



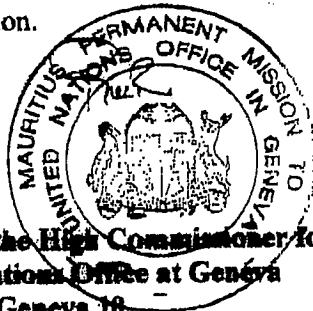
MAURITIUS MISSION TO THE UNITED NATIONS GENEVA

No. 184/2007 MMG/HR/28/1

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to the Note Verbale (GVA 0328) dated 26 February 2007, has the honour to submit, as attached, the views and comments of the Government of the Republic of Mauritius on Human Rights Council's decision 2/104 entitled "Human rights and access to water".

The delay in submitting the information is regretted.

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 24 September 2007

Office of the High Commissioner for Human Rights
United Nations Office at Geneva
CH-1211 Geneva 18

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OHCHR REGISTRY

24 SEP 2007

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"Human Rights and Access to Water" (Human Rights Council Decision 2/104) – Report on the situation in Mauritius

Further to the request from the Office of the High Commissioner for Human Rights to be provided with information on Human Rights Council Decision 2/104, relevant information – which has been obtained from the various Ministries, authorities, institutions concerned with the issues of access to water and sanitation, and which reflect the importance attached to the said issues, and the situation in Mauritius – on the seven areas listed in the Note Verbale communicated to the Secretary for Foreign Affairs, Mauritius, is provided hereunder.

(a) Views on international human rights obligations to be taken into account in relation to equitable access to safe drinking water and sanitation

Under international human rights law, the right to water is implicitly and explicitly protected as a human right. In the 1948 Universal Declaration of Human Rights, and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR), the right to water is not mentioned explicitly, but is regarded as an integral component of other recognized rights, such as the right to life, right to an adequate standard of living, right to health, right to housing and right to food. Access to water, however, enjoys explicit protection under more recent instruments such as the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child.

Under international humanitarian law, in particular the 1977 Protocols to the Geneva Conventions, starvation of civilians as a method of war is prohibited, and drinking water installations and supplies, as well as irrigation works, benefit from explicit protection.

Under international environmental law instruments, the right to a healthy environment has received increased recognition; such right includes various substantive elements, such as the right to food and water, and the right to preservation of soil and water.

(b) National legislation or draft legislation related to equitable access to safe drinking water and sanitation (constitution, specific law, regulation etc), including with regard to private sector provision of related services

A wide array of laws and regulations (as listed hereunder) have been enacted for the protection of water resources in Mauritius. Some of them date as far back as

1863. A number of more recent pieces of legislation however cater for new developments in the water sector.

The Legislative Framework -

- The Constitution
- Central Water Authority Act
- Environment Protection Act 2002
- Waste Water Management Authority Act
- Public Health Act
- Ground Water Act
- Rivers and Canals Act 1863
- Central Water Authority (Water Supply For Domestic Purposes) Regulations 1992
- Environment Protection (Drinking Water Standards) Regulations
- Environment Protection (Effluent Discharge Permit) Regulations
- Environment Protection (Standards for Effluent Discharge) Regulations.

As far as the Constitution of Mauritius is concerned, it contains a general provision relating to the right of the individual to life. The other pieces of legislation are in fact the main laws and regulations relating to water and sanitation, and which establish the necessary legal and institutional frameworks to ensure that everyone (i.e the population of Mauritius and visitors to the country) is provided with safe drinking water and appropriate sanitation.

The Institutional Framework -

The main institutions responsible for the provision of clean water and sanitation, in Mauritius, are therefore as follows :

- The **Water Resources Unit** – which is responsible for the collection and storage of raw water;
- The **Central Water Authority** – which is responsible for the treatment and distribution of potable water. Indeed, raw water, in Mauritius, is obtained from both surface and underground sources. This raw water is

treated by the Central Water Authority (CWA) to meet the Drinking Water Standards as set out in the Environment Protection Act. The CWA is also responsible for the supply and distribution of water to the whole population;

- The **Ministry of Health & Quality of Life** – which is responsible for ensuring proper sanitation, and monitoring the quality of drinking water supplied by the CWA;

- The **Waste Water Management Authority** – which is responsible for the waste water sector in Mauritius, and whose object is to, inter alia, carry out, supervise, manage and control waste water works, and to promote the treatment and reuse of waste water. With a view to ensure proper sanitation throughout the island, waste water is collected, treated and disposed of through the national sewerage network or through on-site disposal systems. In this context, the Waste Water Management Authority was established to implement the Master Plan for waste water collection, treatment and safe disposal, in order to protect our aquifers and our other water sources;

- The **Ministry of Environment & National Development Unit** – which is responsible for the general protection of the environment.

(c) Examples of judicial decisions related to access to safe drinking water and sanitation

There are no known relevant judicial decisions related to access to safe drinking water and sanitation.

(d) National plan of actions, development programmes, public policies or emergency responses related to access to safe drinking water and sanitation

The protection of water resources is a national priority, and it has been recognized as being central to sustainable development. This can be gathered from the major plan of actions, development programmes and policies of the various Ministries and authorities concerned with water and sanitation, as listed hereunder.

The Central Water Authority (CWA) and the Water Resources Unit (WRU)

At the level of the CWA and the WRU, development programmes and projects are as follows -

The CWA -

The Central Water Authority, which benefits from Government financial support through grants and soft loans to provide water to squatter and other deprived areas, is planning to extend its water network to new settlements and to renew/repair its existing networks.

The WRU -

- The implementation of Effluent Discharge Permit - which is of vital importance for the protection of water resources, ground water and surface water, against pollution.
- Implementation of projects with a view to reducing unaccounted for water.
- Re-afforestation of water shed areas.
- Implementation of projects for further mobilization of water resources (both surface and ground water), to supply to deficient areas and to cater for the increasing demand due to development.
- Re-use of treated effluent.

Other Major Projects

The following major projects are under way in the water/waste water/environmental sectors, to further ensure that clean water and proper sanitation is available to the whole population -

- Bagatelle Dam;
- La Marie Water Treatment Plant;

- Montagne Jacquot Water Treatment Plant;
- Grand-Bay Waste Water Treatment Plant; and
- The National Environment Policy.

Preparation of National Water Policy

The Ministry of Public Utilities has set up a committee to prepare a National Water Policy. This will also entail a review of major laws for a better protection of water resources.

Integrated Water Resources Management (IWRM) Plan

The Water Resources Unit has worked out an integral plan for harnessing additional resources to meet the water requirements of the various sectors of the economy, up to the year 2040. An integrated approach to water management has also been adopted.

Water demand management policies are being adopted, which will lead to water conservation and removal of less water from the environment. The plan includes the construction of 5 additional dams up to 2040.

Study of Environmentally Sensitive Areas in Mauritius

The Ministry of Environment and National Development Unit intends to launch the project 'Study of Environmentally Sensitive Areas in Mauritius'. This study aims at identifying and demarcating environmentally sensitive areas (which includes water resources) for better protection. The study includes a component of wetlands too. A management plan for protection will also be prepared.

Awareness Campaigns

Different authorities, like the Ministry of Environment & National Development Unit, have been conducting major awareness programmes for different target groups and the general public, for the protection of water resources.

National Environmental Policy 1990

The need for and importance of proper sanitation at industrial, commercial and household levels, was recognised in the National Environmental Policy 1990.

Section VI of the National Environmental Policy 1990 stipulates as follows :-

The Government shall ensure that multi-purpose water needs of Mauritius are met. In particular,

(i) The Government recognizes that in case of crisis, an order of preferential use of water shall be followed: domestic, service industries, industrial establishments, energy, agriculture (including irrigation), and other uses.

(ii) The Government undertakes to provide clean water to all residents of Mauritius.

(iii) The Government plans to carry out a hydrogeological study to determine water quality of the nation. Further, the Government plans to protect the aquifer system.

(iv) The Government recognizes its responsibility to develop an adequate and controlled supply of water and to remove or mitigate those adverse effects which cause water pollution.

(v) The Government intends to ensure the availability of sewerage connection for each household unit, as well as for all industrial and commercial concerns (including service industries and institutions).

(vi) The National Sewage Plan, which is already approved, will provide treatment for sewage arising from all sources pleasure-crafts, ships (harboured or within the Mauritius marine boundary), hotels and restaurants which discharge untreated sewage directly into coastal lagoons. Further, the Government undertakes to construct, operate and manage various sewage treatment plants in appropriate parts of the country.

National Environment Action Plan 1999 (NEAP 1)

In the first National Environment Action Plan 1999, several projects are geared towards the conservation and improvement of water quality, namely -

- (i) The National Sewerage Master Plan;
- (ii) Projects towards the rationalization of agrochemicals usage, as well as the monitoring of agrochemicals runoffs.

The National Sewerage Master Plan, which was prepared in 1994, focuses on the development of the waste water sector in Mauritius. This plan sought to connect 50 % of the population to the public sewerage system by 2010/2012. On the completion of this plan, most of the existing effluent will be disposed of to sewer, and this plan also aims at a 100% connection to the sewerage system by the year 2030.

Draft White Paper on the new National Environment Policy (NEP)

Section 7.3 of the draft NEP provides as follows :-

Water Resources Management

Objective

Ensure the sustainability of water supply both in terms of quantity and quality and maintain the ecological functions of our aquatic ecosystems.

National Targets

- (i) Ensure reliable water supply (in terms of quality and quantity) for domestic, agricultural and industrial uses
- (ii) Ensure that surface and ground water quality continues to meet standards and guidelines
- (iii) Achieve significant water conservation in industry, domestic and agriculture sectors

- (iv) Sustainable re-use of treated waste water
- (v) Develop and implement a water quality indexing system for our surface water
- (vi) Preserve the ecological integrity of our aquatic ecosystems
- (vii) Ensure water quality by managing watersheds on a sustainable basis
- (viii) Establish protection perimeters and levels for rivers, lakes, reservoirs and boreholes.

Technical Advisory Committee on Rivers, Streams and Canals

In 2006, a Technical Advisory Committee on Rivers, Streams and Canals was set up for the adequate management and protection of our watercourses, and to come up with recommendations regarding issues pertaining to fresh water in Mauritius, including:

- (i) Increasing anthropogenic and development pressures on the riverine ecosystems and their effects;
- (ii) Institutional and legal framework for fresh watercourses management;
- (iii) Participation/involvement of the public and private sector in the protection of rivers;
- (iv) Research and monitoring programme to guide and support decision-making process.

The Committee has submitted an Interim Report to the Ministry of Environment & National Development Unit, and the final report (which will include the findings and recommendations) is under preparation.

Other Strategies and Policies

Other strategies and policies of the Government, as pointed out by the Ministry of Environment & National Development Unit, are as follows -

- Promote the Integrated Water Resources Management (IWRM) approach

- Promote the Sustainable Production and Consumption concept in the water sector.
- Manage water demand through optimised water use in industries, through water conservation programmes in households, e.g. through appropriate sensitisation, tariffs and water pricing, and through the promotion of efficient water use techniques in agriculture.
- Ensure water quality by working in partnership with all industries, to ensure that they do not pollute water resources, through cleaner production techniques, regulations, economic instruments and water quality monitoring.
- Implement sustainable waste water collection, treatment and disposal systems.
- Enhance physico-chemical and biological water quality monitoring systems.
- Innovation and education by reaching out to the public and raising their awareness about the importance of protecting our water resources, and by tapping on international expertise and knowledge to keep abreast with best practices in water resources management. Consolidate water education at the formal level.
- Promote research on novel water treatment technologies, water conservation techniques, and on sustainable re-use of treated waste water.
- Consider mandating the installation of water-saving devices in building regulations.
- Optimise re-use of treated waste water.

(e) The impact of these national laws, judicial decisions, plan of actions, development programmes, public policies and other measures in promoting or restricting equitable access to safe drinking water and sanitation

There is no restriction as such regarding access to drinking water, except for those who are in arrears with their water bills and whose water supply has been disconnected – though, as pointed out by the CWA, payment facilities are given in hardship cases, and to the vulnerable groups of the society for the payment of connection fees and bills by instalments. It must, however, be noted that adequate notice is given and disconnection is applied only in the last resort.

The law therefore makes provision for the supply of water for both domestic and non-domestic purposes, and for water tariffs which are affordable to different categories of customers. Any person can thus make an application for the

provision of an individual water supply. In fact, as per the CWA, nearly 100% of the population of the Republic of Mauritius (excluding the island of Rodrigues) have access to safe drinking water - 99.7 have an individual household water connection supplying water to their premises (water metering however covers only 50% of the water in the public sector). Sixty-five percent (65%) of the customers have water on a 24-hour basis during the normal period. During the dry season, the supply of water is rationed in some areas of the island. In cases where the CWA cannot supply water through the network, deprived areas are serviced by water trucks.

The Central Water Authority has published a Customer Charter, giving details of its standards of service and its service performance indicators in order to promote excellence in service delivery. The CWA also has a Hot Line service which functions on a 24-hour basis, 7/7, to respond to complaints/queries from customers. It is open to criticism from customers through the media (mostly through newspapers and private radios), whereby customers express their grievances or complaints - for example if there is water shortage, especially during the dry season. An on-line computer system accessible through Internet is being developed in order to enable customers to make applications for a water service, complaints/queries, and to query/pay their water bills. An on-line Customer Satisfaction Survey is also being put in place to find out about customer satisfaction in relation to the various services offered by the CWA.

The existing legislative framework and other policies of the various Ministries and authorities concerned in fact ensure that the general public has access to water, that the water supplied meets the physico-chemical and bacteriological standards for drinking water, as set out in the Environment Protection (Drinking Water Standards) Regulations 1996, and that there is proper sanitation in the country.

The existing laws and measures in relation to water and sanitation, in fact, help in

- (i) protecting our water resources against pollution, thereby ensuring water of good quality;
- (ii) meeting forecasted demand;
- (iii) ensuring the long term sustainability of the water resources sector.

(f) Examples of approaches considered to represent "best practice" related to access to safe drinking water and sanitation.

Our water is treated to meet the norms prescribed by the World Health Organization (WHO), and independent tests are conducted regularly. In order to

ensure that the drinking water supplied to the population conforms to established norms, the Ministry of Health and Quality of Life, for instance, conducts independent tests on samples collected on a daily basis along distribution lines.

Two water quality monitoring laboratories have been set up to monitor drinking water samples, to ensure compliance with national and international standards, and to monitor the quality of raw water resources and trade effluents discharged into aquifers and watercourses. A map showing polluting industries has been drawn, and action taken to protect water quality. In addition, Health Quality and Agricultural Water Quality Laboratories and the National Environmental Laboratory are all involved in the monitoring of pollutants in water.

Ground water is chlorinated prior to injection in the distribution system, and surface raw water is treated at six water treatment plants. As per the Ministry of Environment and National Development Unit, an ongoing implementation of a water monitoring programme for surface ground and waste water is being carried out by the Central Water Authority and the Water Resources Unit since 1993, for several watercourses and for over 100 different sampling stations over the island.

Furthermore, besides the construction of storage dams and run-off river diversion schemes, the existing water infrastructure has been rehabilitated and there has been replacement of old and obsolete drinking water infrastructure. Thus, the whole population has access to potable water through the well-developed network supply (with many river sources, boreholes and aquifers and reservoirs).

As far as the re-use of treated effluent is concerned, hotels usually use part of their treated effluent to irrigate golf courses. In the western part of the island treated effluent (after being mixed with raw water in the ratio of 1:1) is used by the agricultural sector.

(g) Any other existing initiatives and standards relating to equitable access to safe drinking water and sanitation, and the scope and legal status of these initiatives

Major areas for environmental and public health concern have been identified as being pollution of surface water, ground water and lagoons, by industrial effluent, domestic waste water, and agricultural and urban run-offs.

The integrity of water is consequently being safeguarded by the protection of watersheds, and environmentally sensitive areas reinforced by national environmental standards. Surface inland water guidelines are also available. In addition, ground water exploitation is being strictly controlled and monitored to ensure, inter alia, that saline water intrusion does not take place.

Moreover, a National Water Policy for Mauritius is being prepared in consultation with stakeholders of the water sector.

Conclusion

The existing legal and institutional framework in the Republic of Mauritius is therefore meant to ensure that clean water and proper sanitation are provided to the whole population. The implementation of future projects will, in fact, enhance and improve the current situation as regards the supply of clean water, and sanitation.