



Who has Responsibility?

Responsibility, accountability, and resourcing

To achieve the SDGs and to support safe, healthy urban living environments, sanitation services must be organized into public service systems. Citywide Inclusive Sanitation (CWIS) systems are expected to advance the outcomes of **safe, equitable, and sustainable services** for all users in a city. To achieve these outcomes at scale, the inherent failures associated with sanitation service markets must be corrected by publicly organized sanitation service systems. For systems to function safely, at scale, over time, and inclusively, they must be organized to support three functions: **responsibility, accountability, and resource planning and management (See Box 1).**

This short publication looks at the function of **responsibility**: the extent to which sanitation authorities are **clearly mandated**. The publication outlines a typology of the main approaches to defining and assigning mandates for sanitation services to one or more responsible authorities; and provides an overview of examples, exceptions, and implications of these approaches.

This is one paper in a series of three that will present the role of each CWIS function, how they tend to be implemented or overlooked, and how they interact with the other functions. These are initial framing publications, to be followed by longer publications centred around in-depth case studies.

Citywide Inclusive Sanitation as public service

Formal urban sanitation systems by and large focus on financing and managing piped sewerage infrastructure. In many urban contexts, these sewer systems are missing entirely; where they exist, they reach limited areas of the city, do not serve vulnerable informal communities, and are threatened by climate change, age, and inadequate or inconsistent water or energy supplies. Meanwhile, non-sewered sanitation systems (based around pit latrines, septic tanks or container-based solutions) are generally treated as a household responsibility to be addressed by private sector product and service providers.

But safe inclusive urban sanitation fundamentally protects the public goods of public health and the environment, irrespective of the hardware used to meet that need. The uncoordinated market actions of private sector and household decision-makers in aggregate will fail to protect

public health, safety, or inclusivity outcomes. Allocating subsidized public finance to a narrow market segment has often led to use of public funding that is both inefficient and inequitable, as it disproportionately excludes the poorest from the benefit of public subsidies. So there is an urgent need for institutional systems that incentivize city-level improvements in safe containment, emptying, transportation and treatment of fecal waste, including mechanisms designed explicitly to reach the poorest with equitably financed safe services and which protect the health and environment of the most vulnerable communities.

Recognizing sanitation as a public good does not imply that the public sector has sole responsibility. The private sector can play key roles within a publicly managed system. In fact, a well-structured and regulated sector can increase business opportunity and incentivize innovation to meet health and inclusivity goals.

Box 1: Key requirements for CWIS

As noted above, Citywide Inclusive Sanitation is fundamentally dependent on three things: clear responsibilities, strong accountability, and fit-for-purpose resource planning and management:

- **Clear responsibilities are necessary:** otherwise, who is to be held accountable for ensuring public goods and services are delivered? Particularly in the case of non-sewered sanitation, we often see fragmented and unclear mandates, with no single entity clearly responsible for ensuring that a city's sanitation (sewered and non-sewered) is functioning effectively and inclusively. Understanding the limits of responsibility is equally important: often public authorities are expected to act on social needs that are beyond the scope of their legal mandate.
- **Strong accountability is necessary:** mechanisms need to be in place to ensure that the mandated authorities are meeting the requirements of their mandate. The simplest model is regulation of subnational utilities by an independent national regulator. But depending on who has the mandate, other mechanisms for ensuring accountability may be applicable.
- **Fit-for-purpose resourcing is necessary:** mandated institutions can't meet their mandated requirements in the absence of mechanisms for ensuring the necessary financial resource. This is not just about sufficient finance: it's about well-designed and transparent processes for allocating finance based on agreed priorities and modalities, which are informed by data and tracked to ensure outcomes are achieved.

Responsibilities: a framework for analysis

As outlined above, Citywide Inclusive Sanitation requires clear mandates. Ideally, a single entity should have responsibility for ensuring a city's safe and inclusive sanitation; or if more than one entity has responsibilities, those responsibilities should be clearly defined and differentiated. Table 1 below shows the main existing possibilities: this is based on a comprehensive desk study, conducted by consultant Kathy Eales, which aimed to map urban sanitation mandates as they are currently structured. The study considered 34 cases (countries or specific cities) from across Africa, Asia, and Latin America. We stress that this table is a simple representation of a complex reality: in particular, "sewered" versus "non-sewered" is a simplification, and more detailed analysis (in our longer publication to follow) will look at mandates for specific components of the sewered and non-sewered sanitation service chains.

Table 1: Existing mandate structures for urban sanitation. Subnational utilities may be city-level, or at the county/region/state level.

Mandate structure	Mandate for sewered sanitation (SS)	Mandate for non-sewered sanitation (NSS)	Mandate for SS and NSS integrated or split	Examples
1	National utility	National utility	Integrated	Malaysia, Senegal
2	Subnational utility	Subnational utility	Integrated	Zambia, Tanzania
3	National utility	Local government	Split	Rwanda, Sri Lanka
4	Subnational utility	Local government	Split	Bangladesh, Nepal
5	Local government	Local government	Integrated	Ghana, Indonesia

Some countries have multiple mandate structures

Multiple mandate models can exist within the same country, caused by institutional inconsistency at the national level, delegation of institutional design to states, or varied approaches by city classification. In Brazil for example, responsibility for urban sanitation may lie with local government or with subnational State utilities, due to institutional inconsistencies, and because authority is delegated to states to decide how best to operationalize services in their context.

Utilities and local governments have some core differences

In interpreting mandates, it is important to bear in mind high-level differences between utilities and local governments. Utilities are generally likely to have more specific service mandates (for example water and sanitation); to have ringfenced budgets for sanitation, where mandated to provide that service; and to have cost goals. By contrast, the public service remit of Local Governments is much broader; any funds for sanitation may be integrated within the general city budgets of Local Governments, leading in some instances to looser levels of accountability.

Split mandates are the prevailing policy approach

Of the mandate structures shown in Table 1, two (Structures 3 and 4) are "split mandates", with one entity responsible for sewered sanitation, and another entity responsible for non-sewered. Structure 4 is the most common of the five structures: a city-level utility is responsible for sewered sanitation, while local government is responsible for non-sewered sanitation. This reflects sector norms which assume utilities to be synonymous with sewered approaches, while non-sewered approaches have tended to be viewed as an interim solution prior to sewer upgrading, and therefore not always considered relevant for coordinated public services and investment: local government authorities have historically engaged only at the margins of sanitation

(for example defining building codes, financing public toilets and loosely coordinating the private sector), though with a few prominent exceptions, such as eThekweni Water and Sanitation Department of the City Government in South Africa.

Mandates require clarity and completeness...

Table 1 shows top-line mandate structures. But within this, precise mandates often lack clarity, with gaps and inconsistencies common across contexts. Our mapping indicates that the following **positive mandate traits** require close attention if sanitation authorities are to be positioned to deliver citywide inclusive services:

- **Mandates should provide clarity on who is responsible for ensuring different elements of the sanitation service chain** (containment, emptying, transport, treatment, disposal/reuse). Currently, mandates for non-sewered sanitation are often poorly delineated: one or more entities may have some loosely defined "responsibility" for elements of the chain, but without real clarity.
- **Mandate "service chain boundaries" must be clear.** For example, if one entity has the mandate for emptying and another the mandate for treatment, who is responsible for removing trash from sludge? Similarly, the precise limits of household responsibility and higher-level responsibilities for ensuring household compliance should be clearly defined.
- **The service scope of mandates should be complete and inclusive.** Municipal services are often limited to older city administrative boundaries, missing new peri-urban settlements; while informal settlements may also be excluded. In Burkina Faso, for example, the national utility ONEA is not authorized to directly provide services in informal settlements.





Image: FSM Operator, Maputo, Mozambique.

- **Formal *de jure* mandates should be clear relative to actual *de facto* practice.** Our mapping identified cases where local government may have the formal mandate for emptying, but hand this over to a utility, without adequate definition of where responsibility lies, and with confused public perception of responsibility. This is seen for example in Malawi, where responsibility for urban sanitation has been formally transferred to utilities, but local governments retain practical responsibility.

... and of course, mandates must be executed

Even when mandates are defined with reasonable clarity, we often see that the mandate is not executed. This takes us into consideration of what beyond a mandate is required to facilitate responsibility (see our parallel papers on Accountability and Resource Planning and Management).

The private sector has a key role to play

It is important to emphasise that clarification of public service approach and mandate does not imply full public sector service implementation. In fact, a well-structured public sector approach enables the private sector to invest in expanded, more efficient and higher-quality services, as we will explore in our longer publication to follow.

A framework for analysis

A framework for analysis is critically important to understanding how mandates currently work and how mandates can evolve into supporting the function of responsibility. Above we have indicated common mandate structures and outlined some of the complexities in defining and implementing these mandates. In our forthcoming longer publication, we will analyze these issues in greater depth. In particular, our table above shows simply “sewered sanitation” and “non-sewered sanitation”, but more detailed analysis will consider mandates at each stage in the

sanitation service chain (containment, emptying, conveyance, treatment, disposal/reuse). We will focus on the five mandate service mandate structures above, also considering responsibilities often critical but adjacent to service mandates, including household containment or connections; and the protection of surface and groundwaters. Any analysis must also acknowledge that mandates may be hierarchical: for example, top-line mandate may be held by a line ministry, and then “cascade down” in defined ways.

Mandates: challenges and ways forward

Split mandates can present challenges, but context matters

As outlined above, different entities may hold the mandate for different aspects of sewerage and non-sewered sanitation. The situation seen in Bangladesh is one example, with subnational utilities (Water and Sanitation Authorities, WASAs) historically responsible for sewerage where this exists, and local government (City Corporations) responsible for non-sewered sanitation. This separation can be a valid solution in some contexts. For example, if sewerage is being introduced in a city in which local government already deals with non-sewered sanitation and solid waste management, the local government may be best positioned to retain the non-sewered service mandate. But split mandates may also complicate effective and equitable citywide sanitation planning and investment, if two distinct authorities are involved, likely with different line ministries, political priorities, and resource levels. In these instances, it is critically important for accountability that mandates do not overlap, and that the precise division of roles is clear. For example, are small-scale local sewerage networks considered “sewered” or “non-sewered”? Is a single entity responsible for treatment of both sewage and sludge?



“ The question of “who has the mandate” is only the first to ask in defining the responsibility function within a public service approach

Split mandates can exacerbate the risk of disproportionate allocation of resources to sewerage sanitation, where this is viewed to be synonymous with public sector services, and alternative approaches are a priori assumed to be the domain of the private sector independent of public service systems.

Gaps in mandates for non-sewered sanitation are widespread, but there are signs of progress in the SDG era

There is a growing acknowledgement that non-sewered sanitation must also be organized with a public service approach to advance citywide inclusive service provision. Desk research to inform this publication indicated that countries have started investing in policy reforms and implementation. Some countries have updated policies and investment plans to create systems that incentivize safe, inclusive service outcomes; that better address needs in expanding urban areas; and that move substantially towards SDG commitments to inclusivity. Leading recent examples include Zambia, through the formulation of a new Water Supply and Sanitation Policy; and Rwanda, through the dedicated National Sanitation Policy of 2016.

Approaches have been developed to clarify and revise mandates

Some countries are actively reviewing responsibilities for urban sanitation, addressing the above challenges by improving clarity: for example, by adjusting the scope of utility mandates. In Bangladesh, the National Action Plan for the Institutional & Regulatory Framework for FSM has established a Coordinating Committee to support role clarification and to coordinate planning and investment across responsible authorities. In Zambia, NWASCO has expanded the licensing terms for utilities to include responsibility for non-sewered sanitation (in addition to their existing mandate for sewerage sanitation), as part of major sector reforms aimed at rationalizing institutional responsibilities in line with the 1997 Water Supply & Sanitation Act. Tanzania likewise expanded utilities' mandates to address sanitation needs irrespective of sanitation technology used, under the 2019 Water and Sanitation Act. In Colombia, utilities are increasingly adopting additional responsibility for non-sewered sanitation.



Image: Shared Toilet in Nakuru, Kenya. Credit: Brian Otieno.

Mandates must be accompanied by strong incentives to execute

The question of “who has the mandate” is only the first of several to ask in defining the responsibility function within a public service approach. Currently, sanitation mandates (whether clear or not clear) often lack associated accountability or financing mechanisms to incentivize implementation. For example, performance targets can be unclear, not monitored, or decoupled from penalties; while national-to-local government decentralization of responsibilities commonly occurs without transfer of the requisite financing. Depending on the level of fiscal autonomy, local governments may be able to supplement transfers through own-revenue generation, although these amounts are generally insufficient to establish service systems and associated infrastructure. The resourcing gap has obvious implications for accountability: it is impossible to hold mandated actors to account, in any meaningful sense, if they have inadequate funds and limited practical autonomy to drive service improvements.

Concluding remarks

Clear mandates provide the foundation from which all CWIS elements follow. Our cross-country mapping has identified multiple positive examples, where mandates are starting to be interrogated for clarity and relevance to service needs and to priority policy outcomes. We have also identified examples where mandates, accountability and resourcing are already well-developed and inclusive. Of course, the challenges remaining are numerous. As noted above, there are often discrepancies between service mandates and service provision. This is particularly the case for non-sewered sanitation, where there is an urgent need for clear, complete mandates and clearer mechanisms for accountability. Inclusivity of mandates will be a growing challenge if service authorities' mandates don't include those living in informal urban settlements or dense peri-urban areas beyond city or service area boundaries. These challenges notwithstanding, it is important to underline that mandates are not static. Countries are driving significant progress already, following an active process of review and reform to rationalize institutional responsibilities for urban sanitation.