public access to disaggregated data on the state of services relevant to the needs of both men and women, and particularly vulnerable populations including the functioning of rural water data points in forms that are accessible to men and women in communities.

2. Open, public communication channels for complaints that meet the needs and accessibility of vulnerable populations including both men and women
3. Information about utilities successes and failures to deliver on their mandate and any sanctions or investigations into their performance.

**Impact data:** increase transparency on WASH impact and monitoring data by expanding:

1. The collection and release of data disaggregated by gender and age on the impact or outcome of projects supported by public and donor funds, in line with international standards like the International Aid Transparency standards.
2. The collection and release of data disaggregated by gender and age relating to the water and sanitation services, including the location data and the precise coordinates of facilities with water and sanitation points, and services available to women and girls, the disabled and other underrepresented or vulnerable populations.

**Water Management:** increase transparency of water quality and management data available by proactively releasing;

1. Standardized and timely water quality data including maps of water quality,
2. Information on local water quality, and permitted uses for drinking, bathing, cooking, and recreational and livelihood uses;
3. Information on water resources, watersheds, water quality of rivers and aquifers, periodicity of water supply, situation of the reservoirs, groundwater levels and risks
4. Information on water and sanitation allocation and services –allocation and reallocation amounts, especially rota cuts (cuts made during times of drought) and in areas of high water use.

**WASH Information in an Emergency:** increase transparency of WASH information and plans during emergencies such as the COVID-19, the climate emergency, and natural and humanmade disasters by providing:

1. Timely access to information through appropriate online and traditional forms of communication taking into consideration the public interest and the differentiated needs, concerns, and accessibility of both men and women and vulnerable communities.
2. Explanations of controversial information and clear information about the gravity of the crisis for vulnerable people and measures to face it, including relevant information to help public health professionals, water utilities, first responders, health care professionals, and others respond to WASH-related emergencies.
3. Guarantees not to use state of emergency or disaster measures to limit access to information or legal rights to information .

## **PARTICIPATION AND INCLUSION:**

**Participatory governance models:** design inclusive spaces that ensure all stakeholders can participate in long term WASH and water access decisions by:

1. Providing financial and human resources for mapping and reaching out to vulnerable populations typically left out of policy discussions at all levels of governance and conducting a situation assessment to understand who might be impacted, who should be involved, and what knowledge and concerns they bring to the process.
2. Engaging partner networks to encourage neighborhood groups to play a role in the planning, provision, management and operation of urban and rural WASH facilities and service delivery through user groups.
3. Mapping the appropriate policy and technical forums at the community, provider, municipal, and national level where participation is needed, and establish clear goals and objectives for each participation opportunity..
4. Evaluating policy and legal gaps for formal requirements for participation and incorporating funding for participation in government and private sector service provider budgets to ensure sufficient resources for the creation and maintenance of forums for long term engagement.

**Capacity building:** strengthen collaboration and capacity building efforts to ensure inclusive participation by:

1. Conducting a needs assessment and providing training around water/WASH policies and programs including specific opportunities or existing forums for participation for stakeholders that need support with special emphasis for urban and rural vulnerable populations.
2. Evaluating the project management capabilities of community and municipal government staff and designating appropriate funding and human resources for training and technical support. This includes process management and evaluation skills that strengthen their ability to collect, assess and evaluate the success of the public participation processes and models.
3. Creating multi-stakeholder coordination councils at the provider and municipal level that evaluate disaggregated information on the effectiveness of participation and WASH outcomes. This includes measures to evaluate how input given by key groups is incorporated into WASH policy and planning.

**Community Management:** address participation opportunities and barriers of stakeholders in community management by:

1. Evaluating and addressing participation policy gaps in community management planning documents and plans including barriers related to elite capture, gender and other group imbalances on boards, and opportunity to provide input on delivery quality, rate and access issues.
2. Creating regulatory frameworks and establishing complaint mechanisms for community based water and sanitation service delivery.
3. Providing training regimes or supporting mechanisms to ensure participation in long-term investment plans, emergency planning, development work, extension and network upgrades.

4. Addressing technology access barriers for the most vulnerable sectors and identify and implement alternative forms of participation that respect and utilize cultural and traditional forums for communication and engagement.

**Multistakeholder Partnership Collaboration:** identify synergies and strengthen coordination in international open government and water/WASH forums by taking the following actions:

1. The OGP International Steering Committee, Support Unit and the national multi-stakeholder forums responsible for co-creation of OGP commitments should map out their linkages/connections with specific WASH sector forums and actors in order to assess whether and how to advance WASH-specific commitments.
2. The OGP lead outreach to sector stakeholders currently not actively involved, including government WASH line ministries and agency officials, civil society organizations focused on WASH service delivery, water utility representatives, water user associations, urban WASH advocates, and community management associations.
3. SWA should strengthen involvement in the OGP as a forum for supporting implementation of Mutual Accountability Mechanism commitments in OGP partner countries and create a MOU to deepen cross learning and coordination of goals and objectives.
4. The OECD WGI should strengthen implementation of the OECD Principles on Water Governance by engaging with the OGP to utilize their water governance indicator framework and bench-learning practices for the development of new national and local OGP commitments.

#### **ACCOUNTABILITY:**

**Responsibility:** address roles, duties, rights and responsibilities of water providers and different stakeholders by:

1. Developing technical assistance programs that improve the capacity of community-Based organizations, NGOs and social businesses or start-ups to understand financial, infrastructure, and other technical information paying attention to equity and the participation of other vulnerable groups.
2. Supporting the technical capacity of citizens efforts to monitor development and infrastructure funding of sanitation projects including the creation of multistakeholder groups or committees that work with technical and non-technical actors to create and monitoring indicators for the sector.
3. Defining policies and support mechanisms that can both empower citizens to monitor WASH services failure and supply infrastructure development at the local level while ensuring the responsibility and role of state actors isn't reduced and monitoring burdens are not shifted solely to local governments and communities;
4. Creating formal, clear mandates and forums with appropriate human and financial resources that connect accountability institutions such as Audit, Ombudsman, Anti-Corruption or Ethics offices with WASH service delivery agencies to help support the water regulators' ability to address integrity issues.

5. Mandate accountability institutions develop indicators for monitoring SDG 6, 16, and 17 implementation at the local municipality level and ensure mechanisms involve citizens in a participatory way to get feedback through the promotion of participatory monitoring budgeting.
6. Creating multistakeholder WASH/IWRM linkages to help cultivate a wider, holistic catchment or landscape accountability approach and mechanisms.

**Answerability:** ensure processes are in place to proactively answer inquiries and complaints, as well as providing reasoning behind the impacts generated by decision maker actions and decisions by.

1. Ensuring policy makers require development or improvement of integrated complaint mechanisms so complaints can be routed to the correct institution and response time can be monitored and ensure they are accessible to different subsectors and populations.
2. Require service providers to include performance assessments and reporting systems that create incentives for stronger bottom up political will/accountability including utility requirements for publicly reporting complaints responses.
3. Address the rural-urban inequality challenges and the specific needs of different vulnerable groups in rural and urban settings such as people living in informal settlements by developing response mechanisms with affected communities that recognize their agency.

**Enforceability:** strengthen monitoring, supporting and enforcing compliance, through the use of corrective mechanisms and remedial action by

1. Identifying policy making champions that can ensure a high level of institutional responsiveness to citizens/users complaints who can also monitor enforcement at the local level and advocate for resources required to implement WASH approaches.
2. Existence and implementation of functioning enforcement mechanisms to resolve conflicts between service providers and users.
3. Mandating in laws and policies that water utilities must define a standard level of citizen rights for enforcement including defined service responsibility that citizens can expect and monitor including quality of service as well as the collection of agreed tariff.
4. Inclusion of specific integrity criteria to monitor providers' compliance, including enforcement mechanisms to take corrective action against non-performers.
5. Aligning incentives to enhance a higher compliance within the sector. Through the usage of mechanisms such as training and advocacy about the impacts of corruption, benchmarks (using indicators such as non-revenue water, coverage and quality) and reporting.

## **ANTI-CORRUPTION**

**Reduce opportunities for corruption:** increase constraints against corruption in the water sector by:

1. Ensuring information and data around corruption practices sanctioned is made available proactively, including case files and archive records for future prosecutions and advocacy in pursuit of indictments.
2. Leverage current online platforms and other models to support the ability of civil society to strengthen CSO's role and capacity to act as "watchdogs" to oversee and document cases of corruption.
3. Diagnosing and mapping on a regular basis existing or potential drivers of corruption and risks in all water-related institutions at different levels, including public procurement.
4. Promoting regular, systematic training and awareness raising on the causes and impacts of corruption, with the aim of generating a culture of compliance in government offices and utilities.

**Collective action:** strengthen multi-stakeholder cooperative efforts to face systemic corruption within the sector by:

1. Adopting multi-stakeholder approaches at the national and local level, dedicated tools and action plans to identify and address water integrity gaps, and highlighting the nexus between transparency, accountability and anti-corruption.
2. Developing multi-stakeholder corruption risk assessments in the water sector at the national and local level.
3. Connecting actors working on anti-corruption to the WASH sector, integrating their strategies developed in the framework of OGP, including infrastructure, open contracting and beneficial ownership groups, and whistleblower protection among others.
4. Leveraging the role of development banks and international funding institutions, in particular by promoting the conditionality of technical assistance to the promotion of integrity values and corruption prevention mechanisms.

### **About the drafting of the Declaration:**

The Declaration was drafted by a broad coalition of civil society and international organizations and the Water and Open Government Community of Practice (CoP). The CoP is an OGP based network that aims to bring together water and open government experts to accelerate knowledge sharing and development of innovative, cross-sector approaches to transparent, inclusive and accountable water and sanitation service delivery. The CoP is supported by Fundación Avina, Stockholm International Water Institute, Water Integrity Network and the World Resources Institute, and funded by the OGP Multi-Donor Trust Fund, supported by the World Bank. Spanish translation was provided by Zianya Arizpe.

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