

The Right to Water and Sanitation (RTWS) in Ghana

That no person should under any circumstances be denied Water, Sanitation and Hygiene (WASH) services because he/she cannot pay. WASH Services need to be affordable for all in accordance with the inalienable right of all to Water and Sanitation services. This was one of the issues emphasized by WASH stakeholders at the eighteenth edition of the National Level Learning Alliance Platform (NLLAP 18) in Accra.

The eighteenth NLLAP took place on Thursday July 28, 2011 on the theme: **The Right to Water and Sanitation (RTWS) in Ghana: A National Action Plan for Implementation.** Hon Edem Asimah, Member of Parliament (MP) for South Dayi and a Member of the Parliamentary Select Committee on Water Resources Works and Housing, was the chairman for the day. Ben Arthur, Executive Secretary of CONIWAS gave the first presentation on "Implementing the Right to Water and Sanitation in Ghana: Key Issues"; and Patrick Apoya, Executive Director of SkyFox Ltd and a WASH Consultant gave a presentation on: **Implementing the Rights to WASH: Developing a National Action Plan.** This WASH Reflection is intended to share with the wider WASH community the most important issues brought up during the meeting.

The multi-stakeholder platform (NLLAP 18) gave participants the opportunity to provide input for a draft national action plan for implementing the RTWS concept. The WASH sector has already submitted a memorandum to the Constitution Review Commission, calling for the inclusion of RTWS as a fundamental human right. Hon. Edem Asimah opened the function, pointing out that key considerations in the WASH sector include accessibility, reliability and sustainability of services. He assured participants of government's commitment to ensuring accessibility to WASH services for all.

However, it was also the collective responsibility of all WASH stakeholders to ensure availability of water for all, he said.

Right To Water and Sanitation (RTWS) Concept

The RTWS belongs to a set of Rights within the UN System as the "Economic, Social and Cultural Rights". The most detailed definition of the content of the RTWS came in 2002 from an expert body assessing the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) a treaty only recognizing "implicitly" the right to water. This definition is detailed in General Comment number 15, in which the Committee asserts: "The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic

hygienic requirements.

Following the publication of GC 15, several States agreed and formally acknowledged the right to water to be part of their treaty obligations under the ICESCR (cf. e.g. in Europe: Germany, United Kingdom and the Netherland. On September 30, 2010, the U.N. Human Rights Council affirmed the existence of the human rights to safe drinking water and sanitation under international law.

The RTWS:

- is described as a Progressive Right
- Requires governments to fulfill progressively based on maximum resources available
- Differs from Civil and Political Rights which calls for immediate fulfillment

General Comment No. 15 and the Sub-Commission Guidelines, taken together, explain that the right to water and sanitation includes the following: sufficient water, clean water, accessible water and sanitation, and affordable water and sanitation.

Implementing RTWS: Key issues

In the first presentation of NLLAP 18, Mr Ben Arthur, Executive Secretary of CONIWAS, mentioned that RTWS contributes to:

- Improved Accountability
- Prioritization of vulnerable and marginalized groups
- Increased participation in decision-making
- Individual and community empowerment

He identified five misconceptions on the right to water and provided clarifications for them. For instance, it is misconceived that the right to water

entitles people to free water. Clarifying, Mr Arthur stated that the “right” means “WASH Services need to be affordable for all. People are expected to contribute financially or otherwise to the extent that they can do so.”

Another misconception is that the right allows for unlimited use of water. Actually, the right entitles everyone to sufficient water for personal and domestic uses and is to be realized in a sustainable manner for present and future generations.

It is also the view of many people that the right entitles everyone to a household connection; the right to water entitles people to water resources in other countries; and a country is in violation of the right if not all its people have access to water and sanitation.

However, the right means that water and sanitation facilities need to be within, or in the immediate vicinity of the household, and can comprise facilities such as well and pit latrines; people cannot claim water from other countries. However, international customary law on trans-boundary watercourse stipulates that such watercourses be shared in an equitable and reasonable manner; and the right requires that a State takes steps – to the minimum available resources – to progressively realize the right.

In implementing RTWS in Ghana the key issues that need attention include issues of inequity and exclusion, the policy framework, and legal framework.

Action Plan on RTWS

CONIWAS, Centre for Housing Rights and Evictions (COHRE) and WaterAid in Ghana have initiated efforts towards the adoption of a national action plan to implement the Right to Water and Sanitation in Ghana. In the second presentation of

the day, Mr Patrick Apoya, WASH Consultant, took participants through the plan.

According to him, in the implementation of RTWS, two key issues emerged. First, citizens may 'over' demand diversion of resources towards WASH in response to the RTWS. Secondly, government may relax under the window of 'Progressiveness'. An action plan is needed to address these challenges. “A systematic process of planning the implementation of the RTWS is required to balance these two counter forces,” he told participants.

In his view, action planning should: detail the right policies and strategies; differentiate the various stakeholders and define their roles and responsibilities; identify strategies for creating citizen awareness; identify possible constraints to implementing the RTWS; identify the oversight body/institution/person for the implementation of the RTWS; and define the timelines.

Discussion and recommendations

After lively engagements and opinion sharing, participants made recommendations and suggestions. These have been summarised below:

The action plan was welcomed and deemed as a catalyst for implementing the various conventions that the country had signed unto. Participants proposed that the current scope of the draft plan be broadened.

It was recommended that the plan be well-disseminated.

Citizens should be sensitized and educated on it.

It was agreed that the draft action plan would be circulated to participants.

The chairman, Hon. Asimah pledged to ensure that the action plan receives the requisite attention.

The NLLAP is a WASH sector multi stakeholder platform with the overall goal of improving sector learning and dialogue. It is hosted by the Ghana WASH Resource Centre Network (RCN). The platform offers learning and sharing opportunity for sector players as one of the practical approaches to improving sector engagements/sharing with the long term aim of achieving a knowledge driven WASH sector that delivers quality and sustainable services in Ghana. NLLAP meetings take place on the last Thursday of every month and opened to all interested parties. The discussions of each NLLAP meeting are summarized and shared with the wider WASH community. The topics of upcoming meetings are decided on by the RCN secretariat and a list of upcoming meetings can be found on the RCN website www.washghana.net.

If you are interested to propose a topic for a meeting please contact us on, Tel. (233-302)/ 769552; Fax: (233-302) 769583; Email: rcn@washghana.net