Promoting Integrity, Accountability, Transparency and Participation to Eliminate Corruption

This briefing note explores how Sanitation and Water for All (SWA) partners can promote integrity, accountability, transparency and participation in order to eliminate corruption. The SWA Framework offers concrete suggestions on the steps SWA partners can take and approaches they can embrace at global, regional and national levels to transform these principles into a more tangible reality.
Why promote integrity?

Integrity is achieved when all stakeholders and institutions comply with their human rights obligations and responsibilities, and adhere to the governance principles of transparency, accountability and participation to achieve decision-making that is ‘fair and inclusive, honest and transparent, accountable and free of corruption’. Instilling integrity in government, business and development practices limits the opportunities for corrupt practices. Acting with integrity goes beyond simply not allowing corruption. It includes ensuring that services are accessible to all people wherever they live and whoever they are and in doing so, respecting, protecting and fulfilling every person’s human rights.

This paper also responds to SDG 16.5 which requires that countries ‘substantially reduce corruption and bribery in all their forms’ as well as SDG 6 B cited below.

Accountability demands that every entity, whether government or service provider, NGO or development partner knows and fulfils their responsibility in ensuring that everyone has access to water and sanitation and that they are able to demonstrate to other stakeholders that they are fulfilling their responsibilities.

Transparency requires that everyone has access to information relevant to them, including information about policies, plans and budgets, and whether these are being delivered as expected.

Participation requires that everyone can take part in decision-making around how they access water and sanitation, and what the costs will be. SDG 6 B also requires that actors ‘support and strengthen the participation of local communities in improving water and sanitation management’.

Together, accountability, transparency and participation, and the understanding that everyone’s human rights are respected, create the backbone of integrity. Ensuring that the above actions are taken and are enshrined in relevant legislation and policies creates a web of actions that should prevent, or at least inhibit, corrupt practices, and ensure that everyone has access to these essential services.

Corruption in the water and sanitation sector

Conservative estimates indicate that the global water sector loses more than US $75 billion to corruption every year. Corruption is recognized as one of the most expensive aspects of the delivery of water and sanitation services and is estimated to increase the price for households

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1 Delft statement: https://www.waterintegritynetwork.net/2013/07/18/the-delft-statement-on-water-integrity
2 SDG 16.5: https://sustainabledevelopment.un.org/sdg16
3 The website www.right2info.org/ provides information on access to information legislation in 80 countries.
4 SDG 6 B: https://sustainabledevelopment.un.org/sdg6
5 www.transparency.org/news/feature/world_water_day_corruption_in_the_water_sectors_costly_impact
obtaining a water connection by as much as 30%. The cost is most significant for the poorest members of society who do not have the political power to speak out and have limited financial resources.

Corruption changes the rules of resource allocation, perpetuates exclusion and limits accountability. It can take many forms but common examples specific to the water and sanitation sector include falsified meter readings, bribery for new connections, favouritism and kickbacks in public procurement, nepotism in the allocation of public offices, political patronage in the allocation of resources for service provision and sub-standard work by contractors. Monopolies in the water and sanitation sector, large-scale construction projects, limited transparency and accountability systems, a high demand for water, political interference and resource scarcity all increase the risk of corruption.

Integrating ‘Integrity’ into SWA’s Framework - Guiding Principles, Collaborative Behaviours and Building Blocks

The Sanitation and Water for All Partnership developed the SWA Framework to catalyze effective multi-stakeholder collaboration in support of strong, resilient water and sanitation systems.

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systems that can deliver lasting change. It is this framework for action which now puts the partnership in a position to help confront the challenges of climate change, by ensuring countries have the capacity to deliver and sustain services in the face of negative environmental impacts.

The Guiding Principles

1. Multi-stakeholder efforts
   Expert consultations, or community meetings at the local level provide opportunities for stakeholders to discuss risks and uncertainties that could impact the water and sanitation sector.

   SWA’s identity is based on the conviction that good public policies and plans can only be designed and adequately implemented if they are the product of multi-stakeholder efforts bringing together different ministries and departments within government, as well as civil society, private sector, development partners and academic institutions.

   The UN Convention Against Corruption (UNCAC) underlines the importance of active participation in planning by individuals and groups that are outside the public sector in order to address corruption. Unequal power relations facilitate corruption. Public participation can help limit opportunities for corruption through social monitoring by civil society and independent institutions.

2. Sustainability of services and actions
   It is not sufficient to ensure that everyone has access to services at one moment in time – the services must also be sustainable. Integrity supports the sustainability of service provision, ensuring transparency of plans and budgets, protecting often limited financial resources from being misused, improving the functionality of institutions and strengthening accountability systems.

3. Elimination of inequalities and minimum standards of coverage, access, use and effectiveness of services
   Corrupt practices tend to hit disadvantaged people the hardest. Preventing corruption will also make more finances available for bona fide activities and services, and in the era of the SDGs, these are the people who should be prioritized.

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9 UN Convention Against Corruption, Article 13.
Corrupt practices such as nepotism, political patronage and abuse of power lead decision-makers to neglect poorer areas when planning new water connections, in favour of wealthier districts. Promoting integrity promotes equality, as corrupt practices disproportionately affect poor and disadvantaged individuals and groups who lack the resources to pay bribes and the voice to oppose the vested interests of elites. Bringing women into more decision-making positions strengthens anti-corruption measures.

Recent research is also finding that corruption can come in different forms for women compared to men, including violence and threats, and demands for sexual favours in return for access to services.

4. Transparency and accountability

Transparency in all tiers of government, particularly pertaining to planning and budgeting for the elimination of inequalities, will help to expose corrupt practices. Everyone, including those who lack or have inadequate access to water and sanitation services must be informed of plans to improve access to services. They must also receive information about how these plans are being implemented, whether budgets are being respected and how public procurement is being carried out. Transparency in decisions about procurement, technology, siting of services or the contracting of implementing agencies leads to better and more appropriate choices and prevents corrupt practices.

Accountability of all actors to adhere to plans and budgets is essential for promoting integrity and limiting opportunities for corruption. Complaints mechanisms should go beyond formal service delivery to include informal service provision, so that anyone whose services are not adequate has access to redress. Administrative justice systems and the judicial process must also be applicable to service provision to ensure that governments and other institutions are held to account for fulfilling their responsibilities.

5. Evidence-based decision-making

Promoting integrity and evidence-based decision-making go hand in hand. Transparent processes and clear criteria for decision-making, based on data and evidence, are critical to the planning process and for preventing corruption. Integrity often breaks down, allowing corrupt practices to creep in where there is room for discretion and the elite capture of decision-making processes.

Evidence-based decision-making is also essential for identifying instances of corruption as well as the most effective ways of combating corruption and promoting integrity. The collaborative research group ‘Accountability for Water’ is carrying out an extensive literature review of research into accountability, and the findings should be used to inform future actions.

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13 UNDP and UNIFEM (2010), Primers in Gender and Democratic Governance: 5 Corruption, Accountability and Gender: Understanding the Connections.
15 https://waterwitness.org/accountability-for-water-evidence-review
6. **Human rights to water and sanitation**

Widely defined as ‘the abuse of entrusted power for personal gain’\(^{16}\), corruption demonstrates the State’s failure to realize the human rights to water and sanitation. Anti-corruption measures and the promotion of human rights are mutually-reinforcing. A strong legal structure that encompasses the human rights legal framework can clarify anti-corruption regulations and rules, enhance transparency in procedures, provide systematic mechanisms to ensure accountability and render sanctions more effective\(^{17}\).

The human rights framework establishes obligations that are binding on States, one of them being the progressive realization of the human rights to water and sanitation using the maximum available resources\(^{18}\). Where a State allows corrupt practices to flourish, public money intended for essential services will go missing and the State will be in violation of its human rights obligations. Furthermore, the cost of corrupt practices is likely to lead to regression in access to water and sanitation which is also a violation of human rights\(^{19}\).

Human rights provide a range of different mechanisms for ensuring that duty-bearers are held to account for inadequate service provision brought about through corrupt practices. These include regulation, complaints mechanisms, national legislation, active ombud’s offices (or people’s advocates and similar), participatory approaches to monitoring and budgeting and global systems such as the UN’s Universal Periodic Review, reporting to UN Treaty Bodies or the work of Special Procedures.

7. **International collaboration and aid effectiveness**

Considerations of how to deal with corruption and the accompanying lack of transparency, accountability and participation are included in the Paris Declaration and the Accra Agenda for Action. The Accra Agenda states that both donors and developing countries must abide by ‘the principles to which they have agreed, including those under the UN Convention against Corruption’\(^{20}\). Donors have a responsibility to combat corruption in their own countries and countries have agreed to ‘cooperate with one another in every aspect of the fight against corruption and are required to give mutual legal assistance in gathering information for use in court. Countries are also required to undertake measures to support the tracing, freezing, seizure and confiscation of corrupt assets’\(^{21}\).

\(^{18}\) International Covenant on Economic, Social and Cultural Rights, Article 2 (1)
\(^{19}\) Committee on Economic, Social and Cultural Rights, General comment No. 15, E/C.12/2002/11 para 42.
\(^{20}\) The Accra Agenda for Action, para 24 (d).
Sanitation and Water for All (SWA) has identified Four Collaborative Behaviours that, if adopted by countries and their partners, can improve the way that they work together to improve the long-term sector performance needed to deliver sanitation, hygiene and water for all, everywhere and forever. Here we assess how these can promote integrity and address corrupt practices.

1. **Enhance government leadership of sector planning processes**
   Through their human rights obligations, governments must work to end corruption and integrate measures to prevent corrupt practices into national legislation, policies, plans and strategies. Measures should include ensuring that there is a strong regulatory framework in place that can regulate not only the services themselves but also how they are delivered, how budgets are disbursed and set fines for abuse of regulations. Informal settlements and informal service providers should also be included within this regulatory framework.

2. **Strengthen and use country systems**
   Vulnerability to corruption in public financial management, statistics, procurement and contract management weakens country systems and is a major barrier to donors and other financing institutions that use country systems to channel their funding. Strengthening integrity, transparency and accountability in these systems will therefore increase their effectiveness and trustworthiness, including making space for third party oversight and exploring technical options for making country systems more transparent. Where country systems are strong, there is a reduction in financial risk and external parties, including private sector actors, donors and other investors, are more likely to invest in service provision.

3. **Use one information and mutual accountability platform**
   In order to promote integrity, information and data must be trustworthy and readily available. Civil society and other non-governmental actors must have the opportunity to both access information and make a contribution, including through challenging the accuracy of data or through participatory budget tracking, e.g. where government data may be incomplete.

   Effective development cooperation requires inclusive processes that encourage all partners to demonstrate and demand mutual accountability for sector progress. SWA's Mutual Accountability Mechanism provides an opportunity to contribute to strengthening the accountability of all stakeholders, including government actors.
4. **Build sustainable water and sanitation sector financing strategies**

For financing strategies to be sustainable, investments need to be prioritized according to the needs and to serve public rather than private interests. Ensuring the integrity of financing strategies is crucial for their effectiveness and sustainability. Moreover, adequate regulation and integrity and compliance management systems are necessary to gain the trust of investors and to leverage much-needed financial resources for all aspects of the sector, including for regulation and oversight.

**The Building Blocks**

The SWA Building Blocks address key areas for strengthening integrity in the WASH sector.

1. **Sector policy / strategy**

   Efforts to promote participation, transparency and accountability should be integrated into all policies and strategies. This can include a dedicated anti-corruption and integrity strategy or commitments and may include a code of conduct for sector stakeholders. Policies and strategies that exist outside the water and sanitation sector to promote integrity and limit opportunities for corrupt practices more broadly are also likely to be relevant and should be used proactively to prevent corruption in the WASH sector.

   **Checklist**
   
   a. Do sector policies and legislation contain clear transparency, accountability and participation requirements for sector actors, means for the enforcement of such requirements and do they provide for complaints mechanisms?
   
   b. Do sector policies, strategies and plans provide incentives for responsible behaviour by all actors?
   
   c. Are corruption risks and practices assessed and integrity measures included in sector strategies and plans?

2. **Institutional arrangements**

   Strong, well-resourced, transparent institutions and independent regulation and oversight are essential for holding duty-bearers to account for the sustainable and efficient delivery of services to all and to limit the opportunities for corruption. This includes ensuring that procurement practices are transparent and open.

   While much can be done within the WASH sector for promoting integrity and preventing corruption, the main authority for setting anti-corruption requirements, as well as investigating compliance and sanctioning breaches lies with external oversight and specialized anti-corruption and law enforcement bodies. Multi-stakeholder platforms and watchdog civil society organizations can support the oversight of institutions and limit opportunities for corruption at the national as well as the local level.
Checklist

a. Are functions and accountability processes well-defined between different actors involved in sector governance, financing, regulation and delivery of services?

b. Is there a regulatory framework in place for informal settlements and informal service providers?

c. Are complaints mechanisms in the sector effective and linked to overarching anti-corruption and human rights oversight bodies?

d. Are there independent oversight bodies for auditing, inspecting, investigating and prosecuting water sector actors and do sector institutions and stakeholders communicate and collaborate with them?

e. Do institutions function transparently through regularly published reports? Are they participatory and inviting stakeholders to work with them?

f. Have courts of law judged on alleged corruption practices in the WASH sector?

g. Have governments completed the self-assessment on progress towards meeting the UN Convention on Corruption?

3. Sector financing

As it is through the movement of financial resources that most corrupt practices take place, it is critical that financing processes are transparent and accountable. There must be clear criteria for prioritizing investments that are aligned with policies and plans and strict monitoring of all financial procedures. Budgets should be accessible to the public and where possible, independent actors, including civil society, can carry out budget-tracking.

Financing must be safeguarded for regulation and monitoring of actions and outcomes and these budgets must be monitored to ensure that they are spent as intended.

Checklist

a. Are there sufficient funds dedicated to:

   I. Monitoring and regulation of service provision, covering all types of service provision in all types of settlement?

   II. Establishing control systems such as due diligence of business partners, complaints mechanisms, internal audit and investigation?

   III. Improving governance and integrity of water service providers and asset development corporations?

   IV. Institutional strengthening and capacity building?

b. Are billing, collection and financial management systems of service providers transparent and do they incorporate control measures against manipulation?

c. Are there adequate and transparent mechanisms to ensure the affordability of services (including but not limited to tariffs) for vulnerable populations?

d. Are social accountability mechanisms such as citizen budgets, social audits and budget tracking used?

e. Are budgets and budget implementation reports, annual financial statements and audit reports publicly available and understandable?

f. Are sector financing strategies based on transparent cost estimates and do they provide guidance for assessing the full costs of different technical options?

4. Planning, monitoring, and review

Planning, monitoring, and review is critical to first identifying potential or existing corrupt practices and deciding how to address them, particularly relating to budgets and financing strategies. Planning must also address inequalities in access to water and sanitation, as inaction, e.g. through denying access to services in informal settlements demonstrates a failure of integrity.

This should include monitoring adherence to policy objectives, coherence of plans and budget and their implementation with policy priorities, enabling community monitoring, monitoring good corporate governance of utilities and monitoring the implementation of audit recommendations.

Specific indicators for monitoring integrity can support an ombud’s office in carrying out assessments of the risk and reality of corruption. While these are generally external to water and sanitation sector institutions, they are critical to the analysis and prevention of corrupt practices and can generally be adapted to the needs of the sector23.

Checklist

a. Do sector planning, monitoring and review processes, indicators and reports assess:
   I. Risks and progress related to corruption?
   II. Whether efforts are being made to ensure integrity through targets related to services for all?
   III. Compliance of sector institutions with external audit and regulatory recommendations?

b. Does the regulatory body publish reports on compliance? Are these accessible to the public and easy to understand?

c. Is relevant information available and accessible for people and sector stakeholders to monitor public budgeting, procurement and contracting practices, infrastructure development and financial reporting e.g. through transparency boards or online platforms?

d. Are monitoring and review processes for assessing programmes and projects independent, robust and fit-for-purpose?

e. Is project supervision adequate?

5. Capacity development

Capacity and institution-building requires all actors to have an understanding of the risk of corruption, including the conditions that allow corrupt practices to flourish and how to avoid and address these. All institutions and bodies responsible for service delivery

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should be aware of their responsibilities for preventing corruption and the tools available to them for holding the relevant actors to account for their actions, or inaction.

**Checklist**

a. Do institutions possess adequate capacity to implement internal controls, including dedicated integrity officers or committees, prioritizing those in charge of high-risk processes such as large-scale procurement?

b. Are office-bearers educated on issues relating to integrity and their relevance for human and economic development?

c. Are there public awareness campaigns on corruption in the water and sanitation sector and what the public can do about corruption?

d. Is dedicated integrity training and coaching available for relevant organizations and personnel to help them identify risks and address problems as they arise?

e. Are people empowered to analyze budgets and financial reports, monitor procurement and infrastructure development and speak up in cases of mismanagement?

f. Is dedicated training available to strengthen oversight capacities and ensure secure financial management and procurement processes are in place?

g. Is training in supervision and management of contracts available?

h. Is there a policy in place to protect whistle-blowers?

**Integrating adaptation and mitigation into SWA’s global and regional activities**

The SWA partnership works at global, regional and national levels. SWA partners can adopt different actions at each level to integrate considerations of integrity, accountability, transparency and participation. This section will focus on global and regional activities such as SWA Steering Committee meetings, SWA webinars, High-level Meetings and ministerial dialogues, and other international and regional conferences. SWA’s new strategy will include a focus on accountability and integrity and we will work to strengthen partnerships with other accountability partnerships and initiatives, such as the Open Governance Partnership.

**Mutual Accountability Mechanism**

SWA’s Mutual Accountability Mechanism has been designed by SWA’s partners to strengthen their ability to hold each other to account for realizing the SDGs and meeting other national priorities. This multi-stakeholder platform, which functions at global, regional and national levels, creates the opportunity to identify priorities that take into account the responsibilities, actions and interests of all stakeholders.

When calling for commitments during the preparation of High-level Meetings, SWA partners can actively encourage each other to make specific commitments relating to integrity and measures to prevent corruption, as outlined in this briefing note. SWA partners can collect lessons learnt and good practices of how mutual accountability processes at country level have addressed integrity issues and support partners in designing processes in a way that allows open discussion around these issues.
**High-level Meetings and global / regional conferences**
Sanitation and Water for All's High-level Meetings provide an opportunity for partners to discuss issues that are of mutual interest. This includes exchanges on good practices and commonly identified bottlenecks around promoting integrity and tackling corrupt practices. Corruption is a taboo topic but SWA attempts to provide non-confrontational, positive opportunities for constructive discussion among all stakeholders.

This can be through dedicated sessions on strengthening integrity, accountability or curbing corruption, or by highlighting good integrity and transparency practices or corruption challenges through related sessions. Ministerial Dialogues particularly lend themselves to such discussions. Being constructive and candid about corruption could increase the credibility of the High-level Meetings, ensuring that they address real issues which are relevant to participants.

**Knowledge management, webinars, the SWA tools portal**
The Sanitation and Water for All partnership is promoting several different knowledge management tools, including webinars, a tools portal and a dedicated platform for the Mutual Accountability Mechanism. The SWA tools portal includes dedicated tools which have been designed to promote integrity, transparency and accountability.

The Sanitation and Water for All partnership is also working to strengthen peer-to-peer learning between countries and organizations which could include a knowledge exchange on institutional systems that promote integrity. A dedicated SWA webinar that helps to explain both the importance of integrity for reaching the SDGs and introduces some specific tools and good practices from among the SWA partners could be organized if there is sufficient demand.

**Steering Committee Meetings**
Sanitation and Water for All's Steering Committee, which is responsible for ensuring the integrity of the SWA partnership, directs SWA’s global policy. This includes managing structural power imbalances among the partners and ensuring that all voices are heard, ensuring that decisions are credible and that SWA leads by example.

The Steering Committee has developed the SWA Code of Conduct that it expects all partners to respect. This could provide opportunities to discuss what ‘integrity’ requires of SWA partners in terms of behaviour and actions. There is also an opportunity to discuss issues relating to the promotion of integrity into partners' activities through increasing the Steering Committee members’ understanding of its importance for the partnership. One opportunity might be to hold a Steering Committee retreat which addresses corruption.

**UN processes and High-Level Political Forum**
Sanitation and Water for All partners can promote integrity when engaging with key United Nations processes, such as the High-level Political Forum. SDG 16\(^2\), which focuses on peace, justice and strong institutions, requires that countries address corruption and the UN High-level Political Forum provides an opportunity for countries to report on these issues within their Voluntary National Reviews.

\(^{24}\) https://sustainabledevelopment.un.org/sdg16
Integrating adaptation and mitigation into national level activities

Sanitation and Water for All partners focus at the national level on strengthening the sector; increasing financing for water and sanitation; building institutions, including regulatory bodies; and advocating for enhanced monitoring and review of service delivery and relevant budgets. All of these actions will benefit from more rigorous attention paid to integrity, transparency and accountability.

SWA’s Mutual Accountability Mechanism provides an opportunity to address corrupt practices at national level through the identification of commitments drawn from a Joint Sector Review or similar multi-stakeholder process.

Approaches could include:

a. **Target-setting**: Encouraging all SWA country partners to include specific targets for promoting integrity and tackling corruption into their national plans and policies.

b. **Partnership**: Supporting SWA partners to work together through multi-stakeholder platforms to develop commitments for the Mutual Accountability Mechanism that address integrity, transparency accountability and participation.

c. **Communication**: Strengthening communication, engagement and information-sharing with oversight, anti-corruption and law enforcement bodies, relevant civil society organizations and watchdogs outside the water sector.

d. **Monitoring**: Working with partners to strengthen efforts to ensure that institutions have sufficient resources and practices for monitoring implementation of their duties and their integrity in doing so and facilitate community monitoring where possible and appropriate.

e. **Regulation**: Building considerations of anti-corruption measures into an independent regulatory body that is able to act without political interference.

f. **Protection of whistle-blowers**: As those working within a system are most likely to understand its shortcomings, whistle-blowers must be afforded protection when highlighting critical areas that lead to corrupt practices.

g. **Complaints mechanisms**: Complaints mechanisms that are available to all users of services are critical to ensuring the accountability of service providers – whether formal or informal.

h. **Financing**: Advocating for water sector institutions and donors to allocate adequate budget for preventing, detecting and eliminating corruption in the sector and supporting disclosure and scrutiny of budgets, financial and audit reports.

i. **Building capacity**: Sharing available tools to strengthen the integrity of all actors, including integrity indicators, budget tracking tools and the Integrity Toolkit.

j. **Local government**: Encouraging partners to work more closely with the ministries or departments of local government to promote integrity at the local level and through promoting the institutions and processes necessary to address corrupt practices.
Conclusion

Integrity within the water and sanitation sector is essential for realizing the SDGs. Within the SDGs and within the SWA Framework of Guiding Principles, Building Blocks and Collaborative Behaviours, there are many different actions and processes for promoting integrity.

Proactive efforts are indispensable to minimize the opportunity for corrupt practices to take hold. This includes building the right institutions, building the capacity of individuals working in the institutions to understand and monitor practices that do not meet integrity standards. All stakeholders have a role to play in promoting integrity.

References

- Water Integrity Global Outlook 2016
- UN Convention Against Corruption
- Water Integrity Network Integrity Tools

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