
Service regulation and human rights to water and sanitation

Contribution of the International Water Association (IWA)

to the 2017 report of the UN Special Rapporteur on the human rights to safe drinking water and sanitation

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The UN Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Léo Heller, is elaborating a report on the subject of regulation of water and sanitation services in the context of realization of human rights¹.

This document is the contribution of the International Water Association (IWA) to his questionnaire² on the matter.

1. A report on topics that are essential to IWA and water professionals

The Special Rapporteur is intending to produce a report on two topics that are at the core of the work of IWA. Indeed IWA, as the global association of professionals of water and sanitation services, worked a lot on the 2 subjects of the future report, namely the regulation of water and sanitation services and the implementation of the human rights to safe drinking water and sanitation. IWA also worked on the interlinkages between these 2 topics.

1.1. Regulation

Regulators are water professionals. As such they have full capacity to join IWA. In practice, they form a “segment” within IWA and IWA organises international meetings of water and sanitation regulators. In September 2014, a large gathering of regulators was organised in Lisbon (Portugal) with 176 regulators and 66 other participants from 55 countries. During this meeting a guidance document on regulation was discussed. After discussion in the governance bodies of IWA and endorsement by the Board of Directors of IWA, this became the “*Lisbon Charter Guiding the Public Policy and Regulation of Drinking Water Supply, Sanitation and Wastewater Management Services*” [Lisbon Charter]³, a reference policy document on regulation.

¹ <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ServiceRegulation.aspx>

² http://www.ohchr.org/Documents/Issues/Water/ServiceRegulation/Questionnaires_NSA_EN.pdf

³ The Lisbon Charter is available on http://www.iwa-network.org/wp-content/uploads/2015/04/Lisbon_Regulators_Charter_SCREEN_EN_errata.pdf

1.2. Implementation of the Human rights to safe drinking water and sanitation [HRWS]

Further to the recognition of access to safe drinking water and sanitation as human rights by the United Nations, IWA and its members have immediately tried to identify what they should do and how they should behave to make these rights a reality for rights-holders.

This led to a guidance document that was prepared in collaboration with the UN Special Rapporteur and was published by IWA in September 2016. This 120-page document is named the “*IWA Manual of the Human Rights to Safe Drinking Water and Sanitation for Practitioners*”⁴.

It describes the content of the Human rights to safe drinking water and sanitation [HRWS], explains their specific criteria and human rights principles, elaborate guidance for regulation and action and identifies some sensitive operational issues.

2. Interlinking water services regulation and the HRWS, the IWA contribution

The topic of the future report of the Special Rapporteur is addressed in many ways by the 2 above documents that serve as global references in their respective domains.

Indeed, the implementation of the HRWS is deeply embedded in the Lisbon Charter on regulation. This Charter refers abundantly and explicitly to these rights, to each of their criteria and also to their HR principles. Appendix 1 to this submission is an excerpt from the Lisbon Charter where the words highlighted in yellow are those that explicitly mention these rights or their criteria and principles. It is obvious that this policy document provides guidelines to regulatory frameworks that includes recommendations on the HRWS. HRWS elements like safety, quantity, availability, reliability, affordability, acceptability, accessibility, continuity, sustainability, fairness, non-discrimination, inequality, access to information, public participation, care of most-disadvantaged users, progressive realisation are part of these policy guidelines. Then, the Lisbon Charter on good regulation is an essential contribution to the work of the Special Rapporteur. A regulatory framework that complies with this Charter contributes to the implementation of the Human rights to safe drinking water and sanitation.

Besides, regulation and the work of regulators is an essential part of the IWA Manual of the Human Rights to Safe Drinking Water and Sanitation for Practitioners. These words are used more than 250 times in this Manual. Appendix 2 copies the content structure of this Manual. It is clear that all the 4 ‘operational’ parts of the Manual, namely parts 4, 5, 6 and 7, address regulatory issues. This is explicit in part 4 with paragraph 4.6 on regulation. Part 5 on the institutional and operational framework of regulators and Part 6 on essential functions of regulators directly focus on regulation. The sensitive issues that are described in part 7 are obviously issues for regulators. Then, this IWA Manual on the HRWS includes many recommendations on regulation. It says: “*the HRWS components of policy and regulatory frameworks, institutional arrangements and operational approaches will need to be developed in a systematic way*”⁵.

Then, the IWA Lisbon Charter provides guidance on the essential part of regulation that relates to the HRWS and the IWA Manual on the HRWS for practitioners identifies regulation as a key element of the implementation of the HRWS.

⁴ *IWA Manual of the Human Rights to Safe Drinking Water and Sanitation for Practitioners*, Robert Bos, David Alves, Carolina Latorre, Neil Macleod, Gerard Payen, Virginia Roaf & Michael Rouse, Water Intelligence Online, Volume 15; 2016, IWA Publishing, 120 pages <http://www.iwa-network.org/publications/manual-on-the-human-rights-to-safe-drinking-water-and-sanitation-for-practitioners/>

⁵ In paragraph 6.2 page 66

By consequence regulation and the HRWS are at the core of both documents. Both show the close interlinkage between regulation and the implementation of the HRWS.

These 2 documents are the main and the most elaborate contribution that IWA can make to the questionnaire issued by the Special Rapporteur. We are afraid that this is a long contribution but it is difficult to summarise them without losing part of their messages on the matter.

3. Answers to the questionnaire

IWA believes that detailed answers to many of the questions are included in the 2 above-listed reference documents, its Lisbon Charter on regulation and its IWA Manual on the HRWS for practitioners.

This is why herebelow, we only answer to the various questions by highlighting parts of the Lisbon Charter that answer directly to each question. However, these excerpts are only partial answers. More can be found in our two above-listed documents.

1. Please describe the role and responsibilities of your organization in the water and sanitation sector.

IWA Lisbon Charter: The International Water Association (hereinafter also as IWA) is an international association of 7000 professionals and companies covering all facets of the water cycle, whose shared vision is a world in which water is wisely managed to satisfy the needs of human activities and ecosystems in an equitable and sustainable way; and whose shared mission is to inspire change and service IWA members, the community of professionals concerned with water, external organisations, opinion leaders, and society in general.

2. How can a regulatory framework (e.g., legislative, institutional, policy) and bodies contribute to the realisation of the human rights to water and sanitation? Please provide examples.

Lisbon Charter:

Over the past ten years the importance of creating an enabling environment for the performance of essential drinking water, sanitation and wastewater services through the formulation of good public policy and the establishment of effective regulation, has been increasingly recognized; in fact, the number of countries with a regulatory framework for drinking water supply, sanitation and wastewater management services is on the rise and so is the contingent of regulators.

as human rights duty bearers, governments should foster good public policy and effective regulation to meet their international commitments as well as the commitments to their own people.

The Services must fulfil a set of public administration obligations: ensuring universal access; having clear standards and norms in terms of quantity, quality, reliability and continuity; discharging a duty of care to users by proactive, preventative, and risked-based management; providing full access to information for all stakeholders; establishing structural and operational efficiency; managing stewardship of assets with integrity and due regard to affordability and intergenerational costs; maintaining a fair balance between affordability of the services and cost recovery to ensure operational sustainability;

Governments and the public administration have a critical role to play at central, regional and local levels to ensure reliability of the Services, in acceptable quality and affordable prices.

Furthermore, public policies are expected to contribute to international development goals and respect for internationally-recognized human rights to safe drinking water and sanitation.

The formulation and implementation of appropriate public policies for the provision of the Services to the population comprises:

3.6. Define the objectives, capabilities and capacities of the various bodies having regulatory functions at national, regional or local levels in the fields of health protection, environmental protection, economic regulation, implementation of human rights, and others exploring opportunities for harmonization;

3.8. Define goals and set realistic, measurable targets and standards to improve the availability, access, quality, reliability and affordability of the Services;

3. Are the contents and principles of the human rights to water and sanitation generally reflected in regulatory frameworks? How do you assess your country's regulatory framework in this regard? Please provide examples of other countries if available.

Lisbon Charter: The satisfactory delivery of drinking water supply, sanitation and wastewater management services depends critically on contributions from all stakeholders, playing their role effectively and efficiently. However, international documents like the UN 'International guidelines on access to basic services for all' and the International Organization for Standardization (ISO) standards 24510, 24511 and 24512 have defined the respective roles of different stakeholders without specifying the roles of regulatory authorities in detail.

The IWA Governing Assembly acknowledged the importance of the human rights to safe drinking water and sanitation in a Resolution adopted in 2012, which encouraged IWA members to support the progressive realisation of these rights. Accesses to safe drinking water and sanitation were recognised as human rights by the General Assembly of the United Nations in July 2010, and many countries have incorporated them into their legislation, from where it derives into public policy and regulatory frameworks.

In September 2014, the First International Regulators Forum, jointly organized by IWA and the Portuguese Water and Waste Services Regulation Authority (hereinafter also as ERSAR), brought together water services regulators and their public health and environmental counterparts to discuss the role of regulation; its current status and future trends on water services provision; as well as the different interactions between regulatory bodies across sectors. The Forum contributed this way to the dissemination of good practices, allowing for harmonization of regulatory practices. As a result, inspired by the Bonn Charter and with the initiative of ERSAR, it was decided to establish a Charter for guiding the Public Policy and Regulation of services.

*The IWA **Lisbon Charter** presents principles for good public policy and effective regulation of the Services. These principles are linked to rights, responsibilities and good practices for each group of stakeholders (governments and public administration, regulatory authorities, service providers and users) and for the community of water and sanitation practitioners at large. Guidance is therefore provided for each stakeholder group to optimize their role –collectively and individually– in the formulation and implementation of public policy and regulation.*

[Principles of effective regulatory frameworks](#)

The drafting, review and update of regulatory frameworks should consider international guidance, best available science and local circumstances to ensure a robust and appropriate instrument to regulate the Services, in consultation with civil society, service providers and industry. Key considerations for development of regulatory frameworks include:

- a) *Regulation should be seen as a part of public policies on the Services, and although it is only one component amongst many, it plays a crucial role, in so far as it is responsible to control and promote most of the other components;*
- b) *Ensure that all contributors to the Services' delivery chain have clear objectives and means of action, deliver achievements that satisfy these objectives and act in an efficient manner;*
- c) *Assure an integrated regulatory approach for the Services, including both a regulation of the sector as a whole and a regulation of each service provider individually;*
- d) *Ensure an adequate level of institutional, functional and financial independence of the regulatory authorities, and to guarantee the stability and autonomy of their bodies and freedom of decision within their legally defined remit, subject to judicial review;*
- e) *Acknowledge that regulators constitute an essential element of good governance, reflecting the needs of our times, and providing a clear separation between technical and managerial dimensions on one hand and political decision making on the other;*
- f) *Establish the necessary mechanisms to ensure accountability and public scrutiny of regulatory authorities, particularly with regard to transparency of their actions;*
- g) *Recognize that regulation is a key instrument in the very constitution of a competitive market for the Services;*
- h) *Recognize that regulation fosters a culture of adhering to standards, norms and good practice that is resilient to external pressures and more rational, objective and evidence-based;*
- i) *Optimizing the contribution of regulation to the modernisation of public administration and to the economy can be achieved by greater coherence in service provision, by further harmonization, by the elimination of bottlenecks and by increasing the confidence of economic agents and users in the objectives and practice of regulation.*

4. Please provide examples of situations where the lack of regulation, or inadequate regulation, in the water and sanitation sector could potentially lead to, or has actually led to, violations of the human rights to water and sanitation.

5. What are the main challenges or obstacles encountered when trying to incorporate contents and principles of the human rights to water and sanitation into regulatory frameworks?

Lisbon Charter: *The Lisbon Charter recognizes the following fundamental principles for good public policy and effective regulation of the Services:*

a) *Effective water supply, sanitation and wastewater management make a positive contribution to sustainable development*

Because of their critical importance to the development of modern societies, the Services are essential to public health, general welfare and a decent standard of living. Therefore, they must address the three pillars of sustainability and collectively safeguard the population, economic activities and the environment.

b) *The provision of services should enshrine accountability and transparency*

Consequently, the Services must fulfil a set of public service obligations: ensuring universal access to the services; having clear standards and norms of the services in terms of quantity, quality, reliability and continuity; discharging a duty of care to users by proactive, preventative, and risk-based management; providing full access to information for all stakeholders; establishing

structural and operational efficiency; managing stewardship of assets with integrity and due regard to affordability and intergenerational costs; maintaining a fair balance between affordability of the services and cost recovery to ensure operational sustainability; and adopting rules of good practice, such as those stated in the IWA Bonn Charter and in this IWA Lisbon Charter.

c) *The economics of service provision should be framed by long-term infrastructure investments and cost recovery instruments*

The Services deal with a set of heterogeneous products and aspects within the context of the water cycle. They have the potential to achieve economies of scale, of scope and of process, yet their assets are designed to be able to cope with peak situations and to face emergency events, as well. This implies high unitary costs that have a rigid structure because of the significant fixed capital cost component. Typically, this results in long periods for the recovery of invested capital and a low elasticity between price and demand. Cost recovery instruments, that include user charges, external transfers and fiscal subsidies, should consider the total costs of the services, i.e. financial costs, operation and maintenance, funding of new infrastructure, environmental costs and resource costs. The degree of contribution of different sources of funds (tariffs, transfers and taxes) should be determined with the maximum degree of transparency.

d) *Service provision should take into account the financial, social and environmental aspects of all water resources*

The Services are inextricably linked to water resources, which constitute the raw material for drinking water and the final destination for wastewater. Water resources are literally the beginning and the end of all water cycles, at whatever scale.

e) *Effective service provision relies upon the collective actions of interdependent stakeholders*

Considering the diversity of actors and stakeholders, articles six to ten spell out the responsibilities of the main actors in relation to governments and public administration, regulatory authorities, service providers and users. These responsibilities should, collectively, ensure that the aforementioned obligations towards the delivery of the Services are met in an equitable and non-discriminatory way.

6. Please provide specific examples of good practices where a human rights-compliant regulatory framework has led to the progressive realisation of the human rights to water and sanitation.

Most developed countries have been able to fulfill the gap by developing local legal frameworks. The frameworks are often different from one country to another due to historical or legal diversities.

7. Non-State actors have the responsibility to respect the human rights to water and sanitation and to exercise human rights due diligence in their operations. How should a regulatory framework reflect this responsibility? Please provide examples.

IWA Lisbon Charter:

As key stakeholders in this sector, service providers, whether public or private, should effectively and efficiently ensure the equitable, universal supply of the Services, as a fundamental contribution to the wellbeing of society.

Regardless of their organisational structure and management model, service providers should:

5.1. Operate in accordance with the policies set out by governments and act in strict compliance with legal, contractual and regulatory frameworks, particularly for service delivery, tariff structure, quality of service and quality, quantity and reliability of drinking water, collection and treatment of wastewater, consumer protection and competition, and environmental legislation;

5.4. Implement the pricing policies and the procedures for recovery of water charges that are defined by the responsible public authorities, informing them on potential difficulties with cost recovery, particularly with the most disadvantaged users;

All stakeholders should have an ongoing and open dialogue and share information on the sustainable and continuous provision of suitable Services. Policies on access to information should be formulated and agreed, spelling out criteria to balance levels on confidentiality against wide-ranging, reliable and comprehensive information to be made available to the public.

Users are the key stakeholders and final beneficiaries the Services; they have the following rights and duties:

- a) Effectively exercise their rights, particularly regarding physical and economic access to the Services and information about their quality; actively participating in decisions –if possible– and assuming their corresponding obligations;*
- b) Make appropriate use of the Services, preventing and avoiding behaviours that may adversely impact other users, public health or the environment –such as contamination of water sources and the reduction in quality and/or reliability of water supply;*
- c) Endeavour the efficient use of water resources, making appropriate use of and preventing damage to water facilities and individual systems for the provision of the Services, following established procedures and regulations, including the use of appropriate materials and necessary equipment.*

8. Which model of regulatory mechanism would facilitate stronger compliance human rights standards by service providers? Why? What are advantages and disadvantage of an independent and autonomous regulatory body?

IWA Lisbon Charter:

The actions of regulatory authorities must be based on the principles of competence, professionalism, impartiality, accountability and transparency. Organized in whatever way meets local and national needs, they should ensure the implementation of models which foster an integrated approach, i.e. regulating both the sector as a whole and each service provider individually, identifying the optimal conditions for all segments of the population and service delivery models.

An integrated regulatory approach for the Services must be defined for each specific context, including the following activities:

- a) Ensure that all stages, from design and tendering processes, contracting, service management, contract amendment and termination, are carried out in strict compliance with legislation and with any pre-existing contract, such as in the case of delegations and concession of the Services to third parties;*
- b) Supervise the application of tariff schemes that are fair, sustainable and fit for purpose; promoting efficiency and affordability of prices together with a level of cost recovery that meets the requirements for economic and financial sustainability; enabling service providers to adequately perform operation and maintenance activities, considering infrastructure, environmental and resource costs;*
- c) Oversee and promote the provision of suitable quality of services to users, including quality of drinking water and wastewater management, ensuring compliance with standards, norms and best practices for the benefit of public health and the environment;;*

- d) *Address the interface between service providers and users, in order to ensure the protection of consumers' rights, safeguard the right to submit complaints and due process, and improve the quality of the relationship between service providers and users;*
- e) *Help to clarify the operating rules of the sector, based on regulations, which are essential for the proper delivery of the Services;*
- f) *Contribute to fair and open competition between service providers to facilitate faster implementation of innovative solutions and technical progress; and in this manner, promoting efficiency and quality of the Services while minimising the effects of their monopolistic nature;*
- g) *Collect, analyse and disseminate accurate information on the implementation of the public policy of the sector and on the performance of service providers; enabling a culture of transparency, providing reliable, concise, credible information that can be easily interpreted by all, covering all operators, regardless of the management system adopted for service provision;*
- h) *Promote research to facilitate innovation, building on indigenous knowledge and the development of human resources with suitable technical and professional training, fit to carry out essential functions, thus ensuring increased autonomy for the Services;*
- i) *Provide incentives for improvement of the Services, imposing appropriate and proportionate sanctions in case of non-compliance with established regulations for the Services, following due process rules.*

9. What mechanisms should be in place to ensure that the voice of persons and communities in vulnerable situations is heard and their needs are taken into consideration in the regulation of water and sanitation services? Please provide positive and negative examples.

IWA Lisbon Charter: Collect, analyse and disseminate accurate information on the implementation of the public policy of the sector and on the performance of service providers; enabling a culture of transparency, providing reliable, concise, credible information that can be easily interpreted by all, covering all operators, regardless of the management system adopted for service provision;

10. What measures could be envisaged in a regulatory framework to promote transparency and tackle corruption in the water and sanitation sector?

IWA Lisbon Charter: Ensure that all stages, from design and tendering processes, contracting, service management, contract amendment and termination, are carried out in strict compliance with legislation and with any pre-existing contract, such as in the case of delegations and concession of the Services to third parties;

Contribute to fair and open competition between service providers to facilitate faster implementation of innovative solutions and technical progress; and in this manner, promoting efficiency and quality of the Services while minimising the effects of their monopolistic nature;

* *

*

Appendix 1

The Lisbon Charter Guiding the Public Policy and Regulation of Drinking Water Supply, Sanitation and Wastewater Management Services⁶

International Water Association 2015

Excerpts that directly relate to the human right to the safe drinking water and sanitation and its implementation

The words highlighted in yellow are those that explicitly mention these rights or their criteria and principles

PREAMBLE

...

The IWA Governing Assembly acknowledged the importance of the **human rights to safe drinking water and sanitation** in a Resolution adopted in 2012, which encouraged IWA members to support the **progressive realisation of these rights**. Access to safe drinking water and sanitation were recognised as human rights by the General Assembly of the United Nations in July 2010, and many countries have incorporated them into their legislation. Public policy and regulatory frameworks are derived from this legislation.

Part One - Nature & Purpose

PURPOSE

the Lisbon charter provides guidance on the formulation of national and local public policies, the creation of associated regulatory frameworks for the services, and on good practice for the implementation of such policies and regulations. In order to achieve its purpose, the provisions of the charter rely on the following fundamental elements:

The main premise of the Lisbon Charter is that the reliable supply of **safe, affordable, acceptable and accessible drinking water** (to which the Bonn Charter also relates) and **sanitation, and the sustainable and safe management of wastewater** are fundamental to the health of communities and to their sustainable socioeconomic development. **Access to safe drinking water and sanitation have been acknowledged, furthermore, as human rights** under the International Covenant on Economic, Social and Cultural Rights, derived from the right of all peoples to a basic standard of living and linked to every individual's right to health.

The Lisbon Charter acknowledges that governments must ensure their people's basic needs are met, in compliance with their international commitments to pursue development goals (such as the Millennium Development Goals and the anticipated Sustainable Development Goals); and that they are the **duty bearers for the process of progressive realisation of the**

⁶ The Lisbon Charter is available on http://www.iwa-network.org/wp-content/uploads/2015/04/Lisbon_Regulators_Charter_SCREEN_EN_errata.pdf

human rights to safe drinking water and sanitation, with the obligation to respect, protect and fulfil these human rights, eliminating inequality and discrimination towards the achievement of universal access.

Governments are the main body responsible for policymaking, but may not be the sole entity implementing all actions required to attain universal access to safe drinking water and sanitation, and to achieve an acceptable level of wastewater management. However, as human rights duty bearers, governments should foster good public policy and effective regulation to meet their international commitments as well as the commitments to their own people.

BACKGROUND

Drinking water, sanitation and wastewater professionals and practitioners, policy and decision makers with responsibilities for these services, managers of public or private service providers, and the community of practice working in water management, gathered at the First International Regulators Forum in Lisbon, in September 2014. They commended the IWA initiative to develop, formulate and establish a Charter with a view to laying out the basic principles for good public policy and effective regulation of drinking water supply, sanitation and wastewater management services (henceforth the 'Services'), declaring the respective rights, duties and responsibilities of the governments and public administration, regulatory authorities, service providers and users.

DEFINITIONS

For the purpose of this charter, the following definitions shall apply:

regulation or regulations In this Charter, the term is used to refer to:

1. the rules that emanate from governments and public administration and are enforceable by regulatory authorities or regulators –i.e. 'regulations';
2. the act of applying and enforcing standards, criteria, rules or requirements, which have been legally or contractually adopted –i.e. 'to regulate'.

regulatory authority, regulatory body or regulator is a public authority responsible for applying and enforcing standards, criteria, rules or requirements – which have been politically, legally or contractually adopted – exercising autonomous authority over the Services, in a supervisory capacity.

Part Two – Principles

1.2. The provision of services should enshrine accountability and transparency.

The Services must fulfil a set of public administration obligations: ensuring universal access; having clear standards and norms in terms of quantity, quality, reliability and continuity; discharging a duty of care to users by proactive, preventative, and risk-based management; providing full access to information for all stakeholders; establishing structural and operational efficiency; managing stewardship of assets with integrity and due regard to affordability and intergenerational costs; maintaining a fair balance between affordability of the services and cost recovery to ensure operational sustainability; and adopting rules of good practice, such as those stated in the IWA Bonn Charter and in this IWA Lisbon Charter.

1.4. Service provision should take into account the financial, social and environmental aspects of all water resources.

The Services are inextricably linked to water resources, which constitute the raw material for drinking water and the final destination for wastewater. Water resources are literally the beginning and the end of all water cycles, at whatever scale.

1.5. Effective service provision relies upon the collective actions of interdependent stakeholders.

Considering the diversity of actors and stakeholders, Part Three spells out the responsibilities of the main actors in relation to governments and public administration, regulatory authorities, service providers and users. These responsibilities should, collectively, ensure that the aforementioned obligations towards the delivery of the Services are met in an equitable and non-discriminatory way.

Part Three - Roles & Responsibilities

Article Three - RESPONSIBILITIES OF GOVERNMENTS & PUBLIC ADMINISTRATION

Governments and the public administration have a critical role to play at central, regional and local levels to ensure reliability of the Services, in acceptable quality and affordable prices. They must ensure the formulation and implementation of appropriate public policies for the provision of these services to the population, including the creation, application and monitoring of norms, standards and best practice. Furthermore, public policies are expected to contribute to international development goals and respect for internationally-recognized human rights to safe drinking water and sanitation.

The formulation and implementation of appropriate public policies for the provision of the Services to the population comprises:

...

3.6. Define the objectives, capabilities and capacities of the various bodies having regulatory functions at national, regional or local levels in the fields of health protection, environmental protection, economic regulation, implementation of human rights, and others exploring opportunities for harmonization;

3.8. Define goals and set realistic, measurable targets and standards to improve the availability, access, quality, reliability and affordability of the Services;

Article Four - RESPONSIBILITIES OF REGULATORY AUTHORITIES

4.2. Supervise tariff schemes to ensure they are fair, sustainable and fit for purpose; promoting efficiency and affordability of prices ...

4.3. Oversee and promote the provision of a suitable quality of services to users, ensuring compliance with standards, norms and best practices ...

4.4. Address the interface between service providers and users, in order to ensure the protection of consumers' rights, safeguard the right to submit complaints and due process, and improve the quality of the relationship between service providers and users;

4.9. Provide incentives for improvement of the Services, imposing appropriate and proportionate sanctions in case of non-compliance with established regulations for the Services, following due process rules.

Article Five - RESPONSIBILITIES OF THE SERVICE PROVIDERS

As key stakeholders in this sector, service providers, whether public or private, should effectively and efficiently ensure the equitable, universal supply of the Services, as a fundamental contribution to the wellbeing of society.

Regardless of their organisational structure and management model, service providers should:

5.1. Operate in accordance with the policies set out by governments and act in strict compliance with legal, contractual and regulatory frameworks, particularly for service delivery, tariff structure, quality of service and quality, quantity and reliability of drinking water, collection and treatment of wastewater, consumer protection and competition, and environmental legislation;

5.4. Implement the pricing policies and the procedures for recovery of water charges that are defined by the responsible public authorities, informing them on potential difficulties with cost recovery, particularly with the most disadvantaged users;

Article Six - RESPONSIBILITIES OF THE USERS

Users are the key stakeholders and final beneficiaries of the Services; they have the following rights and duties:

6.1. Effectively exercise their rights, particularly regarding physical and economic access to the Services and information about their quality; actively participating in decisions – if possible – and assuming their corresponding obligations;

6.2. Make appropriate use of the Services, preventing and avoiding behaviours that may adversely impact other users, public health or the environment – such as contamination of water sources and the reduction in quality and/or reliability of water supply;

Part Four - Regulatory Frameworks

Article Seven - PRINCIPLES OF EFFECTIVE REGULATORY FRAMEWORKS

7.1. Regulation should be seen as a part of public policies on the Services. Although it is only one component amongst many, it plays a crucial role, in so far as it has responsibility for the control and promotion of most of the other components;

7.2. Ensure that all contributors to the Services' delivery chain have clear objectives and means of action, deliver achievements that satisfy these objectives and act in an efficient manner;

7.5. Acknowledge that regulators constitute an essential element of good governance, reflecting the needs of our times, and providing a clear separation between technical and managerial dimensions on one hand and political decision making on the other;

7.6. Establish the necessary mechanisms to ensure accountability and public scrutiny of regulatory authorities, particularly with regard to transparency of their actions;

Appendix 2

IWA Manual on the Human rights to safe drinking water and sanitation for practitioners Contents

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