

# TRANSPARENCY, ACCOUNTABILITY AND PARTICIPATION

*'Corruption violates the core human rights principles of transparency, accountability, non-discrimination and meaningful participation in every aspect of life of the community. Conversely, these principles, when upheld and implemented, are the most effective means to fight corruption.'*

Navi Pillay, UN High Commissioner for Human Rights (OHCHR, 2013)

## A HUMAN RIGHTS APPROACH

The Universal Declaration of Human Rights (1948) asserts the rights of citizens to play their part in government and public service and sets out a framework for freedom of information, combating discrimination and the right to legal redress.<sup>1</sup>

In the decades since then the interconnection between good governance, human rights and sustainable development has become more explicit.

- + In 2000 the Office of the High Commissioner for Human Rights (OHCHR) recognized that 'transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests' (OHCHR, 2000).
- + In 2011 the OHCHR noted that the right to development 'embodies the human rights principles of equality, non-discrimination, participation, transparency and accountability'.<sup>2</sup>
- + In September 2015 the SDG targets were agreed, including Goal 16: 'Effective, accountable and inclusive institutions at all levels' (UN General Assembly, 2015).

## TAP FOR WATER INTEGRITY

In combination, transparency, accountability and participation (TAP) create a framework for integrity so that the water sector can protect the marine environment and optimize its use for food, energy and consumption. The OECD Principles on Water Governance include Principle 9, to 'mainstream integrity and transparency practices across water policies, water institutions and water governance frameworks for greater accountability and trust in decision-making'.

### Transparency

*'Transparency comprises all means to facilitate citizens' access to information and their understanding of decision-making mechanisms.'* (Cap-Net et al., 2009)

Transparency is about openness and public access to information. Citizens need to be familiar with decision-making processes and the standards expected from public officials. They must be able to anticipate when significant decisions are to be made and how to make their voices heard.

Maximizing transparency in the water sector entails the capacity to generate and make freely accessible high-quality data and information that are understandable and usable.

Participants at the Delft Water Integrity Forum in 2013 recognized a key requirement of transparency as 'free and easy public access to relevant, reliable and consistent data and information, including legal documents' (WIN et al., 2013). Reliable, timely information is required to be able to hold service providers, policy-makers and those who pollute or misuse water to account (Lister, 2010).

By February 2014 102 countries had adopted access to information legislation or similar measures (Right2INFO, 2012) (see Chapter 5). However, these are not always effective. Procedures need to be simplified and costs set at a level at which they do not impede access.

<sup>1</sup> Universal Declaration of Human Rights, articles 2, 7, 8, 10, 19, 21: [www.un.org/en/documents/udhr](http://www.un.org/en/documents/udhr).

<sup>2</sup> OHCHR: [www.ohchr.org/EN/Issues/Development/Pages/Introduction.aspx](http://www.ohchr.org/EN/Issues/Development/Pages/Introduction.aspx).

## Accountability

*'Accountability issues, and not investments, are the key constraint to securing the delivery of improved and efficient services.'* WSP (Agrawal, 2009)

Elected officials and water managers should be held accountable for their actions and answer to those they serve. Citizens, civil society organizations and the private sector must be able to scrutinize actions and decisions by leaders, public institutions and governments and hold them accountable for what they have, or have not, done (Cap-Net et al., 2009).

The UNDP states that accountability is a core human right that 'contributes to ensuring that the interests of the poorest and most marginalized groups in society are taken into account' (Lister, 2010).

Tools for accountability include monitoring systems, performance agreements, annual reports, audits, report cards, complaints systems, public meetings and satisfaction surveys.

Accountability also means appropriate sanctions for corrupt behaviour, so that corrupt officials are dismissed, companies that bribe or cheat are excluded from public contracts and, in the final resort, there are legal penalties in the form of fines or imprisonment.

In 2013 the Human Rights Council published guidance on incorporating the human rights to water and sanitation into state constitutions and legislation – including the means for citizens to enforce the right and seek remedies through competent and effective courts and tribunals (de Albuquerque and Roaf, 2012). The internet has dramatically increased opportunities for citizen monitoring, while social media has a growing role for enhancing accountability.

## Participation

*'[P]articipation is a human right in itself... [V]iolations may arise from direct denial of participation as well as indirect, by failure to take reasonable steps to facilitate participation, including by ensuring the right to access to information.'*

Ex-UN Special Rapporteur (de Albuquerque, 2014)

Participation implies that all stakeholders, including marginalized and resource-poor groups, are meaningfully involved in deciding how water is used, protected, managed and allocated. Initiatives such as river basin associations, water stewardship initiatives, water users' groups and participatory budgeting broaden the base of decision-making.

Participation involves obligations as well as rights: it also implies that all stakeholders have to adhere to and comply with legal rules and regulations.

**Figure: Strategies and approaches for enhancing integrity in the water sector**



(developed by WIN)