

CLAIMING WATER RIGHTS

LESSONS FROM CLAIM YOUR
WATER RIGHTS 2019-2022

ACKNOWLEDGEMENTS

This analysis report was written by Sam Taylor (EWP senior engagement officer) and edited by Alana Potter (EWP global coordinator) and Michael Clark (researcher). Thanks to all of EWP's members, who shared reports of their campaigns, generously gave their time to be interviewed and whose contributions and insights can be found throughout this report.

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INTRODUCTION

Since July 2010, the United Nations has explicitly recognised safe water and sanitation as a human right. Five years later, 193 countries strengthened their commitments to realising access to safe water and sanitation by 2030 when they adopted UN Sustainable Development Goal 6 (SDG 6). As of July 2020, 171 countries had ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which requires states to realise the right to an adequate standard of living and the right to the highest attainable standard of health – two rights that have been interpreted to include the right to water as an essential guarantee.

But rights, by themselves, do not magically lead to change.

“People are the ones organising and coping with water scarcity. They are on the frontlines of the water crisis [and] have the knowledge of how to sustainably manage water in their territories. They are ensuring that right-holders are at the forefront of the water agenda – without them, there is no water agenda...”

Pedro Arrojo-Agudo, UN Special Rapporteur on the Rights to Water and Sanitation (2022)



It's communities and grassroots civil society, who are most affected by the lack of safe water and sanitation, who are driving social change. Communities play a vital role in strengthening governments – because it's only through persistently holding governments accountable, using whatever means we have at our disposal and employing all sorts of tools, that we can make the rights to safe drinking water and sanitation real. Communities, people are the change-makers that bring about transformation.

End Water Poverty (EWP) is a global civil society coalition that campaigns for governments to respect, protect, promote and fulfil the rights to water and sanitation.¹ We firmly believe that the way to transform rights into reality is through an engaged, emboldened and united civil society that actively powers people to claim their rights to water and sanitation. Since our inception in 2007, our membership has grown to over 150 civil society organisations (CSOs) in 80 countries across Africa, Asia, Europe, Latin America and North America – becoming a truly global coalition.²

We connect human rights advocates working in different parts of the world; we amplify the voices and demands of the people we work with; and we mobilise and work alongside member organisations to advocate locally, nationally, regionally and globally for the rights to water, sanitation and a healthy environment.

It is through our flagship global campaign, Claim Your Water Rights, which offers mini-grants of up to GBP 5,000 to our members to employ a range of context-specific, community-led strategies for advancing the rights to water and sanitation, that we're really seeing tangible results. The campaign began as a way to build knowledge, awareness and confidence in using the international human rights framework at national and subnational levels, while supporting communities directly affected by a lack of water and sanitation to design and deliver advocacy activities that are uniquely adapted to their local or national contexts.

Over three years, we've directly funded community-led advocacy campaigns in communities affected by inadequate water and sanitation in 14 countries through 31 mini-grants. The impact of the campaign at local and national level has been far-reaching: From achieving legal and policy reform in countries like Pakistan and Nigeria; to meaningfully influencing governments' responses to the COVID-19 pandemic; exposing corporate water rights violations; and securing tangible improvements to services and infrastructure in hundreds of communities across the globe. This work is impactful, it's changing lives.

Now that we have the experiences and lessons from multiple member organisations over several years to draw on, we are well-placed to assess what has worked, where and why to help sharpen our rights claiming strategies.

To this end, this report documents examples of the ways that our member organisations have claimed their water rights between 10 December 2019, when Claim Your Water Rights was launched on International Human Rights Day, and September 2022.

In this report, we reflect on the thematic lessons emerging from the campaign. We hope that these experiences will underscore the importance and effectiveness of rights claiming strategies, and deepen people's understanding of the unique contribution that community-led rights claiming adds to the global struggle for water and sanitation rights.

¹ For more information about End Water Poverty and our global campaigns, see our website: <https://endwaterpoverty.org>.

² Our member organisations are primarily made up of community-based organisations and grassroots civil society, but also include social movements, trade unions, regional and international networks, and international non-governmental organisations (INGOs).

A close-up photograph of a woman's hands pouring water from a clear plastic bucket into a yellow container. The woman is wearing a colorful patterned top. The background is slightly blurred, showing an outdoor setting with a white awning.

CLAIM YOUR WATER RIGHTS: A GLOBAL CAMPAIGN

Claim Your Water Rights is a global public pressure campaign that supports civil society to employ a range of contextually sensitive, community-led strategies to hold governments accountable for the realisation of people's rights to safe drinking water, sanitation and a healthy environment.

“Claim Your Water Rights encourages people to adapt the campaign to their local context, to be creative and autonomous. It gave us space to be more proactive in our work and think outside the box. It’s not the same as other global campaigns, which provide stringent conditions. We could design our messages and strategy to fit our local context.”

Clinton Ezeigwe, Christian Fellowship and Care Foundation (CFCF)



Through our mini-grants, End Water Poverty funds our member organisations directly against clear and publicised [criteria](#), to design, develop and deliver advocacy campaigns that are uniquely adapted to their local or national contexts. This enables members to develop powerful community-led campaigns to challenge the water and sanitation rights violations that most affect the grassroots communities they work with, while working in global solidarity under the Claim Your Water Rights banner.

Since its launch on 10 December 2019 (International Human Rights Day), Claim Your Water Rights has become End Water Poverty’s flagship campaign and central to our advocacy initiatives.

31

mini-grants of up to GBP 5,000 to directly fund community-led advocacy campaigns in communities affected by lack of access to water and sanitation between December 2019 and September 2022

14

countries where we’ve funded member-led advocacy campaigns between December 2019 and September 2022, making Claim Your Water Rights a truly global campaign

81%

of our operational budget between December 2019 and 2022 has gone directly to our member organisations through mini-grants to fund grassroots advocacy

Diverse, localised strategies

The first phase of Claim Your Water Rights aimed to build knowledge, awareness and confidence to advocate using the international human rights framework at national and local levels. Many members focused on raising public and political awareness of the human rights to water and sanitation, identifying communities whose rights had been violated and informing them of their entitlements as rights-holders, while informing governments of their obligations as duty-bearers.

Civil society can use a range of different accountability tools to support rights claiming, but our initial campaign communications focused on assisting communities and grassroots civil society to lodge complaints with national regulators or National Human Rights Institutions (NHRIs) – independent institutions charged with holding governments and state-contracted service providers accountable for the delivery of services to human rights standards.³ Members’ experiences working with regulators and NHRIs illustrated that the effectiveness of these institutions varied widely depending on a specific country’s context.

³ National regulators, sometimes referred to as national utility regulators (NURs), are independent governmental agencies that ensure water services are affordable, efficient, effective, and equitable. They have the power to set restrictions on the tariffs that water and sanitation utilities can charge users. They can also settle disputes between people and private providers. In some countries, specialised agencies regulate water services, e.g., [Kenya’s Water Services Regulatory Board](#). It is also common for the same body to regulate water and electricity providers, for example Ghana’s Public Utility Regulatory Commission. Not all countries have water regulators. NHRIs are responsible for holding governments and state-contracted service providers accountable for the delivery of services to human rights standards. Most countries where EWP members work have an NHRI. They have the power to receive and investigate complaints. Should government agencies or their contracted service providers fail to comply with their recommendations, NHRIs can seek legal intervention in courts. NHRIs should also submit thematic reports to the UN Human Rights Council through the [Universal Periodic Review](#) and [SDG National Working Group Reports](#).

“What is needed is multiple strategies, on multiple fronts, it’s the only way that strategic changes are brought about. There is no one single strategy that has resulted in structural change in any country. We all need to play our role.”

Alana Potter, End Water Poverty global coordinator



People directly affected by a lack of water and sanitation are best suited to design, develop and deliver advocacy campaigns that are uniquely adapted to their local or national contexts. As a result, we adjusted our campaign to broaden the accountability and advocacy tools that members can use to claim their rights at local and national level.

Claim Your Water Rights gives our member organisations the autonomy to create proactive, flexible, localised campaign strategies. This diversity of approach is crucial to the success of the campaign.

The flexibility of the campaign allows members to employ a wide range of creative rights claiming strategies, including:⁴

- Community mobilisation
- Coalition building
- Demonstration, occupation and protest
- Direct engagement with government and service providers
- Documenting, monitoring and publicising data
- Exposing water rights violations through investigative research
- Legal activism through litigation
- Lodging complaints with utility regulators or national human rights institutions
- Media influencing
- Mobilising around elections
- Policy advocacy and submissions
- Producing evidence-based social and policy research

⁴ This list is not exhaustive or prescriptive. The campaign is led by local actors who employ both formal (“invited”) and informal (“invented”) rights claiming strategies. “Invited” strategies refer to formal participatory and accountability mechanisms, while “invented” strategies may include occupation, self-supply, and various forms of protest. The distinction is largely determined by context.



Seizing the moment

Claim Your Water Rights allows members the flexibility to respond to increased public and political scrutiny on water and sanitation issues. Members utilise newsworthy national and international stories - such as acute water shortages, pollution incidences, disease outbreaks, mass disconnections and the COVID-19 pandemic - to escalate the campaign. Members also use national events like elections, Voluntary National Reviews, national budget reviews, or changes in water and sanitation service providers, and international policy advocacy opportunities presented by High Level Political Forums as well as global and regional calls, declarations, and commitments.

The diverse approaches pursued by our members have consistently secured impressive results: from achieving legal and policy reform in countries like Pakistan and Nigeria, to meaningfully influencing governments' responses to the COVID-19 pandemic, and securing infrastructure improvements in hundreds of communities across the globe.

Claim Your Water Rights is shifting the needle by helping communities to successfully claim their rights to water and sanitation. An independent external review undertaken by Ajabu Advisors on behalf of End Water Poverty's funder and institutional host, WaterAid, in April 2022, which included a detailed analysis of our impact by reviewing documents and interviews with members and partners in a wide range of CSO networks and organisations, identified dozens of tangible advocacy outcomes from EWP members' campaigns, particularly at national and sub-national levels.⁵

This reports analyses what we are learning about rights claiming strategies from members' written reports and from 14 interviews conducted with members in July 2022. It complements our 2020-2022 progress report (December 2022) and country-by-country campaign reports, which will be published on World Water Day 2023.

⁵ The review was funded by WaterAid and conducted by Ajabu Advisors LLC. The evaluation team was Chris Allan, Violet Matiru, and Atalie Pestalozzi.

A woman in traditional Indigenous attire, including a blue and white fringed dress with orange floral patterns and a colorful beaded necklace, holds a large, dark feathered headdress aloft. She is surrounded by other protesters at an outdoor event. In the background, several signs are visible: a red sign that says "WATER IS LIFE!", a white sign with "RESPECT" and a rainbow flag, a blue sign that says "PROTECT WATER NoDAPL", and a white sign with a black beetle illustration and the text "NO PIPELINE ON INDIGENOUS". The scene is set against a blue sky with light clouds and green trees.

LESSONS FROM THE CAMPAIGN

Amplifying community voices

Centring the voices and actions of communities is essential to the integrity, authenticity and efficacy of Claim Your Water Rights. For many of our members, working with communities that they either know intimately or come from lends legitimacy to their demands for water and sanitation rights.

The Centre for Law and Justice (CLJ), a grassroots NGO working to protect the rights and interests of disadvantaged Christian minority communities in Pakistan through research, strategic litigation and advocacy, devised and implemented their Vote for Water campaign in the same minority neighbourhood in Lahore, Pakistan, where their deputy director, Asif Aqeel, grew up. An in-depth understanding of the challenges people face has strengthened their ability to amplify the community's struggle. As Aqeel says: "We knew the issues because we lived them."

"It should be people demanding their water rights – not an organisation speaking on their behalf... People will make their demands in their own language, they will not mince their words."

Asif Aqeel, Center for Law and Justice (CLJ)



Working with community leaders builds trust and solidarity. The Community Emergency Resilience Initiative (CERI), a Nigerian organisation that works to build resilient communities and advocates for water and sanitation rights, urges civil society to invest time into building relationships of trust with communities. CERI's director, Attah Benson, explains: "Communities must have people they feel they can talk to - it gives them hope and encourages them to know they are not powerless and can get what is rightfully theirs."

Khumbulani Maphosa, the coordinator of the Matabeleland Institute for Human Rights (MIHR), a human rights non-profit that strengthens civic engagement and social accountability in Bulawayo, Zimbabwe, similarly emphasises the importance of "getting the community to speak for itself [as] a way of catalysing action". In some instances, our members have found that hearing directly from affected communities leads to better results. The Indian Institute of Youth and Development's (IIYD) P.C. Misra, for example, points to the effectiveness of communities representing themselves without the visibility of non-government organisations (NGOs), whom Indian authorities are more likely to perceive as antagonistic.

"We've learnt how important the community's voice is – getting the community to speak for itself is a way of catalysing action."

Khumbulani Maphosa, Matabeleland Institute for Human Rights (MIHR)



It is the agency, actions and initiative of communities that activate legal policy frameworks and political promises.⁶

⁶ Thato Masiangoaka, Kelebogile Khunou & Alana Potter "Fighting for water in South Africa: Public participation, water rights claiming and strengthening governance" *H2Open Journal* (2022) 5(1): 98-114.

Assessing the effectiveness of NHRIs

The experiences of our member organisations lodging complaints with national utility regulators (NURs) or national human rights institutions (NHRIs) has highlighted the potential effectiveness of this relatively untested and often overlooked accountability mechanism. The first phase of the campaign shows that the power of these institutions varies from country to country. Even members who made ground-breaking progress through working with their NHRIs found that their Commissions' impact was limited.

In Imo State, Nigeria, the Christian Fellowship and Care Foundation (CFCF), a non-profit organisation that partners with communities to demand access to water and sanitation, supported the Okigwe community to lodge a complaint about contaminated water with the Imo State Human Rights Commission - the first human rights complaint relating to a water rights violation in the country. The Commission's recommendations were tentative, but garnered commitments from the state regulator, Imo State Water and Sewerage Corporation. Yet this came after months of confidence- and capacity-building with CFCF organising numerous workshops to understand the Commission's governance and operational challenges, with the CFCF even developing a complaints form on the Commission's behalf. CFCF's Clinton Ezeigwe says candidly that the Commission lacks awareness of its own power and explains how important it is for the Commission to demonstrate its effectiveness to give communities confidence to lodge further complaints. This shows how the authenticity and legitimacy of NHRIs is often dependent on the very people who claim their rights – without human rights defenders, there are no human rights.

CERI, who collaborated with CFCF, similarly reported that Nigeria's National Human Rights Commission, based in Abuja, lacked knowledge of the human rights to water and sanitation. Substantial time was spent enhancing the Commission's access to information and knowledge of human rights. CERI's Attah Benson recognises that the Commission's power is limited - particularly at state level as the government can easily fire staff or reduce budgets. Nevertheless, he affirms that there is potential for civil society to collaborate effectively with NHRIs to hold governments accountable.

Some members managed to leverage their relationships with NHRIs to hold positions within their NHRI's governance structures. After months of lobbying from the Zambia NGO WASH Forum, the Zambia National Human Rights Commission established a thematic Committee on Economic, Social and Cultural Rights, inviting the Forum to nominate a civil society representative. The National Association of Youth Organisations (NAYO) similarly sit within the Zimbabwe National Human Rights Commission as the country's youth representative. NAYO use their position to submit periodic reports on young people's enjoyment of various rights - including water and sanitation - and organise investigative visits to provide residents with information on the human rights to water and sanitation, explaining that people have the power to lodge anonymous complaints of rights violations that occurred within the last three years. NAYO reported that the Commission's presence at meetings between communities and duty-bearers gave people confidence to air grievances and question councillors. Yet, as NAYO's MacDonald Munyoro says, they would like to see stronger action and insist on the virtue of patience: "We hope to continue to leverage [these institutions]. It takes time."

Other members' experiences with NHRIs contrast greatly. The Institute of Cultural Affairs' (ICA) Kassimou Issotina reported that Benin's National Human Rights Commission were reticent to be seen as publicly promoting human rights - to the extent that they refused to be pictured with activists - due to government repression. Conversely, the Coalition of NGOs in Water and Sanitation's (CONIWAS) Basilia Nanbigne found that Ghana's Commission of Human Rights and Administrative Justice (CHRAJ) was knowledgeable and "proactive" in undertaking independent research and identifying community members who can submit complaints and claim their rights. Nanbigne attributes CHRAJ's proactiveness to lack of fear: "Once CHRAJ raise issues, the government supports them." Nanbigne describes the establishment of a good working relationship between CONIWAS and CHRAJ's regional and national branches as a key campaign achievement that is a testament to determined efforts to convene advocacy allies.

Ultimately, national commissions can be an accessible means through which marginalised groups can access justice. In Koraput, Odisha, the Indian Institute of Youth & Development (IIYD) organised rights awareness training for an Adivasi community who did not have access to safe sanitation. Following the training, the community filed

a 'representation' to the National Scheduled Tribes Commission concerning their lack of toilets (the term 'complaint' was deemed unacceptable by bureaucrats, and while IIYD adjusted their language, the content of the letter remained the same). A subsequent report showed that the money allocated for sanitation services had been spent despite no construction work taking place; the government simply assumed the Adivasi community would not complain. Once the Commission investigated the complaint, the government started constructing toilets. In 2021 alone, IIYD assisted 10 different communities to make representation to a range of different government institutions. These representations led to the collection of 2,000 families' solid waste, increased budget allocations potentially extending services to an additional 10,000 people; the renovation of 84 ponds; the construction of 12 wheelchair-friendly ramps to improve access; piped water supply to one district; the introduction of water quality testing; the repair of a defunct tube well; and the supply of drinking water to two tribal panchayats. P.C. Misra from IIYD observes a "multiplier effect", with communities in neighbouring districts beginning to adopt similar strategies to claim their water and sanitation rights.

“Civil society should not relent. We’ve been trying to work with [our NHRI] for years; now it will yield results. Advocacy is a continuous process.”

Basilia Nanbigne, Coalition of NGOs in Water and Sanitation's (CONIWAS)



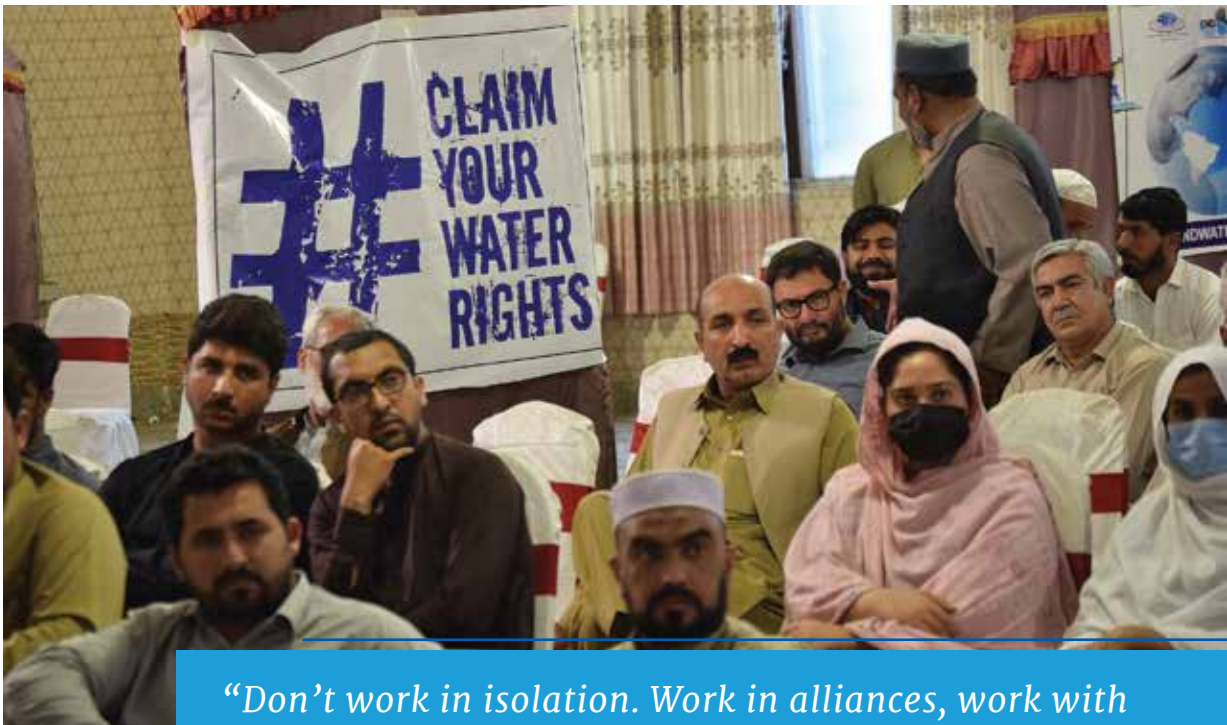
Sometimes the intention to lodge a complaint is enough to compel duty-bearers to act. The first major Claim Your Water Rights success came in January 2020, when Vision Africa Regional Network (VAREN) supported over 1,000 people in Mansa, who had been without safe water for almost a year, to demand their rights. The community first vented their frustration on regional TV and radio, imploring their Member of Parliament (Zambia's then Health Minister) to fulfil his election promise of realising their rights to safe water. They referred to an intention to submit complaints to Zambia's Human Rights Commission. The combination of media scrutiny and the threat of a looming complaint compelled Mansa's Member of Parliament to intervene. Five days later, the community celebrated the restoration of their water supply.



Building allies

Building coalitions of grassroots groups working on interrelated human rights fosters a culture of learning and solidarity. By building alliances with other organisations and groups, our members were able to deepen their understanding of the different ways in which civil society confront systemic injustices, power imbalances and rights violations.

CFCF have prioritised partnerships with networks, schools, community leaders and a broad civil society coalition to the extent that Claim Your Water Rights is now a movement in Imo State, Nigeria. As CFCF's Clinton Ezeigwe says, "Collaboration is key. You can do things you cannot achieve alone. Don't be afraid to ask for help."



"Don't work in isolation. Work in alliances, work with local government and political leaders. Our mandate is to benefit people; it's a combined effort."

Syed Shah Nasir, Integrated Regional Support Programme (IRSP)



While it's important to connect with health, gender, environmental and social justice activists, members have also engaged civil and political rights advocates to build a broad movement of water rights defenders. This intersectional approach enables members to better understand the complexity and specificity of the injustices different marginalised groups experience. NAYO, who partnered with residents' associations in establishing climate justice youth hubs, similarly advise partnering with a diverse array of civil society allies to accelerate actions, leverage partners' relationships, and widen the scope of the campaign.

Fighting for climate justice

The communities most affected by the water and climate crises are often the communities who have contributed the least to climate impacts and are invariably the most marginalised. The climate crisis will be felt most severely by people whose rights to safe water are already compromised: Either their right to water is not adequately respected, protected or fulfilled, or their access relies on surface or groundwater sources that have been polluted or over-abstracted by unsustainable, unregulated practices in major industries, such as mining. Climate justice is therefore intrinsic to the struggle for water rights.

Yet the struggle for climate justice is still nascent in many countries. Zambia NGO WASH Forum's Bubala Muyovwe describes climate justice advocacy as "in its infancy" in Zambia. To address this, the Forum organised training to build members' knowledge and confidence. Vision Africa Regional Network (VAREN) notes that Zambian policy makers and ministers also lacked understanding of the connections between the water and climate crises – something that Muyovwe attributes to a lack of data: "There is no reliable water quality database. 60% of water is reportedly contaminated in Lusaka but there is no mapping, no water quality testing – only increasing cholera incidents." Muyovwe says that this is partly why Zambia's water ministry does not have a strategy to provide climate resilient water services.

"There is no reliable water quality database. 60% of water is reportedly contaminated in Lusaka but there is no mapping, no water quality testing – only increasing cholera incidents."

Bubala Muyovwe, Zambia NGO WASH Forum



NAYO in Zimbabwe, who incorporated climate justice messaging into their 2021 campaign activities, similarly reported that most communities lacked awareness of the intersection between the water and climate crises. NAYO established provincial youth hubs as a safe space for activists to organise, mobilise, unite, and resist water rights violations. This decentralised structure allowed activists to respond swiftly to local realities, fostering community resilience and a sense of belonging. This resulted in local authorities responding supportively to community concerns, and to improved monitoring of water availability and accessibility issues. NAYO also produced online fliers and posters to raise public awareness of the nexus between climate justice and water rights.

The extractive industry, including gold mining, is a key culprit in the climate crisis. In Thailand, Manushya Foundation have supported the Phichit community's class action lawsuit against Akara, a subsidiary of the Australian mining company Kingsgate, that polluted and depleted their water. The case is a stark reminder of the destructive consequences free trade agreements can have on local communities and the environment. In raising public awareness of the Justice for Phichit campaign and supporting villagers' legal empowerment, Manushya Foundation advocate for the Thai government to address environmental damage at its source, providing human rights guarantees and compensation for loss and damage.

Community mobilisation

A common feature of all rights claiming efforts is community mobilisation – be it public meetings, rights-based workshops or trainings, self-organisation, or coalition building. It is ultimately the agency and actions of people that activate laws, policies, and human rights.

Association AVARA, which is attempting to mainstream the human rights to water and sanitation in Madagascar, affirms that civil society should encourage the public to become active citizens, to counter government's inaction and inertia. As Association AVARA's G enevi e Rakotonandrasana says: "If we are still waiting for the government to do something, it's too late." Sometimes communities do not need prompting to mobilise. As part of MIHR's campaign in Zimbabwe, residents took a collective decision to train each other and self-organise into environmental committees.

But communities aren't homogenous and don't always agree, especially in circumstances where decisions advantage the interests of one community over another. MIHR navigated this tension in building solidarity between a rural community who were displaced during the construction of a dam, and an urban community who stood to receive water from the dam. The urban community is metropolitan; while the evicted community is from the Donga ethnic group, who have been historically displaced and marginalised. The communities made joint placards, and MIHR took collective photos, sending the message to government officials and Zimbabwe's National Water Authority that Bulawayo communities stand together against injustice.

"If we are still waiting for government to do something, it's too late."

G enevi e Rakotonandrasana, Association AVARA



Challenging cost recovery and austerity

Our members are also challenging cost recovery and austerity models that affect people's access to safe water and sanitation. Full cost recovery is often neither feasible nor ethical, and vital public services like water and sanitation are transformational and essential to dismantling structural inequality and poverty. Lack of access to safe water is not only an indicator, but a cause of poverty. The longer governments fail to provide subsidised or free services to communities who can't afford them, the more deeply poverty is entrenched. Where profit is prioritised over people's rights, water and sanitation services will remain as poor as the communities tasked with funding them.

Our member organisations have found that a lack of clarity about institutional and financial mechanisms can obfuscate accountability. The Tanzania Claim Your Water Rights consortium, which was formed by Media for Community Empowerment (MECE), Tanzania Women Empowerment in Action (TAWEA) and Tanzania Water and Sanitation Network (TAWASANET), concluded that government's reliance on cost-recovery prevented the extension of water services to households without access, after approaching various duty-bearers who shifted responsibility between one another in Geita, Tanzania.

Freshwater Action Network Mexico's (FANMex) coordinator Nathalie Seguin describes how the lack of transparency and accountability creates "a vicious cycle of bad services and non-payment" in Mexico where inadequately regulated, poor quality services generate a lack of confidence among water users who decide to stop paying for poor quality services, thus exacerbating deficiencies within a cost recovery model. During their Claim Your Water Rights advocacy in Zimbabwe, NAYO similarly called for governments to stop applying the cost-recovery, market-based model to water services, to stop building financial barriers to deny low-income households safe drinking water through prepaid water meters, and to put water into democratic control.

"The struggle for water is an intersectional, internationalist struggle that needs a solid anti-capitalist, people-centred and feminist orientation."

Alternative World Water Forum Statement (March 2022)





IYD hosts a rights-based training workshop for communities in Bhubaneswar, India (2021)

Our members have identified targeted austerity measures and their harmful impact as a key challenge. In Nigeria, CERI's Attah Benson said that local authorities are responsible for providing water and sanitation services but hamstrung by state and federal governments not allocating or releasing funds.

Meanwhile MIHR's Khumbulani Maphosa says that the Zimbabwean government is employing a trick used by ruling parties in many countries: cutting local authority budgets in opposition-controlled areas to win votes from disenfranchised voters who are dismayed by the state of local public services. Maphosa explains: "People in Zimbabwe are being displaced by development. 84% of communities displaced by dams, mining and agriculture live in opposition-controlled wards. They are then being pushed to local authorities controlled by the ruling party. Many development projects are gaining momentum ahead of the 2023 elections. Those getting the tenders are politically connected."

In other words, governments are already politicising water and sanitation issues that civil society is warned not to politicise. As IYD's P.C. Misra remarks, "Development is only possible once people know what they can - and should - expect from their states." While centring people's agency, we must ultimately place the onus to act on governments. The human rights obligations of states in guaranteeing people's water rights are clear - as are the obligations of contracted private companies to respect these rights. States and corporations who commit human rights violations must be held to account. In cases where local service providers are genuinely hampered by local austerity budgets, complaints must be escalated to the institutions responsible for setting budgets and designing financing mechanisms. International human rights obligations require states to allocate maximum available resources to fulfil economic and social rights.

"Development is only possible once people know what they can - and should - expect from their states."

P.C. Misra, Indian Institute of Youth Development (IIYD)



Engaging governments

Member organisations have supported community engagements with elected officials and facilitated dialogues between different government officials, branches and departments. Members who have strong working relationships with elected officials or political platforms often choose to lobby governments behind closed doors before turning to other tactics. In Nigeria's Enugu State, the WASH Rights Network combined media influencing with years of persistent lobbying to compel their state government to pass into law the Enugu Water Bill, which expressly recognises people's right to water. The law also establishes an independent regulator, with enforcement powers, and a new agency to supply water to small towns. Both the regulator and agency have since been established.

Petitions can be another way to engage governments and pressure government officials into realising the demands of communities and civil society. MIHR supported the Mbundane community to petition Parliament and escalated their complaint to the relevant national portfolio committee, after the community became dependent on borehole water when their housing project was not equipped with water connections. Khumbulani Maphosa elegantly describes petitions in Zimbabwe as "a means to unlocking dialogue space with decision-makers".

"[Petitions are] a way of escalating the issue and building political pressure. When you petition the government, they are constitutionally obligated to meet you."

Khumbulani Maphosa, Matabeleland Institute for Human Rights (MIHR)



In Pakistan, the Centre for Law and Justice (CLJ) also used petitions to advocate for "just and favourable conditions of work" for marginalised sanitation workers during the COVID-19 pandemic. In a massive victory in June 2020, the Punjab Assembly passed an historic resolution recognising sanitation workers as "frontline heroes in the fight against COVID-19" and compelled employers to provide personal protective equipment (PPE) to workers who enter sewers and shovel faeces without gloves or masks. The resolution came in the wake of a ground-breaking decision by the Pakistan Supreme Court to ensure that sanitation workers had access to PPE, following calls from CLJ for better working conditions for sanitation workers. The Supreme Court further invited CLJ's founder and human rights lawyer, Mary James Gill, to help create new legislation.



WASH Rights Network after a meeting with government officials, during which the Enugu Water Bill was discussed



WASH Rights Network meeting with government officials to discuss the Enugu Water Bill

Navigating the dynamics between different levels of government can be challenging, but it can also present opportunities for social change. CERl's Attah Benson found that local government officials often responded positively to the campaign's human rights angle, requesting support in raising issues with state representatives and at Nigeria's national assembly. NAYO likewise reported that local authorities in Zimbabwe are responsive to community concerns but need to be prompted to escalate matters to higher government offices. Some members even reported that certain government departments use civil society to leak information that they cannot publicise themselves – which speaks to a complementary relationship between government and civil society.

Governments who are receptive to the campaign can be influential campaign allies, especially in cases of corporate abuse. Vision Africa Regional Network (VAREN) worked with Zambia's newly elected government in 2021 to compel two Chinese brewing companies to sign business and human rights commitments. This came after VAREN presented evidence that the companies' brewing operations had violated people's rights to safe, accessible water. Initially one of the companies rejected VAREN's findings, so the government intervened by suspending the company's operations until they complied with environmental regulations. VAREN's Jackson Mwenya praised recent collaboration between civil society and government in holding corporations who are reluctant to acknowledge responsibility for respecting environmental rights accountable: "Effective collaboration with government can help you achieve specific goals when engaging private companies. Remember these private companies are often protected by government. When civil society have a strong collaboration with government, you can achieve more." This type of collaborative work illustrates that Claim Your Water Rights aims to strengthen government institutions' accountability and efficacy. Civil society can be a powerful ally for government – we are committed to supporting effective public institutions.

“Effective collaboration with government can help you achieve specific goals when engaging private companies... When civil society have a strong collaboration with government, you can achieve more.”

Jackson Mwenya, Vision Africa Regional Network (VAREN)



Evidence-based advocacy

Conducting and collecting evidence makes for more effective advocacy. Access to clear, accurate information and transparent, up-to-date, disaggregated data is vital to gathering credible evidence for advocacy and identifying rights violations – especially among marginalised communities who have been excluded from official data. For instance, the Indian government previously failed to collect locally disaggregated data on access to water and sanitation, further excluding already marginalised rural and tribal communities.

Freshwater Action Network Mexico's (FANMex) coordinator Nathalie Seguin says that Mexico's national statistics "do not match reality". "Supposedly, 94% of people have clean water, but this is far from true", Seguin says, explaining that these statistics refer to the provision of infrastructure at household level, but "water is not running through those taps, only 58% of people has access to water everyday". The reported figures have given a false impression to donors and INGOs that Mexico does not have a water and sanitation crisis. She adds that "Mexico has a huge problem with water quality. People cannot drink their tap water. Rivers are polluted. The solution? People are forced to spend a significant portion of their income on bottled water." FANMex's solution was more considered. It publicised the widespread contamination of water used by school communities after obtaining and trawling through official data on the levels of harmful pollutants. FANMex then created an online platform called [Calidad del Agua en las Escuelas](#) ('Quality of Water in Schools') to disseminate this information along with suggested rights claiming actions for students, parents and teachers.

Other members undertake research to build a convincing narrative, to document and amplify, and to generate and analyse evidence that can be used to raise public awareness and advocate for changes to policies and practices.

"Mexico has a huge problem with water quality. People cannot drink their tap water. Rivers are polluted. The solution? People are forced to spend a significant portion of their income on bottled water."

Nathalie Seguin, Freshwater Action Network Mexico (FANMex)



The Socio-Economic Rights Institute of South Africa (SERI), an organisation that uses research, advocacy and litigation to promote socio-economic and related enabling rights in South Africa, conducted dozens of interviews and reviewed court documents, literature and media reports to document and publish different kinds of water rights claiming strategies employed in rural, peri-urban and small-town communities in South Africa:



- [Farm dwellers fight for access to water in uMgungundlovu district municipality](#): The case study documents the community's struggle to get government to provide water services on privately-owned farmland.
- [Residents of Marikana informal settlement use expropriation as a tool](#): The case study illustrates how the Housing Act can be utilised as a tool to widen access to urban land for poor people and to provide them with services where they already live. The experiences of the residents of Marikana in Cape Town also illustrate how important it is to tackle the struggle for tenure security, services and ultimately a dignified life, using a range of mutually reinforcing strategies including community organisation, engagement, protest, self-supply and litigation.
- [Makana local municipality – provincial intervention in a municipal crisis](#): The case study explores provincial government's intervention, which is framed as a key remedy to address municipal government failure, from a legal and practical perspective and draws lessons from the Makana experience.
- [Maluti-a-Phofung – a community doing it for themselves](#) documents the efforts of an unusual coalition of residents and community leaders – known as the Harrismith Water Heroes - who, in the face of continued poor service delivery, took it upon themselves to fix their town's water infrastructure, largely at their own cost.

In 2022, SERI audited services in inner-city occupied buildings in Johannesburg, producing novel research on the links between property rights, water and sanitation. The Social Justice Coalition (SJC), a social movement promoting access to essential services in Cape Town, South Africa, undertook primary research on water and sanitation services in informal settlements, where official monitoring data was sparse and imprecise, to inform their advocacy with the City of Cape Town in South Africa.

Litigation as a potentially powerful tool

Litigation is a potentially powerful tool to realise people's rights to water and sanitation. However, there are often many assumptions about what is needed before a community can use the law to advance their rights. Many believe that justiciable rights to water and sanitation, an active civil society and a progressive judiciary are needed to make litigation a success – but this isn't necessarily the case.

Few countries have justiciable rights to water and sanitation in their constitutions. Instead the majority of members' legal gains are actually made indirectly and strategically – not through water-rights legislation, but through the use of administrative laws; municipal by-laws or local regulations; the regulation of service providers; or the strategic use of other social, economic and cultural rights, such as the rights to housing and tenure security. If civil society is creative, there are many ways that communities can use pieces of local law that are justiciable to advance their rights to water and sanitation.

A key example of using innovative legal tools to further water and sanitation rights is the work done by Manushya Foundation who are supporting the Phichit community's class action lawsuit against Akara, a subsidiary of the Australian mining company Kingsgate, that polluted and depleted their water. Manushya Foundation's work shows that litigation is most effective when it is employed in combination with other tactics, including community mobilisation, social accountability and direct government engagement. The legal mobilisation that surrounds litigation, is often as important as the litigation itself. In this vein, Manushya Foundation has used the case to build awareness and public support for people's water rights and to promote accountability for water rights violations.



This case shows that justiciable human rights are not a pre-requisite for the effective use of litigation. Firstly, legal reform is possible, and people can continue to advocate for domestication of human rights law using a whole range of participatory mechanisms at their disposal. But people can also work in parallel with legal NGOs to find strategic opportunities in procedural and administrative law, as well as regional and international law, to advance their rights. Legal systems will only change if they are challenged. Reform is possible.

Member collaboration

Other coalition members working under the Claim Your Water Rights banner are integral allies for learning and cooperation. In our 2021-2022 funding agreements, we encouraged members in the same country to jointly coordinate plans and share resources – with the intention of connecting members working at sub-national level with national networks. In most cases this facilitated fruitful collaborations. Many members responded that they were pleased to connect with other End Water Poverty members and see potential in coordinating a shared advocacy agenda.



Christian Fellowship and Care Foundation (CFCF)
after a community meeting in Nigeria

For example, Media for Community Empowerment (MECE), Tanzania Women Empowerment in Action (TAWEA), and Tanzania Water and Sanitation Network (TAWASANET) joined forces to expose how the water sources of mining communities in Geita have been contaminated by high levels of mercury and cyanide resulting from gold processing. Each of the organisations used their unique skillsets to organise human rights trainings, gather and publicise evidence, and amplify the voices of local communities through the use of the media. MECE's Mohammed Hammie praised the consortium's chemistry.

“TAWEA, TAWASANET and MECE have different [complementary] approaches to ensure participants understand the human rights to water. Think of it like three doctors with different approaches and expertise trying to help a patient. TAWASANET are good at publishing, providing printed materials; TAWEA conducted human rights training; we amplified the work as journalists.”

Mohammed Hammie, Media for Community Empowerment (MECE)



Mobilising the media

Traditional and social media are essential accountability tools. In the first phase of the Claim Your Water Rights campaign, members working in different countries, continents and contexts made extensive and creative use of various media to inform, influence and empower. Members utilised written media, television, community radio and press conferences to publicise human rights violations and pressure governments to fulfil commitments and obligations, while informing people of their rights and how to claim them.

Many found that community radio was a particularly effective medium for communicating directly with large rural audiences. In southern Madagascar's Fort-Dauphin, which only has one TV station, Association AVARA's G enevi e Rakotonandrasana described radio communication as "the most reliable means of communication". Meanwhile MECE used community radio stations to reach rural communities in Tanzania with limited internet access. "I don't air programmes through commercial radio", said Mohammed Hammie. "Commercial radio is good for business and advertising, for people who are concerned with diamonds or celebrity affairs. But community radio reaches the right people."

Storytelling can be a form of activism too. Hammie wrote a book to capture the stories he documented during MECE's Claim Your Water Rights campaign. [Mandiga's Well](#), which was shortlisted for the James Currey Prize for African Literature, tells one woman's story of advocating for water on behalf of her community after being raped on her way to collect water from the bush. Hammie describes the book as "literature for community development": "A book is just one platform to tell what is happening in our country. I can reach other countries that don't speak Swahili. My friends in Zimbabwe, Malawi and India said the same thing has happened there."

"Bring people together, brief them and give direction about how they can claim their rights to water and sanitation. You can hold government accountable – you can write to them and pressure them through social media... There are many success stories where people spoke out and it was effective."

Syed Shah Nasir Khisro, Integrated Regional Support Programme (IRSP)



IRSP complemented CLJ's elections advocacy by amplifying calls for Vote for Water on community radio

IRSP in Pakistan complemented CLJ's elections advocacy by amplifying calls to Vote for Water during a two-hour community radio programme, which was broadcast to a combined audience of 3.5 million people living in remote rural communities in five districts. The program prompted lively engagement, with 700 people submitting questions online.

Tailoring and translating communication materials and messages for different audiences is key. To engage Adivasi communities who do not speak Odisha's official administrative language (English), IYD translated materials into local languages. IRSP did the same when visiting Mohana communities around Lake Manchar, Pakistan, generating local, national and international media coverage.

Other members turned to digital campaigning with WhatsApp, Twitter and Facebook as popular platforms for sharing information, connecting activists, organising events, mobilising public support and reminding duty-bearers of their responsibilities. Despite working under a "digital dictatorship", Manushya Foundation is leading a Facebook, Twitter and Instagram campaign to raise public awareness of the Phichit community's class action lawsuit against Akara Resources, mobilising its followers to sign petitions and donate to the community's legal fund.

"Digital campaigns can be effective if you have a clear action plan; staggering actions in such a way that they are creative, engaging and varied enough for people to engage."

Khumbulani Maphosa, Matabeleland Institute for Human Rights (MIHR)



Amid poor connectivity and soaring internet costs, NAYO and MIHR similarly use WhatsApp, Facebook and Twitter during the pandemic to maintain digital space, foster solidarity, spark conversation and mobilise activists. NAYO's MacDonald Munyoro characterises the media as an "ally, influencer and protagonist" in the struggle for water while MIHR's Khumbulani Maphosa offers advice for those interested in expanding their social media advocacy: "Digital campaigns can be effective if you have a clear action plan; staggering actions in such a way that they are creative, engaging and varied enough for people to engage. An ideal digital space is one in which people are comfortable participating [...] On our WhatsApp platforms there are certain rules of engagement that we asked people to develop so everyone feels included and different views are cordially respected."

Leveraging elections for water and sanitation rights

The CLJ's Vote for Water campaign in Bahar Colony, a Christian neighbourhood of Lahore, Pakistan, demonstrated the efficacy of rights-based advocacy during elections. Prior to the campaign CLJ surveyed 200 residents, who reported that almost every street received unsafe tap water – with rusted pipelines forcing people to buy contaminated water at a costly price from local filtration plants. CLJ held a series of community meetings with small groups of residents to inform them of their water rights, before hosting a convention between local political candidates from all the political parties and over 100 residents. The convention offered residents the opportunity to share their grievances and demand that candidates prioritise quality water and sanitation services.

The provision of water and sanitation is an inherently political issue: it is the state's duty to guarantee people's rights. Civil society can act as a bridge between people and power, lobbying officials while platforming public demands – or as VAREN's Jackson Mwenya puts it, "we stand between grassroots and policy-makers". Aqeel says that one of CLJ's major Claim Your Water Rights achievements was politicising water and sanitation, "otherwise this issue will be on the backburner for decades".

“Rights are demanded and claimed from governments. So, by default, we are operating in a political arena.”

Asif Aqeel, Center for Law and Justice (CLJ)



#CLAIMYOURWATERRIGHTS

Community Convention

ہمارا ووٹ پانی کے لئے
صاف پانی ہماری پہلی ضرورت

on Thursday, November 25, 2021
From 2:00 PM - 4:00 PM at
Gill Chowk, Modren Colony (NA-133)
Kot Lakhpat, Lahore.

Logos for: END WATER CRISIS, Center for Law & Justice, Share, FAHAD SHAHBAZ, and SEWER HEROES.

CERI's Attah Benson views elections as an opportune time to make water and sanitation a political priority: "We must remind people to use their vote as a weapon. Their vote is their right - they don't have to sell their vote." The difficulty often arises when mitigating the risks of associating with particular political parties and, as IRSP's Syed Shah Nasir and IIYD's P.C. Misra both point out, holding politicians accountable for their promises once they come to power. Both recommend navigating partisan politics by using neutral language and inviting candidates from all political parties to sign commitments during elections.

“We must remind people to use their vote as a weapon. Their vote is their right - they don't have to sell their vote.”

Attah Benson, Community Emergency Response Initiative (CERI)



The precarity and power of protest

Communities and groups increasingly turn to protest as a means of political participation and expression of dissent. The use of protest is widespread in many countries, and will continue to rise as communities feel the growing impact of the climate crisis on the availability and quality of water.

Protests can take many different forms, from sit-in in local government offices, to blocking roads. They can be individually or collectively organised; planned or spontaneous; directed at government, the private sector or even individuals; confrontational or collaborative; and driven by conservative or progressive ideologies. In some instances, protests can even be invited by government officials or politicians that are the advocacy targets of the protest, as this may help them garner support for actions or budgets in the interests of a wide group of constituents and build pressure that they can use to act.

Communities often mobilise and protest as a last resort when governments are unresponsive to rights claiming actions like direct engagement with government. Some members may consider disruption an effective way of supporting communities to claim their rights.

In Zimbabwe, MIHR and NAYO generated sustained public pressure through weekly demonstrations demanding water and climate justice. This led to various tangible successes, including infrastructure improvements, service extension, new water projects and increased dialogue between rights-holders and duty-bearers. Protest was instrumental in catalysing a sanitation workers movement in Pakistan, perhaps most notably when the families of two workers, who were poisoned after being forced to work in a manhole without safety equipment, placed their bodies on a main road as protestors burned tyres and demanded legal justice. In some members' experience, however, protests are considered inherently confrontational and anti-government. IRSP's Syed Shah Nasir explains that "protests are unwelcome. If civil society starts to propagate the issue [of water rights violations], political elites consider this agitation. Given these circumstances we very tactfully designed our activities and messages so as not to damage the relation between communities and government."

In principle Syed Shah Nasir identifies protest, education, data sharing and community mobilisation as intersecting strategies. He calls on civil society to "bring people together, brief them and give direction about how they can claim their rights to water and sanitation. Mobilise women's groups and local community-based organisations, give them data about their area and you can hold government accountable - you can write to them and pressure them through social media [...] There are many success stories where people spoke out and it was effective."



MIHR and NAYO embarking on a protest demanding access to safe water and climate justice

Resisting repression

“People at the frontline of rights claiming are often at risk. Whistle-blowers are intimidated, challenging corporate power has led to SLAPP⁸ suits, human right defenders have been assassinated and protestors are often brutalised by the police – claiming water rights can be dangerous business.”

Alana Potter, End Water Poverty global coordinator⁹



Members in Benin, India, Madagascar, Nigeria, Pakistan, South Africa, Tanzania, Zimbabwe among others encounter resistance to rights-claiming from governments.

Many countries – from India to the United Kingdom – restricted civic space during the COVID-19 pandemic. The pandemic continued to limit the scope of some members’ campaign activities in 2021 and 2022 with COVID-19 outbreaks and restrictions limiting the potential for civic action through physical mobilisations. IYD reported that their Claim Your Water Rights representations were severely delayed because the government imposed strict rules on public gatherings, including an outright ban in February 2022 ahead of local panchayat elections.

Civil society in Thailand experienced a severely constraining environment. “The Thai government misuses the COVID-19 Emergency Decree to restrict our civic space”, says Emilie Pradichit of Manushya Foundation, whose Justice for Phichit campaign exposes a culture of government corruption and corporate impunity. The Thai government and Akara mining company responded to Phichit communities’ attempts to claim their rights by weaponising Thailand’s criminal defamation legislation, repeatedly charging villagers with strategic lawsuits against public participation (SLAPP) and detaining peaceful protesters unless they pay large sums of money to be granted bail.

“The Thai government misuses the COVID-19 emergency degree to restrict our civic space.”

Emilie Pradichit, Manushya Foundation



In Benin, where terrorist attacks in the north of the country have led to even harsher restrictions on human rights defenders, ICA’s Kassimou Issotina reported that neither mayors, parliamentarians, nor members of the National Human Rights Commission agreed to appear publicly or even take pictures with civil society campaigners for fear of reprisals should they displease their superiors. IRSP reported a similar attitude in Pakistan where civil society had been disturbingly cowed from propagating issues of water rights violations as political elites consider any criticism or protest as agitational and unwelcome.

⁷ SLAPP is an acronym that stands for strategic lawsuits against public participation.

⁸ Global Witness “Defending Tomorrow: The Climate Crisis and Threats Against Land and Environmental Defenders” (2020), which notes that an average of four environmental rights defenders were killed every week in 2020, the worst year on record since 2012. They say “as the climate crisis intensifies, violence against those protecting their land and our planet also increases. It has become clear that the unaccountable exploitation and greed driving the climate crisis is also driving violence against land and environmental defenders.”

SERI's Lauren Royston reflects that civil society in South Africa faces increasing hostility.⁹ Royston says that working with marginalised groups – such as inner-city residents or informal settlement residents whose very existence is criminalised – can be particularly fraught, with communities and civil society experiencing xenophobia, dispossession and dehumanisation with the law undermined by police force: “Criminalising people for occupation is an unlawful act but has police protection. In Johannesburg, this is overlaid by a history of raids by the previous mayor.” One way of managing such risks is for civil society to ally with international organisations who specialise in upholding civic space. Among many strategies, SERI engaged the Human Rights Defenders Network and supported actions to protest and picket human rights commissions’ offices to prevent people from issuing threats with impunity.

“We haven’t experienced such pronounced, direct attacks as we experienced in recent times. It wouldn’t usually escalate to threats of violence – unlike groups we work with who face worse repression; people have been assassinated.”

Lauren Royston, Socio-Economic Rights Institute (SERI)



In Zimbabwe, a country classed as ‘repressed’ by [CIVICUS Monitor](#), civil society actors experienced violence, intimidation and harassment. Most notably the government attempted to criminalise all organisations working on civic and political rights through the Private Voluntary Organisations (PVO) Amendment Bill. The Bill sought to give the Zimbabwean government wide-ranging powers over any changes to the internal management, funding and work of civil society organisations, and would allow the government to ban organisations for “engaging in political activities”. MIHR’s Khumbulani Maphosa describes a hostile, repressive environment for civil society: “Most people try to put their head under the sand because of fear of repression. There are civil and political rights violations that are treated with impunity, less resistance and less accountability. People fear the state’s response. Only a few opposition leaders have the stamina to continue to raise civil society’s human rights violation. They are also cowed.” In navigating an increasingly closed civic space in Zimbabwe, Maphosa describes MIHR’s work as “non-violently confrontational”, elaborating that “we put direct actions to the authorities but we are very careful that our activism is non-violent. The authorities respond very repressively to [what they consider] violence. We are trying to build a broad, strong, non-violent movement.”

Yet even non-violent protests are sometimes met with police brutality. NAYO reported that community members were arrested for peaceful water rights demonstrations with youth activists constantly wary of entrapment and infiltration. NAYO worked with residents’ associations to improve dialogue between communities and local leaders, while joining other civil society organisations in lobbying policymakers to uphold civic space and stop the PVO Amendment Bill. Litigating to establish a precedent on the freedom to associate and assemble laid the foundations for the advancement of the Claim Your Water Rights campaign in Zimbabwe. In 2018 NAYO went to the Zimbabwean High Court to defend a civic demonstration that had been banned by the police. The High Court ruled in NAYO’s favour and the protest action proceeded as originally planned.

Zambia NGO WASH Forum’s Bubala Muyovwe describes a less acute but still pernicious form of repression in Zambia, where public participation creates the impression of superficial compliance. As part of climate justice training, the Forum members identified numerous obstacles to advocacy – including fear of victimisation, lack of confidence, colonisation, political patronage, lack of enabling environment, selfishness and greed. Forum members agreed to build solidarity and hold each other accountable in being brave, proactive, factual and objective by sharing knowledge and practising the ethics they want to see from governments and decision-makers. Muyovwe says that building relationships with journalists and “arming members of parliament with information to keep them abreast of the issues” is a subtle but effective way of redressing skewed power dynamics.

⁹ For more on assassinations of activists, see [“Abahlali baseMjondolo: Living politics in eKhenana Commune in Cato Manor, KwaZulu-Natal”](#), SERI Community Practice Note (October 2022).

Other members are navigating complex, sometimes turbulent security challenges. In the southeast of Nigeria, CFCF contended with the Indigenous Peoples of Biafra's (IPOB) order for people to stay at home every Monday in protest against the federal government charging their leader Nnamdi Kanu with treason and terrorism. This made it difficult to hold community gatherings and advocacy meetings with officials in Owerri, exacerbated by fear of violent reprisal for not complying with the orders. CFCF's Clinton Ezeigwe finds hope in the human rights framework, which affirms universal entitlements and freedoms to people experiencing brutal rights violations.

“As governments use legislation to shrink free speech and freedom of association, international human rights offer a legal tool – it applies to everyone, everywhere.”

Clinton Ezeigwe, Christian Fellowship and Care Foundation (CFCF)



Media for Community Empowerment (MECE), which uses local media to engage citizens about water and sanitation issues, amplify their concerns and hold their governments accountable, worked under John Magufuli's premiership, where censorship restricted people's ability to openly criticise the government. Despite these limitations, MECE's broadcasts promoting people's right to water reached over two million people and led to several local authorities installing boreholes and committing funds to improving services. When asked how MECE negotiated press censorship when using the media to highlight human rights violations, Hammie replied matter-of-factly: "I know the community needs me; they need people like me to reach them and make them feel comfortable to speak about their issues. The only alternative is to keep quiet. My spirit is to tell the truth - even if it is painful. Even if it annoys the government." Sometimes civil society have no choice but to resist.

The role of the international community

“As a grassroots defender, the other major challenge is that the focus tends to be on national civic rights defenders. Those working at the grassroots are ignored.”

Khumabulani Maphosa, Matabeleland Institute for Human Rights (MIHR)



MIHR's Khumbulani Maphosa says that the acute challenges experienced by grassroots defenders are often overlooked: "As a grassroots defender, the other major challenge is that the focus tends to be on national civic rights defenders. Those working at the grassroots are ignored." Maphosa notes that while there are some fellowships for grassroots defenders, they tend to skew towards those working on socio-economic rights. Meanwhile regional and global platforms and processes can be inaccessible and unrepresentative of local realities. Maphosa observed that the Human Rights Council's recent Universal Periodic Review on Zimbabwe, for example, was "silent" on grassroots issues, especially those experienced by ethnic and linguistic minorities. Maphosa called on INGOs and UN mechanisms like the special rapporteurs and Universal Periodic Review to escalate the evidence provided by grassroots civil society.

International organisations working in more open civic space must use their platform to expose human rights violations and amplify grassroots defenders. International NGOs can help add legitimacy and visibility to national and sub-national campaigns. Effective advocacy is trusting local communities and civil society to know what approach is most effective in their country/context: listen to local civil society expertise; escalate their demands at international platforms; fund localised action.

There is a growing movement to decolonise aid in the philanthropy space by providing direct funding to grassroots organisations. Claim Your Water Rights demonstrates clearly the impact of this kind of localised support with advocacy impacts way exceeding the size of the mini grants allocated.

Shifting perceptions

As observed in the first year of Claim Your Water Rights, many members continue to encounter a distinct lack of knowledge among rights-holders and duty-bearers alike. For some communities, the idea that water and sanitation are their rights was novel. Marginalised groups are especially likely not to feel or know that they have legal rights and the power to challenge the denial of these rights. This is often because they are delegitimised or left with little recourse but to engage in “invented” rights claiming strategies that are often met with greater repression.

“It’s all about changing mindsets and giving people access to information. Water is not something people have to beg for – it is their right.”

Attah Benson, Community Emergency Response Initiative (CERI)



CERI’s Attah Benson explains it is equally important to spell out people’s entitlements to safe, affordable water to governments: “Because of their poverty, government thinks they are doing people at grassroots level a favour. But politicians who are not willing to serve the citizens should resign.”

Most members also reported that officials at local and national level do not understand their human rights obligations as duty-bearers. ILYD, for instance, observed that newly elected panchayat youth officials needed to be educated on their role in providing water and sanitation services. ILYD’s P.C. Misra says that civil society in India should educate politicians in private so as not to publicly embarrass and undermine.

This shows the need to continuously question officials for answers and to publicise information. “People cannot hold their governments accountable to commitments if they don’t know what these commitments are”, remarks CFCF’s Clinton Ezeigwe. Building public awareness takes time but some members are beginning to witness the results. VAREN and WASH Rights Network, who have participated in Claim Your Water Rights since its inception, have observed that communities are becoming increasingly willing to hold duty-bearers accountable in claiming their rights.

“People in Enugu are now coming to know that water and sanitation is their right – and they are claiming their rights. It gives us joy.”

Amaka Nweke, WASH Rights Network



MECE specialise in amplifying rural community voices in Tanzania. Mohammed Hammie says: “One of our biggest achievements is to educate people: you don’t have to keep quiet when there is no water in your area. You can speak out at community meetings, you can participate in water projects. You don’t have to wait for donors to fix the problem. People can take action. It is your right.”



“Information is power. When someone is well informed, it is easier for them to take action. When we conducted human rights training, I witnessed self-transformation from day one to day three.”

Mohammed Hammie, Media for Community Empowerment (MECE)





CONCLUSION

Translating tenacity and tactical agility into tangible results

As SERI's [Claim Your Water Rights synthesis report](#) concludes the findings from its case studies: "The law and litigation have an important role to play in claiming water rights, but should always be used alongside community mobilisation, engagement with government and the private sector, relationship-building, media advocacy and sometimes protest. Many of these activities will continue after litigation. The struggles depicted in these cases have taken place over a number of years, and continue. Civil society must thus play a long game, highlighting the need for resilience, as well as the importance of celebrating small victories along the way."

Defending human rights takes courage and it takes resources. This is a long game, and it won't be made easier by the climate crisis, increasing repression and shrinking economies. It's urgent that we realise that diversity and tenacity are key. Rights claiming strategies are intrinsically interlinked, some are persuasive, others are compelling, and a combination of these strategies can promote social accountability. We need all of it – we need tidy social accountability, and we need messy rights-claiming; we need massive social movements, and we need small community-based organisations. We're in this together and we need each other. And need to learn from each other. We need to learn what strategies work in which situations.

A common feature of all rights claiming strategies is community organisation and coalition – the mobilisation, the confidence building, the gathering of data and evidence, the coalition building, the strategic partnerships– is the glue that holds any strategy together and it's very important for the long-term efforts that that glue is in place, because right-claiming takes time.

The important thing is to work across sectors and be creative about who you partner with – we'll never win these battles alone. We need to work together. Building and maintaining strategic partnerships within communities and with advocates across sectors and levels strengthens and informs long-term efforts. Ultimately, "communities play a critical role in strengthening governance by actively, fearlessly and persistently holding the state accountable".¹⁰

Creating flexible advocacy plans that allow advocates to seize opportunities and adapt tactics that best fit local contexts and changing challenges and opportunities is essential.

"Continued tenacity – working an issue from different angles until you find a solution. You have to test different tactics."

Khumbulani Maphosa, Matabeleland Institute for Human Rights (MIHR)



¹⁰ Masiangoaka et al "Fighting for water in South Africa" *H2Open Journal* (2022): 98-114.

CFCF's Clinton Ezeigwe says that creating flexible advocacy plans that allow advocates to seize opportunities and adapt tactics to suit local contexts or changing situations is a "good practice that can be adopted by other members". Ezeigwe elaborates: "The good thing about Claim Your Water Rights is that it encourages people to adapt the campaign to their local context, to be creative and autonomous. It's not the same as other global campaigns that where they provide very stringent conditions. The campaign gave us space to be more proactive in our work and think outside the box. We could design our messages and strategy to fit our local context." NAYO's MacDonald Munyoro concurs, suggesting that civil society "localise as much as possible". Likewise Khumbulani Maphosa advocates for "continued tenacity around an issue - continuously working an issue from different angles until you find a solution. You have to test different tactics." WASH Rights Network's Amaka Nweke has a simple recommendation to other members advocating for people's rights to water and sanitation: "be resolute".



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