Water and Sanitation: Barriers to Universalization

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1. What do the data tell us ?

Regarding Water, there seems to be an apparent success

As compared to an access estimated at around 90% in the beginning of the 1990s, in 2005, 95.3% of the urban population had access to safe drinking water. According to the Government of India, the MDG objective was reached in 2007. By 2015 the overall access figure will reach 98% of the urban population (Central Statistical Organisation, 2009: 84). In other words, universal access is within reach.

However, the story is less rosy if one looks at the reality on the ground: the percentage of in-house connections has decreased from 52% to 48% of the urban population in the last 20 years which shows the weak link between higher investment and better services for the poor. In other words (but we all know this), aggregated statistics are insufficient to capture the situation of water supply in Indian cities. And this without looking at inequalities between states and class of towns.

Now of course, for sanitation, the situation is much worse even when looking at official data.

The MDG will not be attained in the near future and the level of access to improved sanitation has not progressed rapidly enough. There are variations in number from different sources: 77.5% according to the 2006 NFHS and 54% according to the WHO/UNICEF data. But what doth data sets show is that open defecation remains a common practice for 17-18% of urban dwellers and these inequalities as we all know are strongly embedded in social and cultural practices. And still, here I am not spending time on the poor performance regarding wastewater collection, disposal and treatment systems where manual handling remains a widespread practice and inadequate disposal of waste (open dumping and badly operated landfill sites) leads to environmental degradation.

In other words, discrepancies between poor and residential colonies, vulnerability of specific groups, distribution inequities and maintenance of discriminatory practices portray the Indian city as far from inclusive in terms of access to urban basic facilities. Indeed, if we want to look beyond data sets, the **Ground Reality is one of Distributional Inequalities and Cumulative Vulnerabilities**

This is reflected in many detailed work looking at modes of access and levels of consumption. Long queues, coping strategies all lead to expensive services for the poor. And this is even more when one includes the economic costs and health and environmental impacts. For sanitation, the Water and Sanitation Programme estimates that "the per capita economic impact of inadequate sanitation for the poorest 20% is 60% more than the urban average". Narratives of daily experiences related to water supply and sanitation bear testimony to the feelings of exclusion, lack of security and fear related to the denial of basic rights. Such consequences are particularly acute for three groups: women, children and sanitation workers.

Women are the prime victims of inadequate sanitation facilities: they face sexual harassment and physical danger at water collection points and in toilet facilities; absence of toilet force women to hide during menstrual periods and to be helpless when stomach related ailments strike them in the night: this exacerbates strong feelings of shame. Even when there are toilet blocks, problems persist. Apart from resilient and disempowering socio-cultural practices, this points towards the inability of public utilities to ensure more consultative processes while planning infrastructure. Children represent another vulnerable group. Filling water before going to school and lack of toilets in school are well known problems. This is compounded in some areas of the city, since all numbers show the service level for SC/STs are much below average. Workers in the sanitation sector are confronted

with a very poor and degrading working environment. The conservancy staff works without any protective equipment, respiratory and skin diseases of rag pickers living on landfills or manual scavenger are an added scourge to their already very poor earnings. Maybe more than anything else, the stigma still attached to these jobs undermines the right to self-respect and dignity.

2. My second point is how do the Legal and Policy Framework adress these problems ?

First, it is clear that the relationships between the legislative and policy domains are complex because in the Indian context, water policy and policy instruments are overriding water laws.

2.1. Legal Framework

Internationally, the right to water has been one of the most debated questions in the last decades. In July 2010, the General Assembly of the United Nations voted a resolution recognizing access to clean water and sanitation as a human right. In the case of India (who voted in favour of this resolution), the right to water is implied by judiciary interpretation in the Article 21 (right to life) and in the recognition of the right to a clean environment. Despite this, some authors underline the fact that the understanding of water in all its dimensions (cultural, symbolic, historical, environmental and even religious) is very limited in the Indian laws that mostly deal with irrigation and water supply. Consequently, there is an ongoing debate regarding the importance of drafting a Right to Water and a National Water Law that would enunciate clear principles.

As a result, the main drivers are the State Public Policies since Water and sanitation is a state subject.

For sanitation, the National Urban Sanitation Policy of 2008's objective is progressive. It says and "All Indian cities and towns become totally sanitized, healthy and livable and ensure and sustain good public health and environmental outcomes for all their citizens with a special focus on hygienic and affordable sanitation facilities for the urban poor and women" It clearly states that "Total improved sanitation includes repealing manual scavenging and the socio-cultural biases against sanitation and sanitary work. It also states that open defecation needs to be eliminated and that every "urban dweller should be provided with minimum levels of sanitation, irrespective of the legal status of the land in which he/she is dwelling, possession of identity proof or status of migration". These elements appear as very progressive in their entitlement dimension.

But when we look at State level reforms, though they claim universal access and improvement of services for the urban poor as their main objectives, they mainly reflect a shift towards a number of underlying principles: first, water (and partly sanitation) is an economic good, which lead to reforms such as tariff increase and cost recovery for services, (ii) second, pushing for more decentralization and participation.

3. (since i am researcher and not a practitioner), i would like as a third point in this presentation to highliht the ongoing Current Debates in the academics with Regards to the Existing Mechanisms of Exclusion

To start with, we have to see that reforms are influenced by an approach that assumes that well designed incentives can ensure better accountability, performance and service delivery mechanisms. However, I argue strongly that advocates of reforms work within a minimalist institutionalist framework limited to a sectoral understanding unconcerned by other types of institutions, such as belief systems and social structures. This explains partly the inefficiency of some of the reforms. So, what research does show are a number of barriers:

(First), the role of **Legal and Administrative Procedures as a Tool of Exclusion**

Provision of urban services requires proofs of legal tenure or land ownership, so often municipalities do not extend services to settlements located on plots without any legal title. There is indeed a push towards delinking the question of land tenure from service provision and some municipalities have made steps in this direction but this remains a serious constraint. Further, lengthy and complex procedures, even when security of tenure exists, are another barrier to access adequate level of services. Such complex procedures are intimidating and can deter poorer household unequipped to deal with complex bureaucratic machineries as compared to middle-class households.

(Second), an important question is whether Services are Affordable for the Poor?

On an average, 50% of city dwellers have an in-house connection and access to sanitation is even less. Pro-reformers have argued that weak tariff structure contributes to a vicious circle of low tariffs leading to low revenues and hence low investment in the sector. They have pushed for modification in tariff structure arguing that tariffs are too low. However, ensuring accessible tariff for the poorest section is critical. This tension has led to a number of debates and has at times percolated into policies.

A first question relates to the type and the amount of subsidies. Reforms have tended to reduce the importance of cross-subsidies even though it remains a powerful tool that should not be discarded. Therefore, careful understanding of the existing cross-subsidies and some of their distortions need to be understood. In short, a policy of full cost recovery is simply not feasible and to ensure social equity, various options need to be thought of such as payment facilities or reduction of connection fees. Finally, pricing for sewerage is difficult as payment is not towards the "consumption of a good" but rather to dispose waste. In other words, expansion of underground sewerage and construction of wastewater treatment plants will entail a substantial increase in investments by public utilities, for which user charges will only contribute marginally.

Interestingly, the debates around subsidies pattern have contributed to the emergence of the figure of the "consumer". It has subtly replaced the notion of user and has played a role also in the ambivalent participation agenda.

3.3. This is a third important point regarding the issues of Accountability, Incentives and Voice

Increased participation of users has been a leitmotivs in reform processes aimed. What I understand here is both participatory schemes **and** initiatives to call for citizens' responsibility to cooperate with public authorities. Especially since there is an overall consensus that participation cannot be done away with, questions have to be raised since in-depth research have pointed to some potential pitfalls of participation. First of all, in many participatory schemes, main focus has been on ensuring payment by communities rather than engaging in long-term capacity-building with communities. Secondly, it has often been limited to selected pockets in cities where rights are granted while the most marginalized groups such as squatter settlements or urban nomads are left out. Thirdly, it leaves the responsibility of service regulation to the communities themselves, a process that can aggravate social exclusion and undermine urban regulation.

> Along with participatory schemes, there is a trend of the rise of civil society platforms and arenas involved in consultation processes. The "right to the city" encompasses the right to participate in decision-making processes, to discuss and to debate in the public arena but urban services have been one of the sites where "middle-class" groups have been able to make stronger claims on the city and putting forward the claims of all urban citizens is a required need.

3.4. A fourth important point debated is how to Reforming the Government vs. Claiming the Right to Water

Water reforms have been mostly based on improving efficiency and Very few examples deal with the question of improving services to the poor. The reforms have made no dent in a dual system of service provisioning based on the one hand on a Weberian bureaucracy, providing services on norms and planning to legally entitled citizens and the others. On the contrary, this disjunction, which provides to some extent *de facto* right to services, has been dismissed by pro-reformers as consolidating clientelist networks. Consequently, these reforms have called for a lesser discretionary power to political diktats through politics of corporatization, ring-fencing and the setting up of regulatory authorities. On the contrary, we argue with others, that any policy related to urban services need to engage with the politics both at the State and at the city level and the larger debate of the attitudes, norms and practices towards the poor and the larger question of social exclusion. Transformation of urban services cannot be read separately from the larger context of cities increasingly becoming sites of exclusion and marginalization. In this context, the importance of growing social movements, or simply groups claiming their rights to the city, around the question of urban services, is undermined or bypassed by a focus on public policies. Indeed, recent years have seen the rising mobilizations of groups and movements for a right to water and these voices need to be heard in public policy making arenas.