

European Union

Human rights assessment of development cooperation for water and sanitation

Main policies and frameworks for human rights and water and sanitation

- The new European Consensus on Development (2017)
- Global Strategy for the EU's Foreign and Security Policy: "Shared Vision, Common Action: A Stronger Europe" (2016)
- EU Action Plan on Human Rights and Democracy: 2015-2019
- EU Tool-box: A rights-based approach, encompassing all human rights for EU development cooperation (2014)
- The Council Conclusion on EU Water Diplomacy (2013)
- EU Strategic Framework and Action Plan on Human Rights and Democracy (2012)

Role for water & sanitation in the EU agenda

"Universal access to safe drinking water, sanitation and hygiene is a pre-requisite for health and well-being, growth and productivity... The EU and its Member States will support sustainable and integrated water management as well as more efficient use of water and water recycling including through a more strategic approach to regional development and integration." New European Consensus on Development

- ❖ EU recognizes the importance of WASH but does not articulate a vision for the sector with a basis on the full framework of the human rights to water and sanitation.

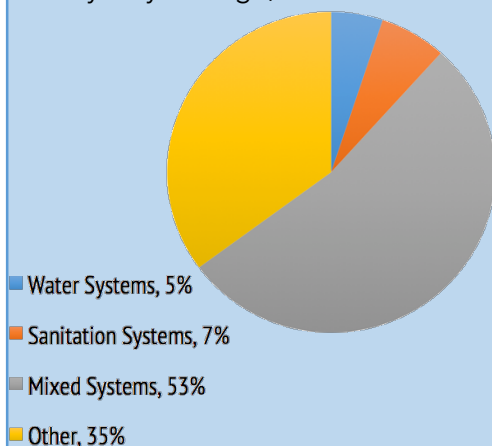
Notable human rights instruments

- The EU Strategic Framework and Action Plan for Human Rights and Democracy (2012) committed the EU to a rights-based approach (RBA)—encompassing all human rights—to development cooperation. Further policies reinforced EU's commitment to the RBA throughout the entire development cooperation project cycle, also extending it to member states.
- The EU Action Plan for Human Rights and Democracy (2012) led to the creation, in 2014, of the **EU Toolbox**. The toolbox is currently being updated and, according to reports, will offer more pointed guidance on specific items including the human rights to water and sanitation.

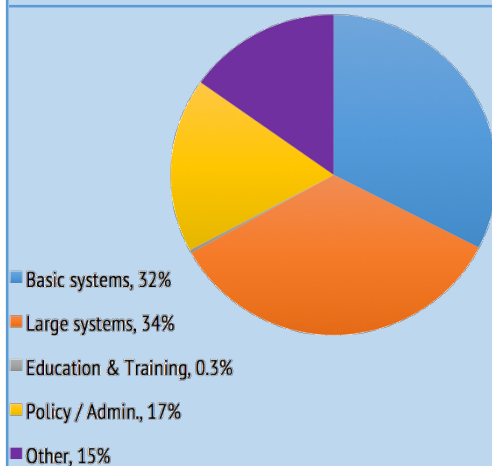
WASH evolution in EU development cooperation

In most years since 2000, the EU has allocated increasing funds to the WASH sector through development cooperation. However, since 2011, the EU has ceased a sector-specific approach to WASH in favour of a strategy that treats these services as cross-cutting elements to be mainstreamed in other sectors, such as nutrition and climate change. This new strategy may potentially jeopardize a more focused approach on the human rights to water and sanitation.

1. Water supply and sanitation funding by subsector: yearly average, 2011-2015



Source: OECD CRS, consulted April 2017.



Source: OECD CRS, consulted April 2017.

2. Average annual WASH disbursements (ODA¹): EU vs. DAC² Members and multilaterals, 2011-2015

| | VALUE \$ MILLION |
|----------------------------|---------------------|
| DAC + MULTILATERALS | 5,889 |
| EU | 577 |
| % | 9 |

Source: OECD Creditor Reporting System (CRS), consulted April 2017.

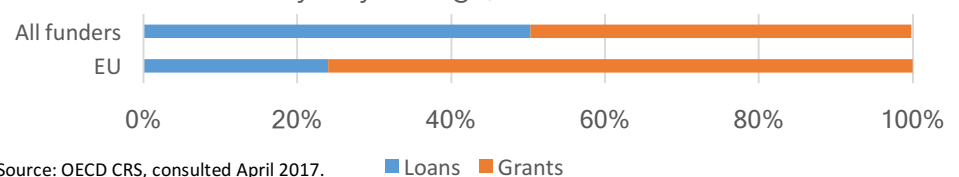
3. EU average annual ODA disbursements, 2011-2015

| | VALUE \$ MILLION |
|------------------------|---------------------|
| ALL ODA SECTORS | 17,444 |
| WASH | 577 |
| % | 3 |

Source: OECD CRS, consulted April 2017.

1. More than half the share of EU's yearly average ODA funding for WASH is considered to address both water and sanitation systems (mixed). Furthermore, ODA funds for WASH in the period 2011-2015 targeted an almost equal share (34% of all WASH aid) of projects for large systems as compared to basic systems (33%).
2. In terms of ODA financing for WASH, the EU has been the second largest multilateral funder to the sector since 2004. Among all DAC Members and multilateral funders to water and sanitation, EU's yearly ODA disbursements to this sector (\$577 million/year) represented an average 9% of the total disbursements in the period 2011-2015.
3. In the period 2011-2015, EU's yearly average funding for WASH represented 4% of EU's ODA disbursements to all development sectors. In the same period, the average for all DAC Members and multilateral funders was also 4%.

WASH ODA disbursements funding type: yearly average, 2011-2015



Source: OECD CRS, consulted April 2017.

- ❖ Compared to all funders' funding type for WASH in the period 2011-2015, the EU disburses comparatively more grants (75%) than loans.³

¹ The Organisation for Economic Co-Operation and Development (OECD) defines official development assistance (ODA) as financing that is concessional in character with a grant element of at least 25 per cent (using a fixed 10 per cent discount rate).

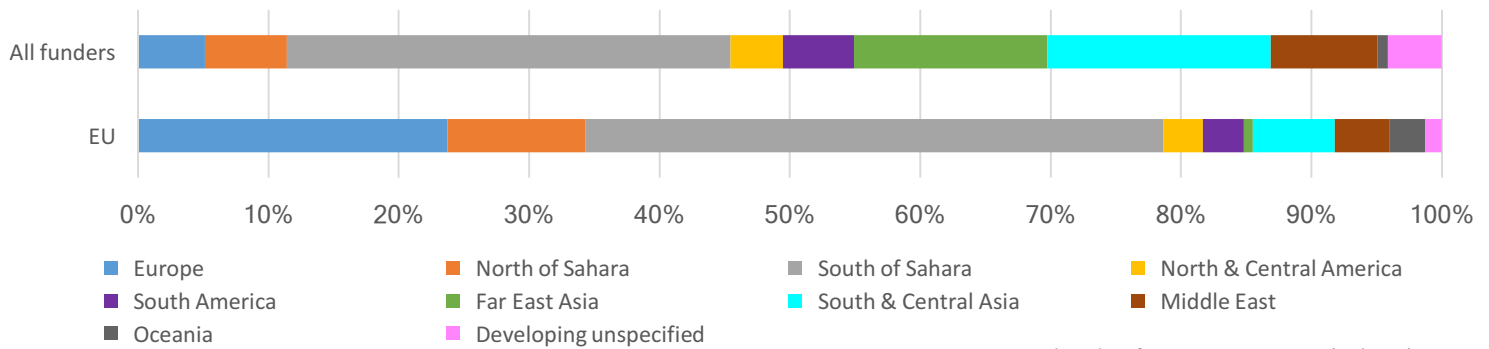
² The Development Assistance Committee (DAC) is a 30-member forum of the OECD made up of many of the largest funders, including the European Union.

Incorporation of normative content & principles relevant to the human rights to water and sanitation in development cooperation policy

| Normative content | Description of policy/measure | Details |
|--------------------------------------|--|---|
| Availability | Relevant commitments exist in policy for drinking water supply and sanitation but are not maintained or made explicit in new policies ³ | Communication on Water Management (CWM) (2002) espouses the principle to “[ensure] a supply to every human being... of sufficient drinking water of good quality and an adequate means of waste disposal”. In successive policies (Agenda for Change, 2011; New European Consensus, 2017), provisions do not possess sufficient clarity to constitute a guarantee for users: “the EU and its Member States will support sustainable and integrated water management as well as more efficient use of water” (New European Consensus). |
| Accessibility | <i>See above</i> | <i>See above</i> |
| Affordability | <i>See above</i> | In the CWM , among several measures meant to contribute to management by demand, the EU stated the importance of “[meeting] the basic needs of poor and vulnerable groups by designing tariff structures and collection systems in an appropriate way”. |
| Acceptability | <i>See above</i> | In the CWM , the EU identifies the following as an urgent priority to extending sanitation coverage and hygiene education: “a careful examination of the technical options, regarding health risks, prevailing attitudes and customs, acceptability, existing knowledge and practices, costs, ownership of facilities, and the regulatory framework.” The policy also highlights that the poorest and most vulnerable rural dwellers are “particularly sensitive to ... water of acceptable quality.” |
| Quality/Safety | <i>See above</i> | The CWM espouses the principle of “ensuring a supply to every human being, especially the poorest, of sufficient drinking water of good quality and an adequate means of waste disposal”. |
| Human rights principles | Description of policy/measure | Details |
| Participation | Dated policy commitments with specificity for water and sanitation; integration in general policies | In the CWM , EU promotes “participation of all stakeholders... in a spirit of balanced partnership at all levels and in all contexts, and including a gender balance. [Partnership] refers not only to managers, technicians, professionals and administrators, but all segments of society including economic and social actors, representatives of civil society such as NGOs and user associations, and the private sector.” Strategic framework on Human Rights: Places high value on regular dialogue with civil society; intends to deepen its cooperation with, <i>inter alia</i> , civil society; and aims to achieve the outcome of “genuine partnership with civil society, including at the local level”. |
| Transparency / Access to information | Dated policy commitments with specificity for water and sanitation | In the CWM , EU supports “transparent and accountable institutions”, and the development of transparent pricing mechanisms with the participation of users”. |
| Accountability | Integration in general policies | Strategic framework on Human Rights: “The EU seeks to prevent violations of human rights throughout the world and, where violations occur, to ensure that victims have access to justice and redress and that those responsible are held to account.” |
| Non-Discrimination /Equality | Dated policy commitments with specificity for water and sanitation; integration in general policies | In the CWM , the EU outlines its vision to enable disadvantaged people to enjoy equality of opportunity and live in a safe and healthy environment, and for all people, rural and urban, to have access to safe and reliable water supply and adequate means of waste disposal. Strategic framework on Human Rights: Supports strengthening of EU efforts to ensure universal and non-discriminatory access to basic services, with a particular focus on poor and vulnerable groups. Action Plan on Human Rights and Democracy (2015-2019): EU aims to “[s]tep up the promotion of the rights of persons with disabilities in EU external action by promoting equal access and enjoyment of human rights of persons with disabilities in compliance with the UNCRPD to which the EU is a party” (the right to water is recognised in the UNCRPD). |
| Sustainability | Dated policy commitments with specificity for water and sanitation; integration in general policies | In the CWM , EU promotes water abstraction charges and “polluter pays” principles to ensure environmental sustainability. It also supports pricing of water services to ensure financial sustainability while also designing appropriate tariff structures and collection systems to meet the basic needs of poor and vulnerable groups. |

³ The Communication on Water Management (2002) outlined EU’s then sector-specific approach for WASH, reflecting *inter alia* the EU strategy to attain the Millennium Development Goals. In similar fashion, the New Consensus on European Development (2017) represents the European Union’s strategy to attain the Sustainable Development Goals. However, in contrast to previous years, the New Consensus develops an approach that treats WASH as secondary to other sectors, and the policy possesses scarce provisions applying specifically to WASH services.

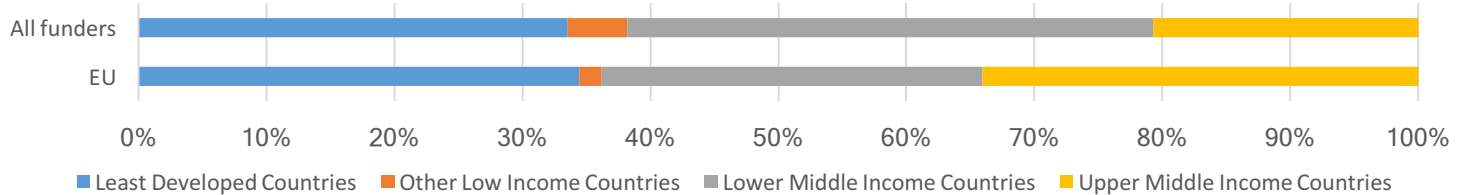
ODA WASH disbursements to world regions: yearly average, 2011-2015



Source: Based on data from OECD-CRS, consulted April 2017.

- ❖ In comparison with all funders' regional disbursement of funds for WASH in the period 2011-2015, EU disburses more to countries in the regions: Europe and South of Sahara. Consequently, EU disburses comparatively less to some other regions, notably countries in Far East Asia and, to a lesser extent, South & Central Asia and the Middle East.

ODA WASH disbursements to country groups (World Bank) income status: yearly average, 2011-2015



Source: Based on data from OECD-CRS, consulted April 2017.

- ❖ Compared to all funders' disbursement of funds for WASH in the period 2011-2015, EU disburses comparatively more to Upper Middle Income Countries and comparatively less to Lower Middle Income Countries.

Key tools

Ratification of relevant human rights instruments

- Convention for the Protection of Human Rights and Fundamental Freedoms (1953; all EU Member States are party but the EU has not acceded to the Convention)
- The Treaty on European Union (1992; Article 21) provides a mandate for EU to realise human rights and respect the principles of the UN Charter and intentional law through its external action
- Charter of Fundamental Rights of the European Union (proclaimed in 2000; applies to all the Institutions of the European Union)
- The EU Treaty of Lisbon (2009), which makes the European Union's Charter of Fundamental Rights legally binding.
- European Union is party to the UN Convention on the Rights of Persons with Disabilities (2010; Art. 28 recognises the right to water)
- All EU Member States are parties to the International Covenant on Economic, Social and Cultural Rights.

- **EU Human Rights Country Strategies** compile results of human rights assessments in partner States. The purpose of these assessments is to evaluate the partner State government's commitment to effectively protect and promote fundamental human rights values, including building on the output of UN and regional human rights mechanisms. The results of such strategies can influence the EU's development cooperation agenda in a particular country.
- The European Commission's "Gender, Human Rights, Democratic Governance" unit has made available a set of trainings and a help desk supporting staff in the implementation of the RBA tool-box. This is available for staff at headquarters and in EU Delegations and includes sector specific guidance.
- Significant funds for water and sanitation projects are obtained through blending facilities. For instance, in the period 2007-2016, through an accumulated €451 million invested by EU in 47 different water supply and sanitation projects, almost €3.5 billion in loans was leveraged.

Partnerships & Projects

- The EU channels most of its financial support for water and sanitation projects through programmes developed with specific countries. Such projects are funded particularly in countries that have given priority to their WASH sector and have requested assistance within their cooperation strategies.
 - The **European Development Fund** assists African, Caribbean and Pacific countries. The **Development Cooperation Instrument** covers Latin America, Asia and South Africa in its geographic programmes, and also includes thematic programmes and a Pan-African Programme. The **European Neighbourhood & Partnership Instrument** supports EU's neighbouring regions including Russia.
- Regular political reporting from the Heads of EU country offices (and/or Heads of Mission when appropriate) provides continuous information and assessments of political developments in partner countries. Based on such information, recommendations concerning *inter alia* EU's action through development cooperation may be formulated. Political dialogue between the EU and partner countries may be a mechanism to address concerns and challenges relating to fundamental values, including human rights issues.