



## Water Citizens National Forum

### Deriving full benefits of Citizens Participation for improved WATSAN Services; confronting the unfinished business of decentralization

ACRA – November 29, 2016

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First of all I would like to thank COSPE and the all the organizers of this Forum for having invited CICMA to participate to a common reflection over decentralized models of organizing access to safe drinkable water, according to experiences realized in the Western Region.

We have already had the opportunity to share, during the 1st National Forum Water Project Citizens some proposals related to a vision of water as a common good and a human right.

Our contribution moves from a vision of water resources and their governance based on other principles than the ones adopted in Ghana. Namely:

- a) the principle that **water is a global public common good**, not a commodity, therefore it cannot be managed as property of a specific community or State according to their exclusive interests and needs.
- b) the principle that **water is a universal human right**, therefore access to a minimum amount (50lt/person/day) indispensable for life and dignity of the person needs to be guaranteed by the State and the community on the basis of solidarity, while only the access to higher quantities of water can be submitted only to the condition of paying a price.

As for the questions that are at the core of this Forum, moving from these principles we shall thus try :

- 1) to stimulate some thoughts taking into account limits and critical aspects of the utilitarian approach to water as an economic resource currently adopted in Ghana, and of the dual model of access to water applied in urban and rural areas.
- 2) to propose possible paths for overcoming difficulties met by rural communities in ensuring access to water.

**Question 1 : How has the national decentralization policy been adapted to the water sector?**

*In our view , national decentralization policy provides no appropriate model for guaranteeing access to the human right to water for Ghana citizens, especially citizens in rural areas that are penalized compared to urban areas. Reasons for this lay in the fact that :*

**First consideration** : the model of access to basic human rights (water, sanitation) was developed in Ghana by adapting to **administrative decentralization system of the State** proposed by the World Bank and introduced in the late 80 years in Ghana as in most African countries. Both models of decentralization to promote access to human rights and public utilities do not guarantee an universal access to human basic right as water and basic sanitation.

**The second consideration** *National model of water management in Ghana is based on an approach characterized as it follows*

- Water is considered a **commodity**, owned by the State. Management of the resource is therefore oriented by economic profitability and the sale of water (through private concessions and through water bills on charge of the consumers). Access to water is then possible only by paying for it. Instead, access to water is a **need** for Ghana citizens, indispensable for life and dignity, that the State should take in charge as a human right. But the Ghana State, according to the South Africa Court, "is not under a constitutional obligation to provide any particular amount of free water", it only ought to be a "regulator and controller", committed to take reasonable concrete measures, to move as expeditiously as possible, to continually review its policy and investigate measures for poorest households' access to water by additional allocations for indigent households.
- The Model of governance and management is the **Integrated Water Resources Management (IWRM)** introduced since 1993 by the World Bank. This approach is based on the principles : **user pays** and **polluter pays**, according to principles of efficiency of investments. This model includes the involvement of private corporations, public-private partnerships, privatization and decentralization of water management, none of which is able to guarantee the human right to water.
- The Integrated Water Resources Management has become the world's bible, has been endorsed by the United Nations, adopted by governments and international institutions (above all the European Union and most African Countries). Now it's introduce in the **New UN Agenda of Sustainable Development Goals**. Objective 6 of the Agenda proposes "to ensure by 2030 universal access to water through an affordable price". No reference to water as a specific universal human right, nor to State obligation to guarantee all citizens a minimum amount of water responding to their vital need.

**Question 2. What have been the specific steps taken to introduce decentralization of water service delivery?**

*Decentralization of water services is framed within the National Water Policy adopted in 2007 and shares the same foundations, and therefore the same limits. As we already said, Ghana adopted the model of the Integrated Water Resources Management, a model promoting the co-ordinated development and management of water, land and related resources in order to maximize economic returns. Rather than listing specific steps in introducing a system of water decentralization, we shall list here the limits of the decentralized administration model.*

- **(1 LIMIT)** Since the adoption of the National Water Policy of 2007, Ghana water policies are structured on two independent tracks, referring to the urban environment and to the rural one. Decentralization implies a division of water companies for the management of the water service: The Ghana Water Company Limited (GWCL) in the urban context, and the Committee Water and Sanitation Agency (CWSA) in rural context. The adoption of a **dual water management model** between urban area and rural area comes from a vision of water as an economic resource, that must be attractive for private investment. But investments are focused in the urban sector, considered the most promising from a commercial point of view, given the shortcomings of resources and funding that chronically afflict water sector in Ghana.

**Decentralization reinforces the separation of the two models, and does not prevent from penalization of rural areas.**

- **(2 CRITICAL LIMIT)** A further critical limit of decentralization lays in **the management policies and investments**. The governance of water national resources are implemented by the **Water Resources Commission**, the national authority for water governance introduced by the Act 522 of 1996.

The **Commission**, chaired by a Minister or Deputy, is only composed of representatives of institutions having a competence on water: Ghana Water Company Limited ; Organizations producing potable water ; the Hydrological Services Department of the Ministry of Water Resources, Works and Housing the Volta River Authority; the Irrigation Development Authority; the Water Research Institute; the Ghana Meteorological Agency; the Environmental Protection Agency the Forestry Commission the Minerals Commission, the Executive Secretary.

In this Commission they are not the presence of representatives of local Agency (CSWA) engaged in the water management at rural level or representatives from Region or District levels.

The **funding model** of management and protection of water resources is left to contributions of the water users, namely through revenues from

- Water Use and Drilling Licensing
- International cooperation for finding capitals and investments for infrastructures
- Pricing policies defining access to water

**The State does not provide any public investment to protect water as a common good and to improve infrastructures required for ensuring universal access to water.**

- **( 3 -THIRT LIMIT)** A crucial limit is represented by the **coordination mechanisms** of decentralization. In theory, the coordination structures have the task to track requests for funding and investment from rural communities and District Assemblies, up to the Water Resources Commission, that in turn negotiates with foreign donors. In fact, power relations end up objectively to favor government needs, the priorities of donors / lenders, who finance the projects most suited to their logic, rather than to comply with priorities and requests advanced from rural communities.

The **absence** of participatory modes of citizens' committees and of civil society in decision-making organs of decentralized management of water services make up a fundamental weakness of decentralization, particularly in rural areas. WATSAN committees active in rural areas are based on voluntary work, and are unable to influence The in urban model the stakeholders (institutions, corporations, media, NGOs) can participate to

**Decentralization is therefore unable to respond to most urgent needs of the poorest areas.**

- **(4 QUART LIMIT)-** A **criticality limit is represented by the vision and mobilization of civil society and citizens**

Ghana civil society has played a decisive role in the mobilization against water services privatization through the experience of the National Coalition Against Privatization of Water (NCAP). The Coalition has been able to stop in 2011 the agreement with Vitens Rand Consortium that included the privatization of water service management, and to maintain water services under the control of the public company GWCL.

In the following years however the mobilization of Ghana civil society, similarly to other Water Movements in Africa and Europe, focused mainly on monitoring water services management. And yet, larger fundamental issues can be claimed by civil society and be the core issues of citizens mobilization. The **Constitution of Ghana** does not yet recognize water as a universal human right to be guaranteed to all citizens. However Ghana Government ratified the UN resolution of water as human right (2010) and the International Covenant on Economic, Social & Cultural Rights .

**After the 2010 the Civil society should mobilize to ask the introduction of the human right to water into the Constitution and for the adoption of a new National Water Law eliminating the dual model of managing access to water in urban and rural areas, in the purpose of ensuring to all citizens of Ghana the universal access to water as a human right and a common good , a model of participation of local community and citizens to the management of water.**

**Question 3. What have been the results of efforts of decentralization in the sector, has it affected participation and what remains undone, and why?**

- **First result:** penalization of citizens living in the rural areas, compared to urban areas. People living in cities can benefit from a public water service managed by the national agency supported by the state; whereas for people living in rural areas access to water depends upon

private funding and the ability to find local resources for maintaining infrastructures. The State do not assure universality and equality of access to a fundamental rights.

- **Second result:** subordination of access to water to external funding. The State having not taken the responsibility of publicly funding infrastructures and wells required for providing access to water in rural areas, funding came from institutional donors, banks and governmental cooperation programs. The World Bank is among the top donors in Ghana, other donors are the African Development Bank, and governmental cooperation from Sweden, Holland, England, France and the EU Commission..
- **Third result:** in rural areas, the ordinary management and maintenance of infrastructures and wells having been entrusted to decentralized local authorities (the Community Water and Sanitation Agency-CWSA) and local committees, no solution has been offered to stop deterioration of water quality from direct sources (rivers, wells), and deterioration of infrastructures (aqueducts and wells).
- **Fourth result** No financial sustainability of the water services management model determined by the uncertainty of public funds and financial resources through the sale of water

In the cities, lack of funding has made it impossible to improve infrastructures and the quality of water, to reduce losses and pollution, while it has increased cases of non-payment of water bills and illegal connections to pipelines.

In the rural area the Community Water and Sanitation Agency (CWSA ) are responsible for water management in the villages, but in fact, don't have public funds to ensure the maintenance of the management and support to the committees. He lives mainly on external funding.

The decentralization system of water management in the rural area are present the following critical point

- does not resolve difficult policy issues at financing, delivery, regulation levels
- does not provide international standards to guide political & economic decisions over the allocation of water resource
- strengthens accountability for delivery of water & sanitation service
- introduce differentiated modality to water access in Ghana Region's depending on the projects and models offered by lenders
- difficulties of access and connection to the aqueducts or wells controlled by the government company (More than 35% of people in the Jomoro district rely on hand-dug wells)
- deterioration of water quality from direct sources (rivers, wells)
- difficulty level of participation and decision-making in Ghana water company (GWCL)  
Operates town and at rural level in the Community water and sanitation (CWSA)

**Solutions proposed by the Authorities are not really convincing, in so far the keep going towards mercerization and privatization of water service, what the Ghana civil society has already been able to block ?**

### 3<sup>rd</sup> SESSION

#### Strengthening Local Government and District WATSAN agencies Ties for functional participation

This Session focuses on what is the ideal and **what is possible in view of the foregoing**. The fact that decentralization for the water service agencies have not gone far as is the case for other sectors is contested by none. Presently the effect of this in the water sector is the **very limited influence that citizens** at the local level have in affecting the priorities of the service agencies towards their needs. **If at all they are able to influence their local governments** how is their local government in turn also able to influence the service agencies such that infrastructural projects and services are relevant and responds proportionately to the needs of communities.

#### What is possible in view of the foregoing?

Concerning perspectives for future developments of water governance in Ghana, our proposals arise from the **critical points** we have already described, and follow **two different lines**.

1. The **first proposal** is that **citizens and organized civil society claim to introduce in the Constitution** of Ghana, the recognition of the human right to water and introducing a national model of public governance to guarantee all citizens water as human right and common good.

This claim might take advantage of some **prerequisites** favouring such proposal:

- Ghana supported the 2010 UN Resolution of water as a human right, and ratified the International Covenant on Economic, Social & Cultural Rights (7 Sept, 2000);
- water management in Ghana is entrusted to a public agency, no private corporations are involved;
- the Ghana Constitution provides (Art.168) that “Any transaction involving grant of a right or concession for exploitation of any water or other natural resources shall be subject to ratification by Parliament”.

2. The **second proposal** is that **citizens and organized civil society claim, by an advocacy campaign, a new national water law or policy to formalize the State obligations to guarantee the human right to water to all the citizens, to protect of water resources as a common good, the modalities of citizen participation to the water public governance at national and rural area.**

We suggest a mobilisation to ask to the Ghana Parliament to adopt a framework law built on the following principles:

- water is a common good and a human right of Ghana citizens, not a commodity managed by the State;
- the human right to water implies that the right to a minimum water for subsistence is quantified (50 lt.) and the State is forced to guarantee it free of costs to all citizens;
- the cost of such a minimum water must be covered by public resources, or through a percentage charged on water bills, in order to ensure the universal human right;
- the community and the Management Committees hold the right to determine the kind of water services and how this service has to be managed and supported by the State through grants and training support;
- a progressive pricing system can be used for privileging human use over other uses, and for regulating consumption in urban and rural areas.

**3 . The third proposal is that the community of citizens adopt some actions to defend the right to water access :**

- The Committees of citizens can file complaints with the **Court of Human Rights of Ghana** denouncing critical issues preventing access to water through the existing decentralized management model and the lack of assistance from regional agencies in the rural area.



*It's possible to present an infringement complaint on the base of the Art. 33 of the Ghana Constitution.*

- Further complaints might be filed to the **Human Rights Council** in Geneva denouncing difficulties in access to water for human and productive use at rural level compared with the modality to urban system.

*Ghana Government must submit reports to the Committee on Economic, Social & Cultural Rights within 2 years and it is called to respond to complaints received by the Human Rights Council*

#### **4. The forth proposal is possibility to modify the model of national decentralization water policy**

The Committees can request an amendment to the National Water Policy of Ghana, to modify the operating regulations of the Ghana Water Company Limited (GWCL) and Committee Water and Sanitation Agency (CWSA) introducing the recognition of **community systems**, can claim that **representatives of citizens committees** participate to the Water Resources Commission and share decisions about National and Region Agency of water policy.

#### **5. The last proposal**

The local Committees can adopt self-financing management, through the adoption in every community of a progressive rate system for human and productive water uses for covering maintenance costs, costs for the ecosystem environmental protection, and costs for guaranteeing to all the members of the community a free access to a minimum water for the subsistence.

I wish to conclude this contribution to this Forum, signalling an International Campaign launched by the World Contract to call the international community to adopt an International Protocol or Treaty, that define the obligation for the States Parties to guarantee the human right to water at a level of minimum subsistence.

*We have launched an **International Campaign for the adoption of a Second Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on the human right to water**. The Protocol intend to define procedural and substantial ways for a State in order to effectively ensure to its citizens the human right to water. A short presentation of this proposal was distributed; the principles mentioned can be inserted in the legislation of individual countries. *The Protocol may constitute a valid legal framework to update the Ghana National Water Policy. We hope that NGO and Water Citizens Committee can support this Campaign. To the site [waterhumanrighttreaty](http://www.waterhumanrighttreaty.org) (in English), we can identify the modality to support this proposal.**

*Ghana Government can also be a promoter towards the international community presenting the proposal at the Human Rights Council for the adoption of the International Protocol. Ghana can play a positive role in the International Campaign, because:*

- Ghana is a Member of UN
- Ghana is a member of the Board of Council of Economic, Political and Social Rights
- National Environmental Sanitation Policy (NESAP): endorsement of right to water
- Ghana ratified the International Covenant on Economic, Social & Cultural Rights.

**I apologize if for unforeseen health reason are not to the work of this Water Forum  
MANY THANKS FOR YOUR ATTENTION**