



## **WASH RIGHTS: PACTS front**

ENSURING WATER, SANITATION AND HYGIENE  
(WASH) DEVELOPMENT PROMISES ARE FULFILLED



## **Article 43 1(b)(d) Constitution of Kenya 2010: back**

- (1) Every person has the right -
  - (b) ... to reasonable standards of sanitation;
  - (d) to clean and safe water in adequate quantities;



## WHAT IS A DEVELOPMENT PACT? front

Development Pacts are public agreements between 'duty-bearers' & 'right-holders'

Pacts help citizens to hold public officials, politicians and service providers to account for their conduct and performance in terms of service delivery, mandated responsibilities and public obligations

Who is a 'duty-bearer'? Any elected official or person that is employed by the Government and whose services are paid for by your taxes.

Who is a 'right-holder'? YOU!



## APPLICATION

- Name up to five "duty-bearers" in your county:
- Name up to five WASH "duty-bearers" you usually get services from:
- Name up to five rights you are entitled to under the Supreme Law the Constitution of Kenya:
- Name up to five Universal Rights we are all entitled to:



## WHY A DEVELOPMENT PACT?

### Development Pacts improve:

- Public accountability and prioritising WASH in the decision-making on public resources
- Responsiveness, performance and integrity of duty-bearers on promises related to poverty reduction and government initiatives
- Assisting vulnerable and marginalised individuals and households within the community to secure access to water and sanitation



## APPLICATION back

- Where do WASH public resources come from and what are they used for?
- What WASH promises were made by the leaders you elected or that want your vote?
- What WASH services do you most want to see improved and why?



## WHAT ARE THE BENEFITS OF A DEVELOPMENT PACT?

- Increases the participation of all members of society like the marginalised in government initiatives intended for the public's benefit.
- Revising legislation and policies in order to recognise and implement the Right to WASH
- Protecting and promoting the right of individuals to access information and participate in decision making related to WASH
- Reduces corruption and enhance transparency, accessibility, responsiveness and accountability of political candidates and public officials through citizen oversight
- Prevents a wide range of malpractices such as abuse of public funds, tardiness/ absenteeism, poor planning/budgeting, poor service delivery and project implementation and unethical conduct of public officials.



## APPLICATION

- How does one participate in public decision-making?
- What are the mechanisms in place to participate in WASH decision making?
- Which WASH projects intended for your benefit have been implemented in your county/ district / community?
- Were they implemented and do they benefit all the members of your county/ district/community?
- If they were not implemented or poorly done, why do you think that happened and what did you do about it?





## WHAT IS IN A PACT?

### **A good Pact has:**

- Credible, respected partners
- Clear, tangible, short- and medium term benefits to all partners
- Transparency in the distribution of benefits within communities / constituencies
- An inclusive review mechanism / committee
- High levels of public visibility
- A strategic location for replication
- Creativity to deal with new threats, challenges and opportunities
- Affected citizens & public officials who have identified small steps that can protect their rights
- Role models that raise standards for performance and accountability



## HOW TO BECOME A PACTITIONER?

- Step 1. Preparation
- Step 2. Dialogue
- Step 3. Agreement
- Step 4. Launch
- Step 5. Review



## STEP 1. PREPARATION

- Identify and understand the political and administrative framework: - What are the structures and reform efforts at national, county, service delivery and community level that enable citizen participation
- Identify a winning intervention:- At the right level of government, on the right issue, to reduce the risk of failure
- Look at the timing: Pacts can be linked to reforms in service delivery, to elections, to administrative reforms, flagship programmes of the government etc.
- Identify opportunities for partnerships with others: These can be CSOs, media, business enterprises, county government networks, service delivery associations
- Identify & screen promising partners: These 'Champions' **MUST BE CREDIBLE AND RESPECTED** and can be CSO partners, local communities and your own 'Committees of Concerned Citizens', "Voluntary Accountability Groups", Public officials, service providers and leaders
- Interest your partners: **For the politician** the pacts can be a way of gaining and retaining public office without corruption and are an election campaign tool for those keen to stay clean; **For a public administrator** it allows them to outline the limits of their ability to deliver and to gain citizen support in achieving targets **For citizens and communities** they get convinced by actions, let the Champion come, listen and answer them on their concerns and most centrally - ask them for their ideas to create change, engage the young, the old and the women, and those with most hope



## APPLICATION

- List the citizen participation platforms available in your county/ community and who are in charge of convening them
- List up to five WASH service delivery areas you think need improvement in your community /county
- List all the actors responsible for public services- including the users of those services
- List the duty -bearers you found to be responsive and willing to engage on the issue of improving livelihoods of the people in your community/county
- List all the citizen networks , action groups , CSO 's , religious groups , media in your county / community you think can support you by helping you organise for forums and meetings and give you publicity
- List all the expectations of these actors for an improved situation, their willingness to contribute to the identification of solutions and commitment to specific actions
- List all the external actors and their contributions whose support is necessary to sustain the Pact and contribute to its replication



## STEP<sub>2</sub>. DIALOGUE

- **Support partners in identifying tangible benefits:**  
Start with explaining your own perspective on the Pacts use  
Ask public officials, service providers etc. HOW the Pact can BEST help them to deliver better with greater public accountability and thus improve their reputation  
Ask local communities WHAT they want from the Pact, how they can CONTRIBUTE, how RISKS could be addressed and chances of success increased
- **Create a provisional pact through bilateral dialogues:**  
Continue your dialogue with identified stakeholders  
Start small and introduce a Pact design with realistic expectations  
Engage local CSOs that can benefit from improved relations with public officials in their own work to COOPERATE on community mobilisation, capacity building
- **Initiate public dialogue between key stakeholders:**  
Talk to the NATIONAL or COUNTY level institutions on the DP's benefits for them and the SUPPORT they could give  
Get in other stakeholders (media, traditional leaders) who give credibility to the process  
Each step needs to be undertaken with sufficient time (e.g. start with separate and parallel working groups to allow each actor to know what their own expectations/commitments would be).



## APPLICATION

- Describe WASH areas you have indentified that require improvement
- Describe the current situation A and desired future situation B
- List the interests of each participant at your meetings and if there is consensus to address the areas selected
- For service providers list HOW the Pact can BEST help service providers deliver better and promote the right to water and sanitation
- For local communities list WHAT they want from the Pact, how they can CONTRIBUTE, how RISKS could be addressed and chances of success increased
- Jointly agree on what " tangible benefits " can potentially result from the Development Pact



## STEP<sub>3</sub>. AGREEMENT

### On WASH ISSUES:

- It is important to identify individual and shared interests and build consensus around the selected issues : these issues can be improving services in sectors like education, health, agriculture, water, infrastructure, etc.

### On WASH RESULTS:

- Key accountability and development targets to be delivered by detailing roles and responsibilities for delivery in the Pacts

### On a WASH ROADMAP:

- With time-bound & specific targets and clarity on each partners commitments for delivering promises along with detailed oversight and participation mechanisms



## APPLICATION

- List the priority issue all actors have agreed to engage in and why
- List the willingness and ability of each actor to contribute to each step
- List each step necessary to reach there, with results along a timeline
- List commitments and expectations of benefits from each actor of the Pact
- Break these down into a road-map with clear milestones (activities and indicators)
- Achieve clarity on joint review mechanisms and visibility
- Identify what is missing to come from A to B and where external help is needed
- Develop and present a draft Pact for review by all actors listing their commitments, responsibilities, actions, timelines and benefits





## WATCH OUT!

**The Pact can be:**

Captured - Undermined - Discredited  
Die slowly or quickly

**Monitor the 'Integrity of the Tool' at all stages of the Pact:**

Ensure that the tool's credibility is an important aspect of its design process  
Create a separate control process to monitor tool implementation

**A pact is a dialogue framework.** It must be led by the aspirations / needs of each actor. It cannot succeed if it is not designed by these actors. And if each actor is not already in a frame of mind to contribute to a dialogue and find a solution. It typically requires or may generate 'Champions' willing to take a step beyond the current situation.



## STEP 4. LAUNCH

- **Design a ceremony for the Pact signature** that draws on the creativity of a range of groups in a community: children, youth, women, senior citizens, etc. to attract a wider audience
- **Ensure each actor in the Pact, the committed Champion, his/her team, the active citizen & regular community member** has a 'stage' role, can take the Pact seriously & can look forward to the next review
- **Use media to capture the current situation** to document the aspirations, the voices of the champion & the people - what each will contribute & benefit from the Pact
- **Let the selected review committee members close the ceremony** and alert people to the time table of the next event/review, the contact persons, phone nos. and interim steps that are planned



## STEP 5. REVIEW

- **The integrity of the tool:** Wide review & participation AND regularly supporting agreed reviews to 'institutionalise' the Pact as a regular forum for dialogue & monitoring
- **The 'visibility' of the tool:** The benefits gained, standards set & role models created by regularly showcasing results both locally and nationally to demonstrate benefits of citizen participation AND recognising 'Champions' for their achievements
- **Its ability to sustain & replicate:** Links to multipliers, trends and larger reforms



## PACT LAY-OUT

**Principles:** The pact should be accessible and meaningful to all partners and the wider public whose interest and scrutiny is essential. For this reason the following is suggested:

- A one-page of the pact containing the information seen to be central to the pact. This could include a permanent invitation to interested citizens, other stakeholders to join the effort, review meetings, local initiatives etc.
- **Typically the one-pager would state:** **1)** that the Pact is undertaken in the spirit of constructive and solution-oriented engagement; **2)** is aimed to achieve jointly prioritized objectives; involves partners A,B,C making commitments X,Y,Z and **3)** is regularly and publicly reviewed on the first Saturday of each month on progress made.
- **On a separate page in more detailed form:** For each partner a clear role descriptions, specific commitments and actions along a time-line. This page could include a section spelling out the accountability mechanisms of this actor to their own constituency
- An overall time-line and a time-line showing key milestones that the pact wishes to achieve and document through joint actions and reviews.