

Governance of Decentralized Sanitation

The Human Right to Sanitation

Name of the Lecturer: Pedi Obani

Organization: UNESCO-IHE (Netherlands); University of Benin (Nigeria)

Country: Netherlands



UNESCO-IHE
Institute for Water Education

Presentation Outline

Section 1: Introduction

- Learning objectives
- Meaning of the human right to sanitation
- Theoretical justifications

Section 2: Sources

- Treaties
- International conferences
- United Nations institutions

Section 3: Drivers

- Status of access
- Drivers of lack of access

Section 4: Conclusion

- Inferences

Learning Objectives

To understand the:

- a. Meaning of the Human Right to Sanitation
- b. Theoretical justifications for the human right to sanitation
- c. Sources of the human right to sanitation
- d. Drivers of lack of access

Section 1

Introduction

Meaning of the Human Right to Sanitation

- Sanitation is a ‘system of collection, transport, treatment and disposal or reuse of human excreta, and associated hygiene’
- ‘States must ensure without discrimination that everyone has physical and economic access to sanitation, in all sphere of life, which is safe, hygienic, secure, socially and cultural acceptable, provides privacy and ensures dignity’
- Human rights cross-cutting criteria: non-discrimination, participation, accountability, impact & sustainability

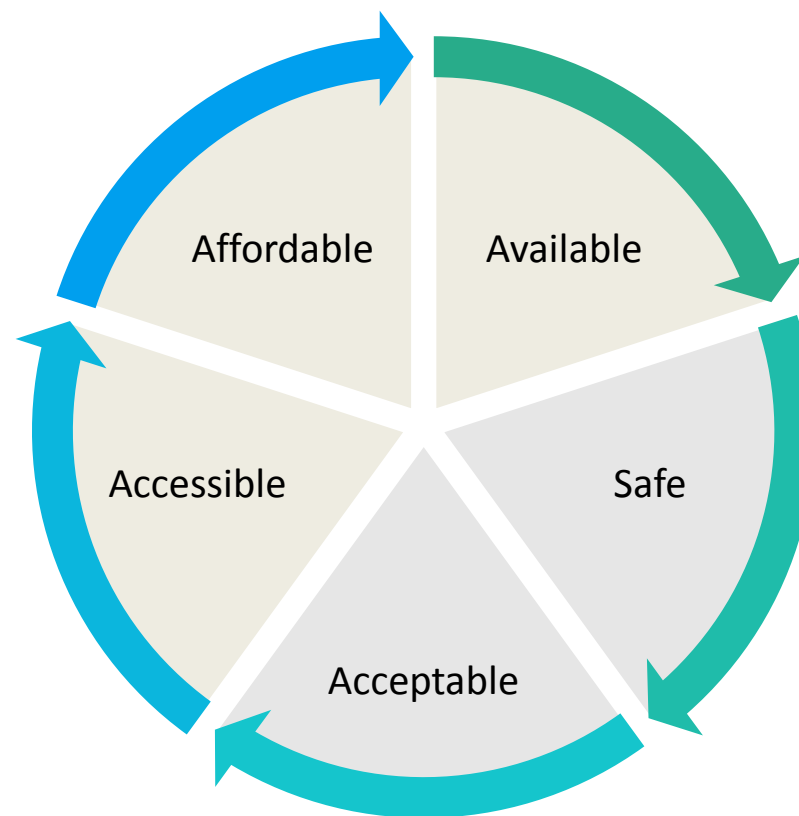


Fig. 1 Normative Contents

Theoretical Justifications

- Elevates access to basic sanitation to the status of a legal entitlement
- Addresses power imbalance and inequities in the allocation of access and use of ecosystem services
- Provides an avenue for the population to hold the State to account
- Attracts international focus to the plights of the local people
- Goes beyond averages to address the needs of special groups, including the poor, marginalized, and vulnerable
- Empowers local people to take part in the decision-making process
- Provides an international system for monitoring progress

Question for Section 1

- Is the human right to sanitation a necessary right to address the global challenge of lack of access to sanitation?

Section 2

Sources

Treaties

- 1966 - International Covenant on Economic, Social, and Cultural Rights
- 1979 - Convention on the Elimination of all Forms of Discrimination against Women
- 1989 - Convention on the Rights of the Child

International Conferences

- 1992 - United Nations Conference on Environment and Development (Agenda 21)
- 1992 - International Conference on Water and the Environment (Dublin Statement)
- 1994 - International Conference on Population and Development
- 2002 - World Summit on Sustainable Development

United Nations Human Rights Institutions

- 2005 - Draft Guidelines for the Realization of the Right to Drinking Water and Sanitation. E/CN.4/Sub.2/2005/25
- 2006 - Human Rights Council Decision 2/104
- 2007- Report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments
- 2008- Human Rights Council Resolution 7/22
- 2009- Human Rights Council Resolution 12/8
- 2010- UN General Assembly Resolution A/RES/64/292
- 2010- Human Rights Council Resolution A/HRC/RES/15/9
- 2011- Human Rights Council Resolution A/HRC/RES/16/2

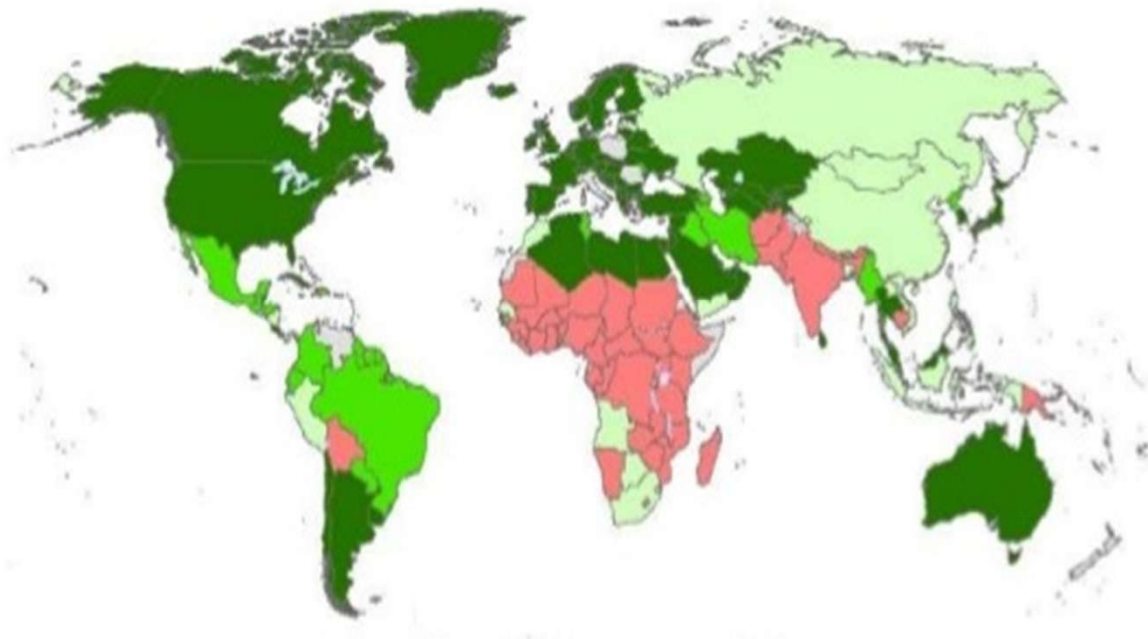
Question for Section 2

- What aspects of the right to sanitation are reflected in the national laws and policies in your country?

Section 3

Drivers

Access to Improved Sanitation as at 2012



91-100%
76-90%
50-75%
<50%
Scant data/not applicable

Source: WHO & UNICEF, 2014

Drivers of Lack of Access

Level	Drivers	Economic	Social	Environmental
Local / National	Direct	Household poverty	Poor maintenance	Weather variability
			Culture	
			Non-prioritisation	Natural Disasters
	Indirect	Risk aversion	Population growth	Non-recovery of resources from waste
		Privatisation	Weak institutions	
			Demographic trends	
International	Indirect	Foreign debt	Conflicts over transboundary water resources	Climate change
		Virtual water trade		
		Sanctions		
		Aid		

Source: Obani, P. & Gupta, J., 2015

Question for Section 3

- In your experience, what are the drivers for lack of access to sanitation in your country?

Section 4

Conclusion

Inferences

- The human right to sanitation consists of five normative contents and five cross-cutting criteria developed on the basis of human rights principles and standards.
- The theoretical justifications for the human right to sanitation highlight the need to empower the billions of people living with access to be able to demand action from the State, and monitor implementation.
- The sources of the right in international law include treaties, conferences, and the United Nations human rights institutions.
- There are drivers of lack of access which operate at different levels of government and therefore require joint action from stakeholders at all levels.

Further Reading

- UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC), The Human Right to Water and Sanitation Milestones http://www.un.org/waterforlifedecade/pdf/human_right_to_water_and_sanitation_milestones.pdf
- World Health Organization and UNICEF (2014), *Progress on Sanitation and Drinking-water-2013 Update*, Geneva, Switzerland: World Health Organization
- Obani, P. and Gupta, J., The Evolution of the Right to Water and Sanitation: Differentiating the Implications (2014) Review of European Community & International Environmental Law DOI:10.1111/reel.12095



UNESCO-IHE INSTITUTE FOR WATER EDUCATION