

France

Human rights assessment of development cooperation for water and sanitation

Main policies and frameworks for the human rights and water and sanitation

- AFD 2014-2018 Water and Sanitation Sectoral Intervention Framework
- Law on development policy and international solidarity (*Loi n° 2014-773 du 7 juillet 2014*)
- Development Cooperation: a French Vision (2011)
- France Gender & Development Strategy (2013-2017)

In 2016, the French government set an objective for AFD to increase its activity by +50% by 2020 and to strengthen its support to the WASH sector with the creation of a long term strategy promoting the human rights to safe drinking water and sanitation.

WASH policy priorities

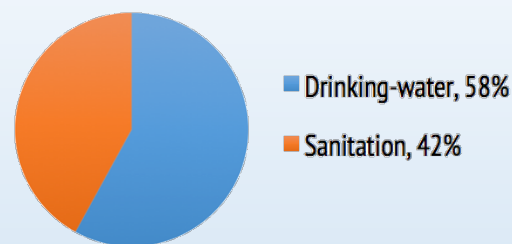
Two of the AFD's four priority areas outlined in the 2014-2018 Water and Sanitation Sectoral Intervention Framework have connections with the human rights to water and sanitation:

- Strengthening sectoral and governance frameworks;
 - Focus on economic and technical aspects of governance: role of institutions, sustainable financial models, tariff setting, allocation of resources between uses, standards (including for accountability).
- Sustainable access to water and sanitation services for all, with a scope of action extended from urban areas to rural areas for the sanitation sub-sector;
 - Focus on maximizing positive impacts on health of people in urban areas judged to be vulnerable.

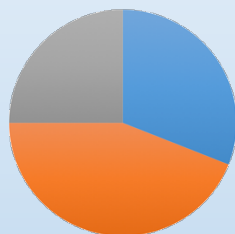
Annual targets:

1. Provide 1.5 million people with sustainable access to drinking-water;
2. Provide 1 million people with sustainable access to sanitation;
3. Improve the quality of drinking-water supply system for 4 million people;
4. Improve the quality of the sanitation system for 1.5 million people;
5. Incorporate a capacity building component into 80% of projects funded;
6. Incorporate hygiene awareness-raising into 50% of projects funded;
7. Ensure that 50% of all projects funded have a positive impact on gender.

1. Water supply and sanitation funding by subsector 2012-2013

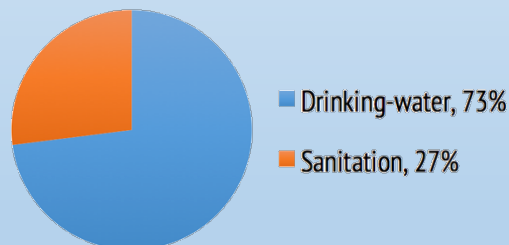


- WASH basic systems, 31%
- WASH large systems, 44%
- Other, 25%

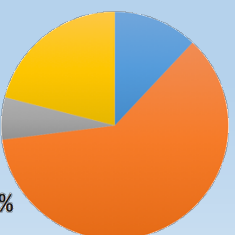


Source: GLAAS External Support Agency Survey, 2014.

2015



- WASH basic systems, 12%
- WASH large systems, 61%
- Water sector policy, 6%
- Agricultural water resources, 6%



Source: External Support Agency Survey GLAAS, 2017.

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

	VALUE \$ MILLION
DAC + MULTILATERALS	5,965
FRANCE	373
%	6

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

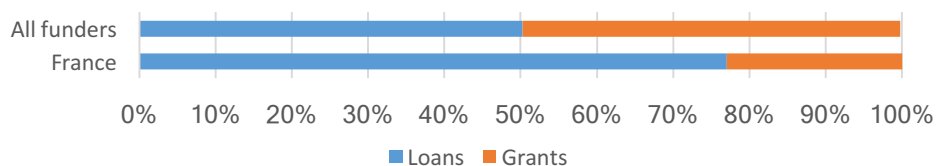
3. France average annual ODA disbursements, 2011-2015

	VALUE \$ MILLION
ALL ODA SECTORS	7,406
WASH	373
%	5

Source: OECD-CRS, consulted April 2017.

1. For several years, France has funded more projects for drinking water supply than for sanitation, and more projects for large systems than for basic systems. These trends appear to be increasing in recent years: in 2015, 73% of France's WASH funding was allocated to drinking-water services and 61% to large systems.⁵
2. Among all DAC Members and multilateral funders to water and sanitation, France's yearly ODA disbursements to this sector represented an average 6% of the total disbursements in the period 2011-2015. In the same period, France fluctuated as either third or fourth greatest State funder per year for WASH.
3. In the period 2011-2015, France's yearly average funding for WASH (\$373 million/year) represented 5% of the country's total ODA disbursements to all sectors. In the same period, the average for all DAC Members and multilateral funders was 4%. Yet, in 2015, AFD's bilateral and multilateral assistance budget of €8.3 billion allocated €775 million (9.5%) to WASH-related assistance³, indicating that WASH will occupy a relatively larger place in French cooperation.

ODA WASH 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, France disburses comparatively more loans (77%) than grants.

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.

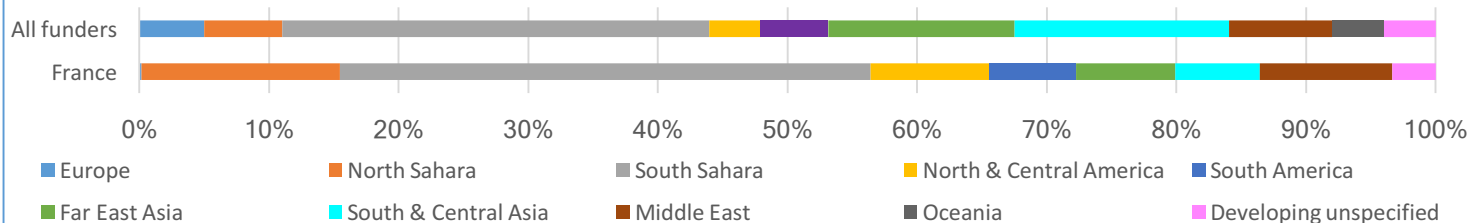
³ Retrieved from External Support Agency Survey of the Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS, 2017).

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

<u>Normative content</u>	<u>Description of policy/measure</u>	<u>Details</u>
Availability	Policy commitments to provide sustainable, sufficient access to services, under a framework relatively aligned with the normative content of the HRtWS and human rights principles.	In the current Sectoral Framework ⁴ , AFD aims to provide sustainable, permanent access to drinking water services (via individual connections to a water network, public standpipes or boreholes equipped with a pumping system located less than 30 minutes away [from the household] trip, including waiting time) and sanitation services (via toilets flushing into a sanitation network, septic tanks, pit latrines or improved latrines).
Accessibility	Relevant policy commitments and specific targets for WASH projects (see “Annual targets” above)	In the current Sectoral Framework, AFD aims to provide sustainable access to drinking water and sanitation services, meaning “permanent and continuous access” to water supply services and “permanent access” to sanitation services.
Affordability	Policy demonstrates attention to reducing inequalities and protecting the most vulnerable populations, but no real guarantees for affordability exist.	In the current Sectoral Framework, AFD states that it will promote regulation for services, which “may concern... the promotion of mechanisms for the most vulnerable populations (tariffs, social connections, etc.)”. Also, AFD states that it will improve services through, <i>inter alia</i> , financial management, “with the definition of appropriate tariff strategies based on sound socioeconomic knowledge of users and on possible financial equalizations”.
Acceptability	Policies contain indirect mentions of ensuring acceptability. Other related commitments also contribute to this criterion.	In the current Sectoral Framework, AFD states that projects “will contribute to ... appropriate engineering”, which, according to interpretation, may favour acceptability from users’ points of view. “Greater involvement of users” in governance of the sector also aims to take users’ opinions and needs into account regarding technical choices, location of services, composition and governance of users’ associations, setting tariffs.” Further references to participation and gender equality also suggest attention to acceptability.
Quality/Safety	Relevant policy commitments and specific targets for WASH projects (see “Annual targets” above).	In Law n° 2014-773 on development policy, France commits to defining national sector frameworks including water quality standards. In the current Sectoral Framework, AFD aims to provide “access to uncontaminated quality water (water corresponding to the WHO quality and <i>Escherichia Coli</i> measurement standards)”. For sanitation, the reference is weaker as evidenced through statements aiming to provide “effective infrastructure for wastewater collection”.
<u>Human rights principles</u>	<u>Description of policy/measure</u>	<u>Details</u>
Participation	Some related policy commitments.	In the current Sectoral Framework, ensuring civil society participation is encompassed under the general strategy to strengthen governance for WASH. The Gender and Development Strategy also emphasizes the importance of ensuring women’s participation as stakeholders in WASH governance.
Transparency / Access to information	Policy commitments; targets to incorporate capacity building and awareness campaigns; publication of several relevant monitoring reports.	In the current Sectoral Framework, AFD commits to publish an annual report, a mid-term monitoring report and a completion report on the strategy for the period 2014-2018 that will assess the expected impact of new commitments and evaluate the actual impact of ongoing projects. No guarantees for access to information during project implementation were identified.
Accountability	Policy commitments; broad goals of strengthening governance.	In the current Sectoral Framework, ensuring accountability and integrity, as well as fighting corruption, is encompassed under the general strategy to strengthen governance for WASH. AFD has also stated that it will ensure complaint mechanisms for third parties regarding environmental projects.
Non-Discrimination / Equality	Detailed incorporation of gender equality in several policies; specific targets for WASH projects (see above); specific protections or provisions for other key groups not identified.	Strategic actions for gender equality are detailed in France’s Strategy on Gender and Development: ensure proximity of water sources to users’ homes; systematize separation by gender of public toilets; systematize women’s participation in water user associations; reinforce capacity building for women in WASH; include gender approach in development cooperation projects. In Law n° 2014-773 on development policy, as a way of meeting the objective of attaining gender equality between men and women, France commits to reporting on the number of people gaining access to improved water and sanitation systems disaggregated by gender. Specific policy protections or provisions for other key groups (e.g. indigenous peoples, persons with disabilities, religious minorities) were not identified.
Sustainability	Incorporation in some policies, including the Sustainable Development Opinion mechanism.	In Law n° 2014-773 on development policy, France commits to support effective and sustainable water and sanitation services. Providing sustainable systems is a main objective of the current Sectoral Framework, encompassing financial and technical aspects, and aligning with the definition of sustainable systems applicable to the 2030 Agenda for Sustainable Development.

⁴ “Sectoral Framework” refers to the AFD 2014-2018 Water and Sanitation Sectoral Intervention Framework.

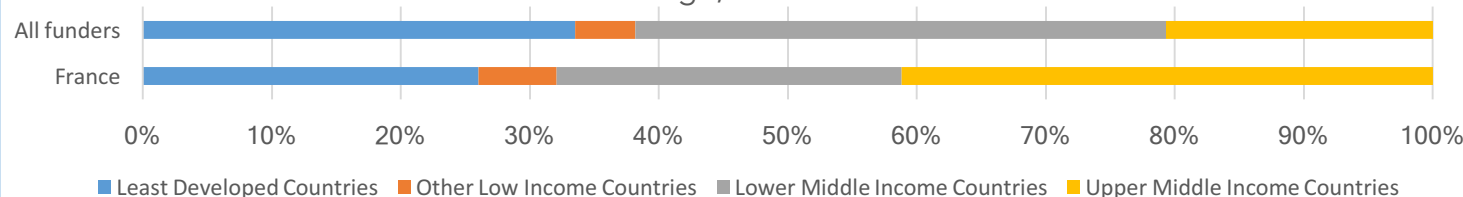
ODA WASH disbursements to world regions: yearly average, 2011-2015



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

❖ In line with its stated policy objectives, in comparison with all funders’ regional disbursement of funds for WASH in the period 2011-2015, France disburses more to countries in the regions: North Sahara, South Sahara, and North & Central America. In particular, in the period 2013-2015, the countries receiving the greatest amounts of French disbursements for WASH were Jordan (\$45 million), Mexico (\$44 million) and Tunisia (\$25 million).⁵

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, France disburses comparatively less to Least Developed Countries and comparatively more to Upper Middle Income Countries.

Ratification/signatory status

to relevant legal instruments

Human Rights Instruments	Status
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Ratified
Optional Protocol to ICESCR	Ratified
Convention on the Elimination of All Forms of Discrimination against Women	Ratified
Convention on the Rights of the Child	Ratified
Convention on the Rights of Persons with Disabilities	Ratified
Other legal guarantees	
Recognition of human rights to water and/or sanitation in (sub)national legislation?	No (Bill refused by Senate in 2017)
Protocol on Water and Health	Ratified

Key tools

- ❖ Environmental and social assessments of international cooperation projects financed by AFD incorporate impact assessment on vulnerable and discriminated people, which includes persons with disabilities. AFD also performs internal awareness training for its staff to discuss ways to take the needs of persons with disabilities into account in projects.
- ❖ Since 2013, the AFD has applied its *Sustainable Development Opinion* as a methodology to facilitate the cross-sectoral inclusion of sustainable development concerns in the agency’s financing operations. It consists of several aspects: a formalised framework for discussion with partner states; a multi-dimensional appraisal by the project team of the expected impacts of a project; and an opinion issued by a body with independence from AFD’s Operations Division.
- ❖ AFD possesses an Ethics Advisor, supported by the Professional Ethics Council, which aims to ensure the AFD Charter is effectively applied. That includes assessing projects’ application of the sustainable development opinion and the existence of criteria with relevance for human rights throughout the entire process of project development.

Partnerships and projects

- ❖ Through its allocations to the European Union budget, France contributes to financing other European development instruments that possess explicit objectives to realize human rights. Notably, the Development Cooperation Instrument and the European Instrument for Democracy and Human Rights are two such instruments with clear human rights mandates.
- ❖ In following with France’s focus on development cooperation in the African continent, AFD has prepared regional sectoral intervention frameworks for Sub-Saharan Africa. The most recent of such frameworks (for the period 2014-2016) outlined specific guidelines for AFD’s action in the water and sanitation sector, such as to finance projects to renovate or build water supply and sanitation systems for informal settlements, slums and peri-urban areas.
- ❖ The AFD group became a member of the UN Global Compact in 2004 and has since engaged to incorporating the principles of *Corporate Social Responsibility* into its activities. In the scope of its membership, AFD has mobilized multiple partnerships to promote Corporate Social Responsibility, particularly in Africa.
- ❖ AFD works with NGOs by financing projects that are implemented by those organizations, such as the French Water Partnership (FWP), Water Solidarity Program (PS- Eau) and Water Coalition. AFD considers NGOs “best placed to implement [information, education and communication] activities”⁶ and believes that they may help in expanding coverage to sanitation services, compensating for many partner countries that are commonly more interested in financing projects for water supply.

⁵ Retrieved from External Support Agency Survey of the Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS, 2017).