

# **Implementing Right To Water in Nigeria: A Civil Society perspective**

By

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# Nigeria's WASH profile

## Demographic and Economic Statistics

•Population (2010)	158 million
•Urban population (2010)	79 million
•Rural population (2010)	79 million
•Annual average population growth (1999-2009)	2.4%
•Gross national income per capita (2009)	2,070
•HDI Position (UNDP) (2011)	156/187

## Health Statistics

•Infant mortality rate per 1,000 live births (2009)	86
•Annual child diarrhoea deaths (UNICEF)	97,600
•Under 5 mortality rate per 1,000 live births (2009)	138
•Healthy life expectancy at birth, male/female (2009)	53/54
•Number of deaths due to WASH related disease or injury (2004)	361,896
•% of deaths due to WASH related disease or injury (2004)	16.20%

## Sanitation and Drinking-water Statistics

•Use of improved sanitation (2010)	31%
•Use of drinking-water from improved source (2010)	58%
• Open defecation	35m
•Primary schools, urban/rural (2010)	32%
•Secondary schools, urban/rural (2010)	48%

**Sources:** World Population Prospects, UN Population Division; World Development Indicator, World Bank; WorldHealth Statistics, World Health Organization (WHO); Safer Water, Better Health, WHO; WHO/UNICEF Joint Monitoring Programme; National data

## International laws and policies

- Nigeria is a signatory to various International laws, statutes and resolutions that support the Right to Water and Sanitation.

## International laws and policies

- **Article 24 of the African Charter of Human and Peoples' Rights** states that:

*"All people shall have the **right** to (a) generally satisfactory environment favourable to their development."*

## International laws and policies

- Dublin principles....Principle 4 of the [January 1992 International Conference on Water and Sustainable Development - Dublin Conference](#) states that:
  - “... *it is vital to recognize first the basic **right** of all human beings to have access to clean water and sanitation at an affordable price*”.

# International laws and policies

- ***United Nations Committee on Economic, Social and Cultural Rights (2002)-General Comment No. 15: The right to water***

*‘The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.’ ‘*

*‘Water and water facilities and services must be accessible to all, including the most vulnerable or marginalised sections of the population.’”*

# International laws and policies

- [July 2010 UN General Assembly Resolution A/RES/64/292](#)
- *Clean drinking water and sanitation are essential to the realisation of all human rights.*
- [September 2010 UN Human Rights Council Resolution A/HRC/RES/15/9](#)
- *Rights to water and sanitation are part of existing international law legally binding upon States. It also calls upon States to develop appropriate tools and mechanisms to achieve progressively the full realization of human rights obligations related to access to safe drinking water and sanitation, including in currently unserved and underserved areas.*
- [April 2011 UN Human Rights Council Resolution A/HRC/RES/16/2](#)
- *“Encourages the Special Rapporteur, in fulfilling his or her mandate... to promote the full realization of the human right to safe drinking water and sanitation’*



International/National laws and policies

- Unfortunately, Nigeria is yet to domesticate the Right to Water and Sanitation in National laws and sector policies

# National laws and policies

- **National Water Sanitation Policy 2004 is silent on the Right to Water and Sanitation.**

*“Access to and appropriate usage of adequate basic sanitation facilities will improve human health and reduce infant mortality.....Sanitation requires priority attention to enhance healthy living and over all development of the nation.”*

# National laws and policies

- **Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 dealing with Fundamental Human Rights DOES NOT provide for an express right to safe environment among its fundamental rights.**
- **Section 20 simply states:** *The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.*

# National laws and policies

- **Ray of Hope!**
- **Fundamental Rights (Enforcement Procedure) Rules, 2009**, Recognition of the Justiciability of the Right to Environment.
- The 2009 FREP Rules, which came into force on 1 December 2009, was promulgated by the Chief Justice of Nigeria in exercise of the powers under section **46(3)** of the Nigerian Constitution.
- The Rules laid to rest any lingering doubt regarding the justiciability of the socio-economic provisions of the Act including the right to a healthy environment, by expressly defining fundamental right as including **Order 1 (2)**. *'any of the rights stipulated in the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act'*.

# Principles of the Right to Water

**Sufficient:** Basic- 20 litres per capita per day (lcd) Minimum, Average- 50 litres average, and 100 litres full is considered sufficient for full realisation of the right.

**Safe:** Free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health.

**Acceptable:** Of an acceptable colour, odour and taste for each personal or domestic use.

**Physically accessible:** It must be within safe physical reach for all sections of the population.

**Affordable:** The direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realisation of other Covenant rights.

*Source: UN Committee on Economic, Social and Cultural Rights*

# Domestication of the Right to Water

## Role of Government

- **Respect:** Government itself must not destroy people's access to water by forced eviction or any other means.
- **Protect: Governments are** obliged to protect each person's right to water from being harmed through pollution by industries (wastewater) or over abstraction by companies particularly in the drink industry
- **Fulfill: Government should** actively promote the full realization of the right to water especially in rural and poor urban areas. The right to water should be recognized and implemented in national laws.

# Domestication of the Right to Water

- **Role of Government**

- UNDP Human Development Index HDI 2006 on “Beyond Crises: Power, Politics and the Global Water Crises”, outlines ways out of what it calls mismanagement of water resources.
- *Make water a human right—and mean it.*
- All governments should go beyond vague constitutional principles to enshrine the human right to water in enabling legislation.
- *Draw up national strategies for water and sanitation.* All governments should prepare national plans for accelerating progress in water and sanitation, with ambitious targets backed by financing and clear strategies for overcoming inequalities.

# Domestication of the Right to Water

## Lack of Political will

- Nigeria has not **fully** achieved any of the twenty six WASH commitments, it voluntarily made in several high level meetings between 2000 and 2012 : the World summit in Johannesburg 2000, United Nations Assembly, New York in 2010, African Sanitation and Hygiene conference, eThekweni in 2011, and the Sanitation and Water for All meeting in Washington, in 2012.



## Nigeria's High level financial and non financial WASH commitments

S/N	Commitment	Event/Year
1.	Increase by 50% access to Water and Sanitation by 2015	World summit 2000
2.	Establishing specific public sector budget allocations for sanitation and hygiene programmes.	eThekwini Declaration 2011
3.	Commit at least 0.5 percent of GDP to, sanitation and hygiene.	eThekwini Declaration 2011
4.	Develop and implement sanitation information, monitoring systems and tools to track progress at local and national levels.	eThekwini Declaration 2011
5.	Increase access to improved water services by at least 5%	SWA sector ministers, April 2012
6.	Increase in access to improved sanitation services by at least 7%.	SWA sector ministers, 2012
7.	Increase in access to water and sanitation services in primary schools and rural health facilities by at least 10%.	SWA sector ministers, 2012
8.	Reduce in the number of non-functioning water services by at least 10%.	SWA sector ministers, 2012
9.	Increase in water and sanitation budgets annually by at least 15% in real terms	SWA sector ministers, 2012
10.	Ensure at least 10% of all water, sanitation and hygiene (WASH) allocations are directed to hygiene promotion, behaviour change and demand creation, as well as ensuring funding is provided for WASH infrastructure.	SWA sector ministers, 2012
11.	Decrease in open defecation by at least 15%.	SWA sector ministers, 2012
12.	Recognition of a right to water and sanitation ensures that access to minimum essential supplies of safe water and basic sanitation is a legal entitlement	United Nations Assembly 2010
13.	Increase national access to improved sanitation from the current level of 31% to 65% by 2015. This means that an additional 70 million people will have access to adequate sanitation by 2014.	Nigeria's statement, SWA, 2012

## Nigeria's High level financial and non financial WASH commitments

14.	Increase national access to a potable water supply from 58% to 75% by 2015. This means that an additional 45 million people will have access to drinking water.	Nigeria's statement, SWA, 2012
15.	Ensure that the Federal Ministry of Finance make progressive annual increases in budget allocation of up to 5% of the national budget for water supply and 0.5% of the GDP for sanitation within the next three years. This will target mainly rural areas, urban slums and states with low level access.	Nigeria's statement, SWA, 2012
16.	Ensure that the Federal Ministry of Finance (in collaboration with other relevant ministries) organise an annual performance review forum for WASH sector investment.	Nigeria's statement, SWA, 2012
17.	Ensure that Nigeria will continue prioritization of the sector in the Vision 20:2020 document.	Nigeria's statement, SWA, 2012
18.	Ensure that Nigeria will continue to prioritize water and sanitation, as well as health and education, in dialogues with donors and development partners.	Nigeria's statement, SWA, 2012
19.	Streamline all existing sanitation and hygiene policies within the next year to produce a single and acceptable national policy.	Nigeria's statement, SWA, 2012
20.	Develop the National WASH Sector Investment Plan within the next year	Nigeria's statement, SWA, 2012
21.	Establish an effective monitoring and evaluation WASH sector platform in the Federal Ministry of Water Resources within the next year.	Nigeria's statement, SWA, 2012
22.	Participate in the biennial SWA HLM and issuing statements on the progress and prioritization of sanitation and water in Nigeria.	Nigeria's statement, SWA, 2012
23.	Strengthen the existing Public Private Partnership on hand washing mechanisms to mobilize more resources from the private sector and collaborate effectively with the media and Civil Society Organizations (CSOs) to create a sustained hand washing promotion programme in Nigeria.	Nigeria's statement, SWA, 2012
24.	Strengthen the health sector budgetary allocation processes to improve public health interventions.	Nigeria's statement, SWA, 2012
25.	Intensify efforts to scale up the Community-led Total Sanitation (CLTS) approach in all 36 states of Nigeria and Federal Capital Territory.	Nigeria's statement, SWA, 2012
26.	Foster collaboration between the Federal Ministry of Finance, the Federal Ministry of Education and other relevant Government ministries and agencies to mobilize additional resources from the private sector and other partners in order to increase provision of facilities in schools.	Nigeria's statement, SWA, 2012

# Domestication of the Right to Water

- **Lack of financial commitment**

<b>Federal Ministry of Water Resources: Allocations 2013 budget: Sanitation</b>	
Urban/Peri Urban-Wastewater Management & Sanitation Programme.	40m
United Nation's Sanitation & Water For All Programme In Collaboration With Unicef, Who,Wateraid, Eu, Gwp, Dfid, Etc	30m
<b>Total (excluding counterpart funds for donor programs)</b>	<b>70m</b>
<b>Federal Ministry Of Water Resources: Allocations 2013 Budget: Rural Water Supply</b>	
Federal Rural Water Supply Programme (2004 Appropriation Act)Nationwide	10m
Federal Rural Water Supply Programme (2006 Appropriation Act)	20m
<b>Total</b>	<b>30m</b>
<b>Federal Ministry Of Environment: Allocations 2013 Budget: Sanitation</b>	
Advocacy For Public Sanitation Nationwide	35m

# Domestication of the Right to Water

## Lack of financial commitment

<b>The Presidency Allocations In The 2013 Budget</b>	
State House Refreshment & Meals	203m
Office Of The Vice President- Refreshment & Meals	123m
Furnishing Of The New Vice President's Guest House At 41 Yakubu Gowon Crescent, Asokoro	170m
Remodeling Of The New Vice President's Guest House At 41 Yakubu Gowon Crescent, Asokoro	120m
<b>Federal Rural Capital Territory Administration</b>	
Designing & Construction Of Vice President Residence	2billion Two billion
Total For Vice President's housing needs	2,413b

# Domestication of the Right to Water

- Oil production of 2.53 million barrels per day @ \$79 per barrel translates to a total Grossly collected revue is N11.34 trillion
- Nigeria is not a poor country. There is enough oil money to achieve Right to Water and Sanitation
- Several poor countries in Southern and Northern Africa have on track the WASH MDG target.
- Nigeria's problem is poor governance and misplaced priorities.

# Way forward

- Legislate for water as a human right
- Put water at the centre of poverty reduction strategies and budget planning
- Expand pro-poor investment.
- Extend lifeline tariffs
- Rethink and redesign cross-subsidies
- Set clear goals—and hold providers to account
- Develop and expand the regulatory framework...*beyond large-scale network providers to the intermediaries serving the poor*
- Prioritize the rural sector

Source: UNDP Human Development Index Report: 2006 ,  
Chapter Two

# Way forward

- Make adequate budget allocations for the implementation of Right to Water and Sanitation
- Incorporate the human right to water in National WASH policies- update Nigeria's WASH policies
- Incorporate the human right to water in National WASH legislation- review and update National Water Resources Bill
- Water Supply and Sanitation policies, programmes and projects presently focussed on rural, small towns and urban areas?
- Develop and implement National Water and Sanitation policy, programmes and projects for urban slums

# Way forward

- Appoint Independent Expert (like the UN) to Monitor of implementation and report violations Human Rights to water and sanitation in Nigeria
- Promote Inclusive WASH- physically challenged, Sick, Senior citizens, and Visual or Earring impairments
- President Jonathan should assent National Disability Bill
- NGOs should embark on Broad awareness campaigns on Right to Water and Sanitation and support communities in demanding their RTWS as well as report violations



# Conclusion

- **UNDP Human Development Index report 2006, “Beyond Crises: Power, Politics and the Global Water Crises”**
- *“the crisis in water and sanitation is—above all— a crisis for the poor. Almost two in three people lacking access to clean water survive on less than \$2 a day, with one in three living on less than \$1 a day. More than 660 million people without sanitation live on less than \$2 a day, and more than 385 million on less than \$1 a day.*

*These facts have important public policy implications. They point clearly towards the limited capacity of unserved populations to finance improved access through private spending.*

***While the private sector may have a role to play in delivery, public financing holds the key to overcoming deficits in water and sanitation”.***

**-UNDP Human Development Report 2006**

# **Parting Photo**

## **Makoko, Lagos, 2013..**







Do such urban and rural  
poor deserve access to  
safe drinking water and  
sanitation services?

A great Nigeria is  
possible

Thank you for your  
audience