Human Rights-Based Strategies Adopted by UNICEF Laos in the Water and Sanitation Sector: A Sustainable Approach

Follow-up Documentation for the Purposes of Lessons Learned

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The author wishes to extend her thanks to the UNICEF Laos WES Programme for extending all cooperation in documenting the study. Special thanks are due to Mr Abdulai Kaikai, UNICEF Laos WES Chief Programme Officer, for providing support and encouragement while undertaking this initiative.

Background:

UNICEF Laos, in partnership with the Lao Ministry of Health’s Center for Environmental Health and Water Supply (NAM SAAT), and supported by the Swedish International Development Agency (Sida), has been working with local communities in Laos since 2002 to design, implement and manage safe water and environmental sanitation (WES) facilities under a human rights-based approach (HRBA) framework. Such a framework implies that communities themselves have the democratic authority to make decisions about water use, maintenance and management.

In collaboration with UNICEF Laos, a study entitled “Adopting rights-based Programming Strategies Towards Developing Capacities for Accessing Sustainable Water and Sanitation Facilities: The NAM SAAT/Sida/UNICEF Partnership in Luang Prabang Province in Laos – A Case Study” was documented by the UN Inter-agency Lessons Learned Project (LLP) in early 2005 on how the use of the agency-initiated HRBA strategies - that involved the usage of the Seven Steps Implementation Approach\(^1\) - ensured that ethnic communities living in interior areas could sustainably access and use safe WES facilities (see Box 1 below).

Box 1: UNICEF Laos and Human Rights-Based Approaches - The Seven Steps Implementation Approach

UNICEF’s programming worldwide is guided by HRBA principles and processes; these are applied in all programme sectors. The agency’s WES programmes – using such principles - concentrate on provision of safe WES facilities, on building institutional and community capacities, and on raising hygiene awareness. This entails working under a dual partnership mechanism with both the public sector and communities – especially vulnerable populations like ethnic and indigenous minorities, women and children – in planning, implementing and maintaining WES systems. UNICEF Laos has worked in close collaboration with NAM SAAT to develop similar HRBA strategies integral to

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achieving project outcomes, and has also supported a dual capacity-building strategy - involving NAM SAAT on one hand and rural communities on the other - to implement these strategies. With the development objective of “supporting a Demand Responsive Approach (DRA) in rural areas to improve access, use and sustainability of water supplies and sanitation facilities; and, to increase health and economic benefits and reduce infant mortality and morbidity rates”, the strategies implemented aim to create conditions that would enable rural communities to access and maintain sustainable WES facilities.

The most important HRBA strategy developed for this programme is the Seven Steps Implementation Approach. This focuses on community participation and dialogue, enabling communities to put forward their demands for supply, use, ownership and maintenance of services. A NAM SAAT team presents different types of water supply and latrine systems to villagers, explaining how much each type costs and what contributions must be made by the community. This process also helps establish community user groups – called the WATSAN committees - which build village consensus on contribution rates, maintain water systems, promote hygiene messages, and liaise with officials. Briefly, the seven steps are enumerated as follows (each of these steps contains detailed measures to enlist stakeholder participation and to develop empowerment and accountability mechanisms):

Step 1: Primary data collection and evaluation

Step 2: Consultation review about methods of implementation

Step 3: Develop the Annual Plan from the Project Implementation Plan

Step 4: Implementation of provincial and district capacity-building plans

Step 5: Develop WES Village Action Plan

Step 6: Implementation of Village WES Action Plan and Construction

Step 7: Monitoring, Evaluation and Learning

Monitoring to ascertain outcomes that lead to progressive realization of various rights - primarily, the right to water - is carried out by both duty-holders (NAM SAAT officials) and rights-holders (the communities). Village chiefs and committees record quality of construction, usage, repairs and monies collected. This informal system of monitoring and evaluation is highly participatory and NAM SAAT states that the system works to enlist community accountability and transparency at the local level. Programme monitoring by the primary duty-bearer - NAM SAAT Central - is undertaken systematically with other duty-bearers including planning units from the Ministry of Health, the Committee for Planning and Cooperation, the Ministry of Foreign Affairs, and UNICEF Laos.

Sustainability of the Strategies Used - A Follow up Documentation for the Purposes of Lessons Learned:
That the above strategies used demonstrated desirable outcomes is well-documented in Houay Hid (a rural village of around 500 people in Nambak district, Luang Prabang province) in the 2005 LLP study. However, what could be of interest to development practitioners is that in September 2007, a recent follow-up visit to the same village reveal that the continued use of such strategies have proved effective in sustaining some of the same outcomes that were documented in early 2005.

A gravity-fed system was installed in Houay Hid village in 2002, bringing water to every village household. Previously, people would have to spend two to three hours a day collecting water. Children (especially girls) now do not have to fetch water and have more time to pursue their right to an education. That trend still continues. When the case was first documented in early 2005, it was found that an international non-governmental organization (INGO) – Save the Children Fund United Kingdom (SCF UK) - collaborated by constructing a kindergarten with latrines. That school is still functioning and there are currently 22 children attending this school. Almost as a complement to the SCF efforts, an Asian Development Bank (ADB)-supported school (Grades One to Five) with support for teachers has now also been set up to accommodate those children who pass out of this kindergarten school. There are currently 164 children attending this school (of which, 93 are girls).

The building of the gravity-fed system, with local community knowledge and resources (both in terms of money and labour) and maintained by the community via the WATSAN committee fostered a sense of community ownership and participation. UNICEF Laos and NAM SAAT officials trained targeted villagers in testing the water quality. It thus enabled the community to realize their right to safe, affordable and available drinking water –even those who cannot afford to pay were ensured access to water and were given the option to pay whenever they could afford to do so (often, at time intervals that they themselves decided upon). The Houay Hid community was also given the opportunity to protect their right to water by participating in the approval of business licenses by provincial authorities. Such ownership and participation to maintain the gravity-fed system still continues. Families consisting of 1-5 members now pay around 8000 kip (roughly 85 US cents) annually to maintain the system; those families with a larger unit size pay 12000 kip (roughly 1.25 US $). Due to the in-migration of new families into the village and which puts added pressure on the water resources, villagers are also taking steps to conserve water. To prevent wastage, the water taps can only be used for certain hours, twice a day. Such success in sustaining the system has only been achieved because the community participates in decision-making (in terms of designing, building, contributing to, monitoring and maintaining their own resources) and sees a stake for itself in the protection of the immediate environment. The latter goes beyond the rhetoric of stakeholder participation. The greater the control that the community has in the management of the fresh water environment and benefits from it, the higher the probability of success.

Latrines were also built in each house with community contributions. Immediate visible gains were made in the health and nutrition levels of the villagers. In 2005, villagers stated that they spend much less on medical needs and are able to work more. The village still exhibit improved health indictors and has been declared a “clean village” by the district health authorities. Currently, 117 latrines exist in the village and the improved hygiene conditions, complemented by ongoing hygiene promotion education measures that the village hygiene promotion group advocates for, has resulted in Houay
Hid villagers demonstrating improved health indicators (as evidenced via the low incidences in rates of diarrhea and water-borne diseases and lower malnourishment rates).

The right to access a sustainable livelihood via using the HRBA strategies was documented in the 2005 study. With ample water, villagers were able to increase rice, fruit, vegetable and meat production. Not only did overall nutrition levels improve (a direct correlation to enjoying the right to health and life) but women in the village could sell produce outside the village. Women also had time to weave more and sell their crafts. These successes gradually fostered the economic empowerment of women. Such empowerment levels are still being advanced. The emphasis on women’s participation in community user groups helped (and still helps) village women to participate on an equal footing with men. For instance, the average WATSAN committee and hygiene promotion group that consist of around 5-7 community members now have around 2-3 women as active members.

Finally, a major outcome documented in the 2005 study was that the capacity development strategies used focus on not only developing community capacities - in designing, building, contributing to monitoring and maintaining their own resources - but also that of NAM SAAT officers. The strategies used under the Seven Steps Approach has in-built mechanisms to develop capacities of NAM SAAT officials at various levels to take the WES programme forward. NAM SAAT staff regularly visit the village and community problems are discussed in an atmosphere of mutual trust and solidarity. NAM SAAT is now using the same strategies nationwide to plan and implement infrastructure improvements through community participation, so that people can help construct and maintain the water and sanitation systems they need. Since 2006, UNICEF Laos has made concerted efforts to support such capacity development strategies via providing technical and financial support to train a core cadre of NAM SAAT officials to take the Seven Steps Approach process forward at the provincial and district levels. Around 4 such trainings have been conducted to date in this regard. Such capacity development of relevant public officials ensures that the gains made from the implementation of WES activities are sustainable, viable and replicable across the country in the long run.

Challenges:

Some of the challenges that this follow-up study takes cognizance of are those associated with normal development projects. For instance, families from other areas are re-locating to this village due to the availability of assured water, sanitation, health and school facilities. Such increased immigration has put added pressure on limited resources. The village population stood at around 500 members (86 households) when the gravity-fed system was set up in 2002; the village currently hosts 1200 members (200 households). While the villagers have started monitoring the use of water via rationing (water being made available for limited hours twice a day), the steps taken are still not sufficient to ensure enough availability of water to all. Hence, the villagers have put forward a request to NAM SAAT that another gravity-fed system be constructed, using the same strategies as was adopted when constructing and (now) maintaining the existing system and the complementary sanitation facilities.
Similarly, there are requests from the women to set up some self-help groups to produce and market their products. Currently, no formal structure exists to finance and market the products, with the result that the production and selling of the products are undertaken on an ad-hoc basis. Hence, sustainability of such means of livelihoods needs to be undertaken.

The challenges that are more “rights or entitlement-based” in nature pertain to the absence of legal awareness amongst the communities at large on claiming rights to water. The strategies used have not been able to link up human rights standards programming principles that rely on access to courts as redressel mechanisms if rights are not met or fulfilled. Communities lack knowledge on how to file claims; nor does a culture of approaching courts to redress rights grievances exist in Laos. This was a challenge highlighted in the 2005 study and still poses one of the most serious challenges to using a HRBA to programming in Laos, especially given the rather challenging and often sensitive context of working on “human rights” issues in Laos. Legal awareness on the right to water should thus be included in UNICEF Laos supported/ conducted public awareness campaigns on the need to access safe water and sanitation in the WES project areas.

Moreover, even if awareness levels and skills are developed amongst the communities to stake claims, there is no corresponding legal infrastructure at the local level (or at the national level) to address claims if the right to water is not met by the government (or NAM SAAT, in this case). Lack of legal policies that contain provisions on the right to water; lack of adequate legal infrastructure, including low capacities of judges to address claims; and, the presence of few (or qualified) lawyers present challenges in this context. UNICEF should form relationships with ‘those in power’ and help develop their capacities so that they are aware of their legal obligations and the modus operandi on how to discharge such obligations.

Finally, a major challenge exists as far as soliciting transparency and accountability mechanisms are concerned. The 2005 case study documented the absence of accountability mechanisms in the agreements signed between NAM SAAT and communities that could make the contractor (private firms work on these contracts) liable for water systems that may break down due to poor construction quality. There was (and still is) thus an urgent need to make the bidding process for the construction and installation of the water systems and pumps more transparent, with processes for soliciting accountability designed and included in the contracts. Some steps have been taken in this direction, with the provincial/district-level authorities taking the lead in conducting the bidding process and sending the recommendations to UNICEF Laos for processing. In addition, 10% of the total contract is now held at UNICEF Laos for a period of 3 months after the completion of the construction; this allow for the contractors to be liable in cases of repairs needed due to poor quality construction.

Discussions are also underway to create a sub-link under the existing NAM SAAT website wherein NAM SAAT will post details of those bidding for constructing the systems and installing pumps. Such transparency and accountability mechanisms will ensure that not only will the most competent bidders be awarded the contracts; they can also be held responsible (via hosting periodic online details of service delivery quality) if their services are of poor quality.

**Box 2: Replication of the Seven Steps Implementation Approach – An Example**
A visit to Thapho village in Phonexay district, Luang Prabang province, in September 2007 (at the same time that the follow-up visit was undertaken to Houay Hid village) reveal that the use of the Seven Steps Implementation Approach has demonstrated some of the same outcomes as those in Houay Hid village. This village of 390 members (72 households) used the Seven Steps Implementation Approach to install a gravity-fed system, which became operational in April 2005. Village members contributed almost 5 million kip (525 US $) towards this process, thus building in community stake and ownership towards maintaining the system. Seven tap-stands and 68 family latrines have been constructed with village contributions, complemented by NAM SAAT/UNICEF Laos technical expertise and material assistance. A WAT SAN committee has been set up with five members (of which, two are women members). Village families contribute 10,000 kip (around 1.05 US$) monthly for the upkeep of the system. The roles and responsibilities of the committee are clearly outlined on the village notice board, thus providing elements of accountability and transparency to the process. A primary school set up by an INGO – World Vision – operates with teachers provided by the district-level government. 104 children attend this school. Interviews with Ms Kaenchanh, a government village health worker, during the visit to the village, reveal that the health indicators have gone up exponentially since 2005 and that the village has been declared a “clean village” by the village authorities. There is now a demand from the community to extend a pipe from the gravity-fed system to the primary school. NAM SAAT officials are considering this demand and dialoguing with the community on how to move the process forward.

In conclusion, it can be stated that Laos is still going through a period of transition and sectoral partnerships have not evolved to a level that can enable development agencies to widely undertake common developmental goals using HRBA strategies. Against this background of operational challenges, the WES partnership that was started between Sida, NAM SAAT and UNICEF Laos - and which has now been carried forward by UNICEF Laos and NAM SAAT - has made remarkable progress, especially when implementing programmes via using the principles of participation, non-discrimination and empowerment (and to an extent, the principles of accountability and transparency). Replications (with some variations to suit local contexts) of this model have been undertaken in villages in other districts in Luang Prabang province as well as various provinces countrywide – villages in select districts in Houaphan and Savannakhet provinces being cases in point - with degrees of success (see Box 2).