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Communication

Designing Human Rights for Duty Bearers: Making the Human Rights to Water and Sanitation Part of Everyday Practice at the Local Government Level

Naomi Carrard [1,*], Hannah Neumeyer [2,*], Bikash Kumar Pati [3], Sabiha Siddique [4], Tshering Choden [5], Tseguereda Abraham [6], Louisa Gosling [7], Virginia Roaf [8], Jorge Alvarez-Sala Torreano [9] and Sören Bruhn [2]

1 Institute for Sustainable Futures, University of Technology Sydney, NSW 2007, Australia
2 WASH United, 10961 Berlin, Germany; soeren.bruhn@wash-united.org
3 WaterAid India, 1266, Bhoi Nagar, Unit 9, Bhubaneswar, Odisha 751022, India; BikashPati@wateraid.org
4 Simavi, Dhaka 1213, Bangladesh; Sabiha.Siddique@simavi.nl
5 SNV, Thimphu 11001, Bhutan; tchoden@snv.org
6 WaterAid Ethiopia, Bole Sub city, Woreda 03, Addis Ababa, Ethiopia; TseguredaAbraham@wateraid.org
7 WaterAid UK, London SE11 5 JD, UK; LouisaGosling@wateraid.org
8 Independent Consultant, 10437 Berlin, Germany; virginiaroaf@googlemail.com
9 UNICEF, New York, NY 10017, USA; jalvarezsala@unicef.org
* Correspondence: Naomi.Carrard@uts.edu.au (N.C.); Hannah.Neumeyer@wash-united.org (H.N.)

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Abstract: In most countries, local governments bear primary responsibility for ensuring everyone has access to water and sanitation services. For the human rights to water and sanitation to move from recognition to realisation, they need to become part of the everyday practice of local authorities. Yet the potential for the human rights to water and sanitation to practically inform local efforts towards inclusive, sustainable service delivery has received limited attention to date, with human rights discourse more typically focusing on national and international levels or on building the capacity of rights holders to claim their rights from government. There is considerable opportunity to consider how human rights can constructively inform local government efforts to expand and improve services. This *Communication* article presents a novel approach to making human rights relevant and actionable for local authorities. Developed by a consortium of WASH-focused organisations and informed by design thinking, the Making Rights Real approach combines user-centred materials showing how human rights can inform local action, with a process of constructive engagement between civil society and local government professionals. The Making Rights Real approach has been applied in 12 countries by 37 civil society organisations to date. In this paper, we describe the development and features of the Making Rights Real approach, share initial results from its implementation, and reflect on the potential for the approach to catalyse transformational change towards local realisation of the human rights to water and sanitation.

Keywords: local government; human rights to water and sanitation; human rights principles; human rights; design thinking; civil society; systems-strengthening; sustainability; WASH; SDGs

1. Introduction

With a decade passed since the human rights to water and sanitation were officially recognised by the United Nations [1], and a decade remaining to achieve the Sustainable Development Goals [2], 2020 marks an important milestone and critical point for reflection. In particular, it is timely to consider how we are progressing from the recognition of the rights to their practical application at

local scale. Recent data reveals that despite substantial progress in service delivery, there are persistent inequalities jeopardising the realisation of the human rights to water and sanitation for individuals and groups that are potentially disadvantaged by where they live, who they are or what they do [3]. Other challenges in service delivery relate to sustainability, accountability, transparency or participation and therefore to human rights principles [4,5].

The human rights framework can be a powerful driver and enabler of more inclusive and sustainable service delivery. Yet its potential to inform the local level—where services are delivered and inequalities in access are experienced—requires both greater focus and innovative approaches [6]. Global discourse on social and economic rights generally, and on the human rights to water and sanitation specifically, tends to focus at international or national scales or on building capacity for claiming rights [7,8]. Similarly, within the water, sanitation and hygiene (WASH) sector, there have been many commitments to the human rights to water and sanitation in laws, policies, plans and organisational strategies. However, WASH organisations interested in working with human rights at local scale have struggled to define what this means beyond building the capacity of rights holders to claim (or demand) services from government. This reflects a broader tendency in development discourse to frame power dynamics between states and citizens in adversarial terms, and speaks to the need for strategies that foster more positive notions of dialogue and partnership between local governments and their constituents [9].

For human rights to move from recognition to realisation, they need to become part of the everyday practice of local government and other service providers [10]. Local governments are the duty bearers with primary responsibility for water and sanitation service delivery in most contexts [11,12], and there is opportunity for rights-thinking and rights-practice to more strongly guide the way local governments oversee and/or deliver these services. Across diverse geographic and developmental contexts, the challenges faced by local governments in fulfilling their obligation to ensure service delivery for all have been well documented and include constrained budgets and limited technical capacity [13,14]. The resulting tendency of officials to feel constrained by external factors, rather than taking responsibility for proactively taking steps—even if small—towards the realisation of the human rights to water and sanitation, demands novel approaches that can support and inform local authorities [13].

This article presents an approach developed to make the human rights to water and sanitation relevant to, and constructive for, local government. The approach seeks to "make rights real" for local government officials and is founded on a theory of change that asserts the potential of individual transformation to prompt wider shifts in organisational culture and practice. The approach recognises that local government officials are people who respond to individual drivers and challenges within the context of their specific roles and responsibilities. It emphasises the value of personal engagement as a change creation process [15], providing a framework for civil society to engage constructively with local officials towards greater awareness about, valuing of and capacity to realise services for all. We first outline the methodology used to develop the Making Rights Real approach. We then describe how the approach works in practice and present initial results from the implementation of Making Rights Real across four case study countries. We share reflections on the strengths of the approach, highlighting its complementarity to WASH system strengthening activities and its collaborative, constructive approach to engagement on human rights. Finally, we reflect on the challenges and tensions associated with developing a scalable, globally replicable approach designed to be locally refined and independently implemented, and how these are informing the future evolution of Making Rights Real.

2. Developing the Making Rights Real Approach

The Making Rights Real approach emerged from a consortium of WASH-focused organisations working across programming, advocacy, policy and research realms, including: WASH United; WaterAid; University of Technology Sydney- Institute for Sustainable Futures; End Water Poverty; Simavi; UNICEF; and the Rural Water Supply Network. With expertise spanning human rights law, communication and social and technical aspects of WASH and development, the team convened

around three core ideas. First, the conviction that human rights can be constructive and enabling for WASH professionals in their everyday practice. Second, that local government is a critical institution to focus on, being at the forefront of service delivery and often constrained by a lack of financial and technical resources. Third, that innovative approaches are needed to make human rights relevant and useful for local government officials.

Design thinking informed the process of developing Making Rights Real, positioning local government officials as "users" with individual beliefs, preferences and motivations [16]. A design thinking process is typically structured in five phases that seek to (1) fully understand the intended user of a product (empathise); (2) on this basis, specifically define the problem that the product needs to solve (define); (3) generate a range of creative ideas that might solve the problem (ideate); (4) select the most promising idea(s) to develop prototype(s) (prototype); and (5) test the prototype product(s) (test) [17]. From there on, test results are collected and used to improve the prototype until it is ready to go to market (implementation). Further refinement is ideally done through the same cycle, leading to ongoing improvement of the product. In taking inspiration from design thinking, the intention was to build empathy with local government officials and foster creative thinking about a practical way of making the human rights framework relevant and actionable in their everyday work.

Partnering with C3, a communications agency experienced in design thinking and product development, the consortium conducted research to characterise local government officials. This involved a series of semi-structured interviews with 12 local government officials (seeking direct experience and self-reflection) and 30 non-government WASH professionals who regularly work with local governments (seeking external observations), covering a range of countries in Africa, South and South East Asia. Interviews were framed in terms of "inclusive service delivery" rather than the language of human rights and explored the drivers and motivations of local government officials as well as factors that enable or constrain their efforts towards universal and sustainable water and sanitation services in their jurisdiction. The results of this research are further described by Keatman et al. [13].

From interview data, a set of "personas" were developed, characterising four personality types for local government officials and defining one of these—named the "would-be hero"—as the target audience for Making Rights Real. The would-be hero is described as someone committed to their professional role, motivated to work towards inclusive service delivery, but constrained in some ways, for example, by a lack of institutional or personal authority, knowledge or resources. This persona is identified as the type most likely to benefit from engagement on human rights, in contrast with a "super hero" persona who already has the capacity and resources required to act, and with less motivated or change-resistant personas.

With a local government "would-be hero" in mind as the target audience, the consortium and communications agency worked together to sketch out a common routine of local government institutions relevant to the delivery of water and sanitation services. This common routine included descriptions of hierarchies and typical constraints that local government officials experience. Within this "journey" of a typical local government official, the team identified relevant points for consideration of human rights principles so that they would be actionable in the daily routine of local government officials. These points are intended to lower the bar for local government "would-be heroes" to work in line with human rights principles, thereby ultimately improving their performance towards the realisation of services for all.

The empathic description of a typical local government official as a persona, combined with the "journey" that situates human rights thinking in daily practice, was used as the basis for the "ideation" phase of the design thinking process. The team collected several ideas and developed one of these into a prototype set of materials, comprising (i) a pocket guide detailing basic concepts and principles; (ii) a manual providing guidance on applying human rights principles in practice; and (iii) a diagrammatic representation of "the journey" for a local government official. The materials are available in seven languages to date, free to download from https://human-rights-to-water-and-sanitation.org/. The original prototype, first published in 2016, was distributed to local government

officials through local civil society organisations (CSOs) , who used their expertise and ability to situate the materials in the local context.

Following the development of the prototype resources and their initial distribution, the team articulated a process of implementation (based on experiences in Odisha, India, as described below), termed the Making Rights Real "approach". The approach encompasses both the Making Rights Real materials (the "product" in design thinking terms) and a suggested process of using them. The process (Figure 1) involves the introduction of the concepts and materials by civil society organisations with relevant expertise and an existing (or developing) relationship with local government. To date, a typical model includes a combination of CSOs at national and local levels. Nationally-based CSOs introduce human rights principles and Making Rights Real materials to locally-based CSOs, who then identify "would be heroes" in their partner local government agency and seek interest from these individuals in further engagement. The materials and related concepts then inform a series of one-on-one meetings between the selected government officials and CSO staff members to introduce ideas about the relevance and usefulness of human rights in professional practice. Initial guidance on this process has been developed, comprising information about the personas and template questionnaires that can be used to structure one-on-one meetings with would-be heroes.

Figure 1. Suggested process for implementing the Making Rights Real (MRR) approach.

3. Features of the Making Rights Real Approach

Three fundamental features of the Making Rights Real approach inform its uptake and use.

First, emphasising the five human rights principles of non-discrimination and equality, access to information and transparency, participation, accountability and sustainability is a critical feature of Making Rights Real. This contrasts and complements a WASH sector tendency to focus on the directly practical and more technical human rights standards of availability, physical accessibility, quality and safety, affordability and acceptability. For professionals working in local government, the principles of human rights can guide how to work towards progressive realisation of the rights (for example, by addressing inequality, ensuring participation and accountability), even with limited resources and within their area of responsibility.

Second, local contextualisation and adaption is critical. The involvement of local non-government organisations acknowledges that materials alone will not create an impact. Rather, they can be constructively introduced through a process of engagement. As such, the materials and process of engagement are intended to be adapted by the implementing organisation with each application. Specific steps that local government officials can take to achieve progressive realisation of the human rights to water and sanitation are found locally in the process of engagement, rather than prescribed. This ensures that the human rights principles inform actions in the most appropriate ways in a given context.

Third, the Making Rights Real approach is focused on working collaboratively and constructively with local governments. This recognises that when it comes to the realisation of services, local government often has most responsibility, but limited constructive support. It also responds to a demand from WASH sector civil society organisations, in particular, to work with human rights.

In choosing the niche of collaborative engagement with local government officials, the Making Rights Real approach does not de-value other strategies for working with human rights. Advocacy-oriented approaches that engage rights-holders and empower them to assert and claim their rights, or seek to influence legal and policy frameworks towards consistency with the human rights to water and sanitation, are important methods. Making Rights Real is complementary to these methods and it is understood that organisations at the local level are best placed to strategically choose how they work with human rights.

4. Making Rights Real in Practice—Emerging Results and Reflections

To date, the Making Rights Real approach has been (or is currently being) used in 12 countries by 37 national and local level civil society organisations. In this section, we share results and reflections from these experiences, illustrated by case examples. Evidence is drawn from the direct experience of authors implementing Making Rights Real in four countries, including their interviews with local government officials. Experiences so far demonstrate the potential for Making Rights Real to trigger transformational change for civil society implementers and local government partners and to influence practical action towards the realisation of the human rights to water and sanitation. Reflections speak to strengths of the Making Rights Real approach, including: (i) its complementarity to WASH systems-strengthening activities; (ii) using design thinking principles to build the transformative potential of personal relationships between civil society organisations and local government officials; and (iii) the value of a collaborative approach to overcome hesitation about human rights. We also discuss challenges related to tracking and attributing the impacts of Making Rights Real activities, and the inevitable tensions that emerge when building a scalable, replicable approach that necessarily requires local contextualisation to be effective.

4.1. Emerging Results

Experiences with Making Rights Real to date indicate three potential levels of impact: on civil society implementers, on local government officials, and on WASH services. In this section, we present examples of results at each of these levels, illustrated with reference to the implementation of Making Rights Real in India, Ethiopia, Bangladesh and Bhutan. In India, WaterAid worked in partnership with three local civil society partners (Pragati Jubak Sangha (PJS) India, Joint Endeavour for Emancipation Training & Action for Women (JEETA) and Regional Centre for Development Cooperation (RCDC)) to pilot Making Rights Real with local government officials in three districts in 2017. In 2018, WaterAid Ethiopia began using Making Rights Real within its larger systems-strengthening project, SusWASH. The objective is to improve the motivation of local government officials towards responsive, inclusive service delivery. In Bangladesh, Simavi is currently using the Making Rights Real approach to foster local practices that match the nation's high-level recognition of the human rights to water and sanitation. They are implementing Making Rights Real with local partners Development Organisation of the Rural Poor (DORP) and Stichting Land Ontwikkelings Project Bangladesh (SLOPB) within their WASH Alliance International sub-progamme of the WASH SDG consortium and Watershed programme. In Bhutan, where SNV – Netherlands Development Organisation and the Ministry of Health work in partnership implementing the national Rural Sanitation and Hygiene Programme, Making Rights Real has become part of the process of SNV's engagement with government officials at the district level towards the integration of human rights principles within their daily work.

Civil society professionals implementing the Making Rights Real approach have reported benefits, including increased confidence in their engagement with local government and a more systematic approach to addressing exclusion. In India, local civil society organisations experienced a

shift in their engagement with local government. Whereas they had previously spoken from the perspective of rights holders, Making Rights Real prompted them to also think from the perspective of duty bearers. This facilitated a less confrontational, more constructive way of approaching local government officials. With a shift from tense to collaborative engagement, civil society professionals were more confident in raising sensitive issues. Making Rights Real also prompted a more systematic approach to addressing human rights, going beyond focussing on a single community to consideration of common challenges and advocacy on these issues across a whole district. In Bhutan, the systematic approach offered by Making Rights Real was also valued. While SNV and the Ministry of Health had already been operating from a rights-based perspective, Making Rights Real added value by demystifying human rights principles and providing a clear, accessible way to ensure integration of the principles into local processes of engagement about sanitation. This was also experienced in Bangladesh, where Simavi staff previously saw human rights as a legal obligation and very abstract and found Making Rights Real to be a clear, handy, organised and effective guideline to their practical application.

Local government officials engaged in the process have reported a shift in their personal sense of responsibility and empowerment regarding inclusive service delivery and the human rights to water and sanitation. In India, where baseline and endline surveys were conducted with local officials, a marked shift in personal responsibility was observed. At baseline, only two of 34 respondents saw reaching the poor and marginalised as part of their role, compared with the endline where all officials recognised reaching everyone as their responsibility. One official described this shift: "To me, WASH services was always charity. This tool made me realise it's hard duty, it's people's rights" (local government official, Debagarh, Odisha, India, 2018). The India experience has been further documented by Pati and Neumeyer [16]. In Ethiopia, local officials reported a similar shift, with one commenting: "the tools give you responsibility and make you take ownership of water and sanitation activities, they provide information on how to consider equity and inclusion" (local government official, Gololcha woreda, Bale zone, Oromia region, Ethiopia 2018). Another shared how the use of the MRR materials had inspired a more reflective approach: "I have used [the manual] to review my planning…it even gave me an opportunity to seek feedback on how I am working" (local government official, Golocha, Ethiopia 2018). In Bangladesh, Making Rights Real introduced a human rights lens to officials previously unaware of the status of water and sanitation as human rights. Increased awareness was positively received, with one commenting: "I have not seen WASH services from the lens of human rights…I am keen to take guidance from Making Rights Real materials while doing planning so that we can reach the poorest" (local government official, Betagi Municipality, Barguna District, Bangladesh 2019). In Bhutan, health officials expressed that engagement with civil society through MRR was the first time they had discussed human rights principles in a non-threatening manner (feedback provided to SNV, 2019).

Flowing from changes in the sense of responsibility and agency of local government officials, impacts on WASH service delivery have been observed in budgetary decisions and the level of government attention to inclusion. In Bhola district in Bangladesh, following a process of engagement around Making Rights Real between Simavi, DORP and local government partners, the Union Parishad, for the first time, allocated a separate WASH budget for women, people with disabilities and marginalised groups. In Debagarh district in India, Making Rights Real resulted in a recognition by local government officials that a previous open defecation free declaration was incomplete as people with disabilities had not been reached. They requested guidance from WaterAid on the design and costs of accessible sanitation options, and piloted use of these options in two areas [18]. Also in Debagarh district, officials developed action plans for ensuring services to geographically remote villages, including allocating budget for road construction [18]. In this example, allocating budget for road construction was viewed by a local government official as one small step towards a longer-term goal, which reflected an increased sense of agency and capacity to contribute to progressive realisation. WaterAid observed that the local government official really understood that if he has limited resources, he can take small steps and keep working on it year after year. In Bhadrak district, Making Rights Real inspired education officials to develop orientation sessions for engineers and

masons on accessible facilities, and a plan for monitoring accessibility of services for people with disabilities [18]. The India case study presented here demonstrates the longest standing use of Making Rights Real, thereby showing the most tangible results, while the more recent implementation cases so far can only report shifts in attitudes and commitments.

4.2. Strengths of the Making Rights Real Approach

The Making Rights Real approach aligns with, and offers added value to, WASH programs seeking to strengthen systems for sustainable, inclusive services. Concepts of "systems-strengthening" and "system-wide change" have increasingly informed WASH sector approaches in recent years [19]. A WASH system, as defined by Huston and Moriarty [14], describes "all the people, components and functions that are needed to deliver WASH services", and is comprised of actors and factors across technical, financial, policy and environmental conditions. A systems-strengthening approach explicitly recognises the key role of local government institutions in water and sanitation service delivery and acknowledges the challenges they face in contexts where the decentralisation process is incomplete [14]. Described as a "philosophy of action" rather than intervention type, a systems-strengthening approach seeks to engage with complexity and work towards meaningful, sustainable solutions [14]. Within this framework, Making Rights Real offers a practical means of engagement with local government institutions on systemic issues and ways of working. Feedback from implementing partners to date attests to the added value offered by Making Rights Real. Although acknowledging that additional resources (particularly staff time) are required, partners have described Making Rights Real as highly complementary to ongoing program activities, and beneficial in bringing both structure and innovation to their mode of engaging with local government towards strengthened foundations for service delivery.

Another strength of Making Rights Real is its empathic approach to engaging with local government officials, which breaks down barriers and identifies opportunities for integration of human rights into daily practice. The design thinking approach views local government officials as individuals (rather than generic bureaucrats) with personal motivations and challenges. This is reflected in the "personas" tool, and in the suggested process whereby civil society partners sit with local government officials through a series of one-on-one conversations, using the materials and talking about human rights. Implementing partners have found the personas thinking particularly valuable for prioritising efforts in relationship building, and for its celebration of individual strengths. In Bhutan, personas thinking helped implementing partners identify, then target, key officials with which to build relationships for Making Rights Real and wider program activities. The one-on-one conversations then provided a platform for building strong relationships, gaining a deeper understanding of the aspirations of selected would-be heroes. In Bangladesh, officials approached to participate in Making Rights Real activities felt acknowledged for their work to date, which helped create buy-in for further participation in the process. Securing buy-in and making personal connections was seen as particularly important given the time investment required to participate in one-to-one conversations over time.

Finally, the Making Rights Real approach is deliberately designed to take a constructive, collaborative approach to engagement with the government on human rights. This is appropriate for the WASH sector, where working in partnership with government is considered best practice in line with, for example, systems-strengthening approaches. The collaborative approach also seeks to address some of the fundamental challenges with making human rights useful for local government, where human rights can be seen as too legal, lengthy, abstract and adversarial. In Bangladesh, the collaborative approach was described by implementing partners as a crucial part of promoting services for all and fostering government willingness (and sense of obligation) to realise human rights to water and sanitation. In India, approaching discussions about human rights collaboratively with local government was a major shift in perspective for civil society implementers compared with their previous focus on rights holders, and one that enabled the environment for the discussion on rights. These positive experiences with Making Rights Real in the WASH sector suggest that the approach could be adapted for local governments working on realising other economic and social rights such

as education or health, where local government officials are similarly constrained and in need of constructive solutions to entrenched challenges.

4.3. Challenges and Tensions

As the use of Making Rights Real has expanded, challenges and tensions have emerged in two key areas: monitoring the impact of the approach, and supporting its local contextualisation. First, it is challenging to track and attribute all the impacts of Making Rights Real given the indirect pathway to change, which seeks to achieve transformational shifts in local government officials that will then (in the theory of change) flow on to substantive action. While this is a deliberate approach, which we believe can lead to more systemic uptake and implementation of human rights principles in the long term, it is difficult to trace the pathway from engagement to action over time and to define the specific contribution Making Rights Real activities made to impacts achieved. This is particularly the case given Making Rights Real is typically (and most usefully) applied as a complementary add-on to existing programs, so untangling the relative influence of Making Rights Real and other program activities in achieving outcomes can be tricky. To address this challenge, the Making Rights Real consortium plans to develop a structured monitoring and learning approach that can be used by implementing partners to collect and share evidence on the useability, reception, and impacts of Making Rights Real.

Second, Making Rights Real is intended to be globally useful, scalable, and locally contextualised, which requires implementing partners to be able to adopt and adapt the Making Rights Real approach with limited support from Making Rights Real consortium members. To date, consortium organisations have been involved in each of the cases where Making Rights Real has been used comprehensively. In the future, we hope that Making Rights Real will be taken up and adapted for many more contexts, but to achieve this, consortium members must become less involved. In principle, this is already possible; however, no such examples exist to date. At the current stage of development, the approach is most suited for application by a limited number of organisations highly competent in engagement and advocacy with local government.

In the next phase of development, Making Rights Real partners will be considering how consortium members can become more "hands off" while still providing sufficient support so that implementers can shape Making Rights Real to best fit their own contexts. Implementing partners have reflected on this question, noting both the value that consortium support provided in the process and sharing ideas about how to foster more independent local adaptation. Suggestions include working with and through civil society "would-be heroes" in a parallel fashion to Making Rights Real itself, and ensuring experiences are more systematically documented and shared, such that the process and outcomes can be comprehended by those not already familiar with the approach.

5. Conclusions

To move from national recognition to local realisation of the human rights to water and sanitation, a focus on how human rights can inform the everyday practice of local government is demanded. The Making Rights Real approach offers a structured, constructive process that makes the human rights principles of equality, participation, accountability, access to information and sustainability relevant and practical for local government officials. The approach seeks transformational change in local government officials towards greater awareness of, intrinsic motivation for, and enaction of, human rights principles and standards.

Used in 12 countries by 37 civil society organisations so far, Making Rights Real has achieved promising results across three levels of impact: on civil society implementers, on local government officials and on WASH services. Experiences implementing the Making Rights Real approach highlight its complementarity to systems-strengthening activities and its capacity to overcome defensiveness towards human rights by taking a deliberately collaborative and constructive approach to engage local government. At this stage of Making Rights Real development, the consortium is reflecting on challenges associated with the monitoring and attributing impacts of the approach, as well as with how to enable independent uptake within and by other civil society

organisations. Developing systems and guidance to facilitate independent uptake is critical for scale, with the ultimate goal that Making Rights Real can be widely used and locally adapted with more limited input from consortium members. With scale, the approach has great potential to catalyse change at the most local level to address inequalities and ensure more sustainable services, using human rights.

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