

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Ministry Of Environment &
Physical Development
Higher Council For Environment &
Natural Resources
General Secretariat



وزارة البيئة والتنمية العمرانية
المجلس الأعلى للبيئة والموارد الطبيعية
الأمانة العامة

OHCHR REGISTRY

Date: 15 April 2007

B 123

16 AVR. 2007

Recipients : N. M
..... I. S
.....
.....

The High Commissioner for Human Rights

Dear Sir,

**Subject: Human Right Obligations
Related to Access to Safe Drinking Water and Sanitations**

Referring to Memorandum dated 2 Mar. 2007 related to Human Right Council's Decision 2/104 entitled Human rights and Access to Water; please find attached copy of the report concerning the above mentioned subject.

Best Regards.

[Signature]
Dr. Saadallah Ibrahim Mohammed
Secretary General (HCENR)

Ministry of Environment and Physical Development
Higher Council for Environment and Natural Resources

Report on:

**Scope and Content of the Relevant Human Right
Obligations Related to Equitable Access to Safe
Drinking Water and Sanitation**

Prepared by Dr. EL Khutma Awad Mohammed

Khartoum

April 2007

Scope and Content of the Relevant Human Right Obligations Related to Equitable Access to Safe Drinking Water and Sanitation

Introduction:

Water is considered to be the most important factor for the development in different life aspects; economic, social, and health. It is essential to sustain life, development and the environment. Unsafe drinking water is considered to be a significant carrier of many diseases. On the other hand inadequate disposal of human excreta and poor personal hygiene are also associated with a range of disease. Thus; the responsibility of governments and societies is to work together towards conservation of water resources from over exploitation, misuses and pollution.

There are different institutions concerned with safe drinking water and sanitation such as: Ministry of irrigation and water Resources (Ground Water and Wadis Directorate and Nile Water Directorate), National Water Corporation, Khartoum State Water corporation, Water Corporation in the states, Ministry of Health, Ministry of Justice, Higher Council for Environment and Natural Resources.

Sources of drinking water:

Sources of drinking water include; water stations, reservoirs, natural ponds, wells...etc. However improved drinking water sources may include; Piped water, public tap, boreholes, protected wells, protected spring or rain water. Access to improved sources of drinking water varies widely among states.

Safe drinking water can be achieved through proper management and protection of water resources. In spite of the continuous efforts towards provision of adequate and safe drinking water, we are still suffering from the scarcity of drinking water in all states.

Views on International human rights obligations:

Clean and healthy environment in general and access to safe drinking water and sanitation in particular are considered to be one of the human rights. However, the government of Sudan, as a member of the international community, is committed to many environmental conventions. These commitments are reflected in the local laws. For instance the environment Protection Act considered provision of international agreements application, as it has been stated in article 26, without prejudice to any other provision in this Act, the competent authority shall abide by applying the provisions of bilateral and international agreements and protocols, which have been approved, or to be approved or acceded thereto in the future.

In addition to that, strategies, policies, action plans etc which will be mentioned below developed for achievement of the right related to equal access to safe drinking water and sanitation.

Existing policies:

The government has formulated a number of legislative measures, policies, strategies, action plans concerning water resources in general and safe drinking water and sanitation in particular. They aimed at sustainability of water resource, rational uses and water pollution control to meet population demand for water.

Legislations (constitutions & specific laws):

- Ministry of health Act (1975) which prevented the drainage or throwing any substances (solid or liquid) harmful or likely to be harmful to human and animal's health into any drinking water source.
- Criminal Act 1991. According to article 70 (1&2), people who cause pollution to any source of water shall be punished with imprisonment for a term not exceeding 3 years
- Water resources Act 1995.
- National water corporation Act 1995
- Environmental health act 1997.
- Ground water Act 1997.
- Environment protection Act 2001.
- Sudan constitution 2005, which provide the right of safe and hygienic environment.
- Consumer protection court.

Features of Environment Protection Act 2001:

According to this act any of the following act deemed to be contravention of the provision of the act:

Article (1) Notwithstanding the provision of any other law, with respect to permit, by the competent authority , for projects or programs, every person, who desire to enter into any such project, as may probably affect the environment and natural resources negatively, shall present an environmental feasibility study, signed, on the part of evaluation and follow up committee, which is constituted by the council.

Article 20 (b) pollution of water resources, such as rivers, seas, lakes, ponds, canals, and natural and artificial water storage and reservoirs and otherwise wherein water is kept for man and animal use.

Article 20 (l); to change the natural pathway of water, rivers, valleys, floods and trespass thereof.

Article 21 (1); Whoever contravenes the provision of section 20 shall be punished with imprisonment for a term not exceeding 3 years or with fine not exceeding one million or both.

Article 21 (2); The court may in case of conviction suspend the project, establishment or the place which is the source of contravention partially or totally or revoke the license totally or partially.

Article 22;. Jurisdiction for trying the contraventions of the act, shall vest into environmental special court

Features of Environmental health act 1997:

No person shall drain, through or attempts to drain or through any substance, whether solid, liquid or gaseous, into any drinking water source; River course or tributaries, reservoirs, well, natural ponds or the sea in a manner harmful or likely to be harmful to human or animal health and the uses of water by human beings for other purposes. The health authority may allow the disposal of treated sewage water and industrial refuse in the sewerage under following conditions:

- COD shall be less than 20 parts in million parts of water weight.
- Suspended particles shall be less than 30p/million parts of water weight.
- No concentrated chemicals in treated water.

Strategies and national action plans, public policies and their Impacts in promoting equitable access to safe drinking water and sanitations:

The National Comprehensive Strategy 1993/2002 aimed at decentralization of water services, provision of 18 and 90 liter per capita/day in rural and urban respectively. Due to the lack of; finance, enforcement of laws, infrastructures and lack of trained staff the strategy was not adopted as planned and there was no increase in water production during the 1st and 2nd programs. However, during the last program of the strategy the government exerted many efforts and gave a high priority to the drinking water sectors in terms of provision of services. As a result the rural water coverage increased from 30% to 52% and the urban one increased from 50% to 72% all over the country in the year 2002.

Upon the national comprehensive strategy and due to vital important of clean water supply, a 25 years strategy for drinking water was established. It aimed at provision of sustainable, safe and adequate amount of drinking water and realization of 50 and 150 liter/capita/day in rural and urban area respectively by the end of the strategy. The first five years program was adopted by the government. It aimed at:

- Provision of adequate and safe water supply for rural population from sources close to their dwellings at affordable cost to reach rate of 20 liters/per capita/day.
- Provision of 80 liters/per capita/ day in urban areas.

- Rehabilitation of deteriorating water supply sources with emphasis on replacement of low efficiency systems by simple low cost technologies particularly in rural areas to be followed by the development of new water supply sources.
- The most vulnerable areas will be provided with high priority in water supply and sanitation programs.
- Training and capacity building at top and medium management levels to improve the technical skills of labor force to attain higher levels of operation and maintenance.

Policies:

- Adoption of full cost recovery pricing policies for water supplies to generate adequate revenues for operation and maintenance cost to ensure permanent water supply.
- Issuance of water laws and regulations to protect and regulate utilization of water resources and guard against water pollution.
- Empowerment of beneficiaries and community participation in the implementation, operation and management of water resources at the village levels.
- Encourage private sector investment in the supply of domestic water with safeguards against exploitation of water uses.
- Support water research to enhance efficient management and assessment of water resources for better use of surface and ground water.
- Pay consideration to environmental aspect to reduce over exploitation of natural resources.
- Improve institutional set up of the water sector to achieve decentralization of water authority to state.

However, during the first 2 years, the program implemented by the rate of 90% through extensive resources to local private contractors, Regional and international contractors.

Examples of best practices related to access to safe drinking water:

- Creation of awareness raising programs on environmental problems including those related to water problems and sanitations.
- Environmental education is introduced in curricula of different school levels.
- Sudanese standards for drinking water were developed.
- Research station for drinking water as a pilot plant was established for conduction of scientific and laboratories researches and studies on treated water.
- The use of inefficient machines has stopped and substituted by those of high efficiency such electric pumps.
- Environmental impact assessment has to be taken into consideration for any development project (Environment Conservation Act 2001, Article 17).

Standards:

A number of standards related to drinking water and sanitation were developed and approved; the Sudanese standard for drinking water is one of them. Also the standards for water pollutants for many categories of industries, , biological standards, were developed. The maximum permissible limits for different pollutants in drinking water were laid down.

Conclusion:

A high consideration is given to safe drinking water and sanitation in terms of development policies, action plans, strategies, laws. However, there are continuous efforts exerted by the government towards the achievement of specific targets in the field under consideration.

Recommendations:

- The laws and legislations need to be enforced.
- Coordination between water institutions should take place.
- Conduction of awareness raising programs on conservation of drinking water sources.
- Encouragement of private sectors to invest in provision of water supply projects.
- Capacity building.

References:

A/elrazig M. Faroug, E., (2002) Legislations and Institutions of Drinking Water Services, a paper presented at the UNESCO conference on Drinking Water: Risks and Treatments organized by UNESCO, Water Corporation and other units and Directorate, Khartoum, Sudan 2002.

El Fadil A. A/elwahab (2006) Water Pollution in View of Sudanese Law, a paper presented at the Workshop on Water Quality Monitoring and Enforcement organized by Nile Transboundary Environment Action Project, Khartoum, Sudan 2006.

Federal Ministry of Health, Central Bureau of Statistics and Unicef (200) Multiple Indicator Cluster Survey, Final Report. Sudan.

Higher Council for Environment and Natural Resource, Environment Protection Act (2001).

Interim Poverty Reduction Strategy Paper, 2004 -2006. Sudan.

Nadia B. Shakak and Mohamed K. Ahmed (2004) National Initiatives and Experience in Nile Water Quality Monitoring, Country Report, a paper presented at the 1st Regional Water Quality Working Group Meeting and Workshop, Cairo 2004.

UNESCO (2003) Workshop on Future of Water Researches, Khartoum, Sudan.

UNESCO (2002) Conference on Drinking Water: Risks and Treatments, Khartoum, Sudan

FROM : HCENR

FAX NO. : 00249183787617

Apr. 15 2007 02:00AM PB