



Environment

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## **Human rights in Water Resources, and Water and Sanitation Services**

- I. What conflicts exist in your country between different types of water uses (e.g. agriculture, industry, tourism, among others)? What are the main challenges in your country concerning water resources and wastewater management that impact on the realization of human rights?

Firstly, to give a bird eye overview on the water in Yemen, Yemen is a water scarce country located in arid to semi-arid zone and characterized as having a very low annual average of rainfall with 200 mm/year. The annual available water share per capita is around 127 m<sup>3</sup> and expected to drop down to 85m<sup>3</sup> in 2025 due to the increasing water demand resulted by high population growth (3.7%) and agriculture horizontal expansion. Comparing such extreme water poverty in Yemen, Yemeni citizen receive less than 10% and 25% of what a person can get in the MENA region and worldwide respectively. In spite of increasing the demand the supply is limited and expected to be even worse due to the climate change impacts. Such extreme water scarcity in line with the very low water use efficiency, especially in irrigation with < 35%, and the limited water sector capability and capacity have led to deplete the finite and vulnerable ground water resources resulting in having five critical water basins in one side, and adversely affecting the environment and human rights to access safe/sufficient drinking water and adequate sanitation services.

Regarding to what types of conflicts exist between the water different uses: the case in Yemen is almost different. Yemen stands out among many countries in the world that the agriculture use is the extreme dominant water user during the last three decades with a share of 92% while domestic, and industry and others are getting 6% and 2% only. Such dominance of agriculture use has come as a result of decades of government policy supporting agriculture to reach the self-sufficiency of food which has never been attained up

to present. Therefore, the majority of the population who lives in the rural areas and working in the agriculture production and marketing chain were almost satisfied even it affected their rights of the importance of accessing developed water and sanitation services which they almost are not aware about. Hence, no water conflicts have emerged between the water different subsectors but in some cases between the individual users within the agriculture use subsector. Such conflicts usually emerge as result of the high competency between the individual farmers on drilling new groundwater wells or around utilizing the water of small dams, run-off water...etc.

In addition to what stated above; illiteracy, lack of awareness, inequity of accessing water resources and sanitation services, treating water as common good and ignoring its economic value...etc have widely impacting the realization of human rights in Yemen.

II. How are different water uses prioritized in national legislation and policies? How are these priorities implemented in practices? Are there any implementation challenges? If yes, please elaborate on them and on measures taken to overcome them

Firstly, according to the Yemeni water law and its executive bylaw-article 30-A, drinking water and domestic uses have the absolute priority among all others water uses. It is even stated that all official, public and private stakeholders are legally committed to the followings:

1. Restricting any kind of intervention that touch the water allocated for drinking proposes with any form and or under any reason.
2. Considering the water requirement for this use as first priority in all water development plans and projects.
3. Immediate implementation of any water re-allocation decree issued by the national water resources authority (NWRA) that reallocates water from other use sectors to drinking and domestic purposes.

In the mentioned bylaw-article no 31-A, it is stated that the surplus water is allocated then to the other water uses as follows:

1. Animals drinking.

2. Public entities uses such as school, mosques...etc.
3. Irrigation purposes.
4. Industrial purposes.
5. Minimum level of the environmental water needs.

In the article no 31-B, it is stated that prioritization among the purposes mentioned in the same article section A is allowed according to the social, economic and environmental importance of the water.

It is really wondering how water for animals drinking and for domestic uses in public entities is a subject to be re-prioritized with others such as irrigation or industry for example.

Secondly, although the legislative framework already defined the water use priorities, it does not mean that the reality follows such normative order. In other words, the water priority in the ground is determined according to other factors. For instance, there is no doubt that Yemeni communities give the first priority for human and animal drinking, and for domestic purposes. However, such priority has found based on ethical and customary rules deeply rooted in Islamic values and rules. On the other side, having the power and financial ability is another driver determining the water use allocation. For instance in the rural areas, the tribe has the power governing the water resources and uses. Farmers who have money can drill wells, build ponds, dikes...etc. for irrigation affecting poor people and users in the downstream from the sufficient water needs.

Finally, with purpose or not, the Yemeni government has affected the water use priorities. For instance, as mentioned above the Yemeni government used to and still supporting and subsidizing the agriculture sector<sup>1</sup> which for sure has affected the other water uses. Furthermore, even the legislative framework itself contributes to such deviation in water allocation and priorities. For instance, the water law and its bylaw introduce “water use fees” for industrial and commercial uses while irrigation uses (the dominant and less efficient water use sector) is excluded from any water use fees or tariffs.

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<sup>1</sup> The agriculture in Yemen which is the dominant water use sector contributes with less than 14% of the national GDP

III. What strategies, approaches and mechanisms guide water resources and wastewater management? How do these ensure that the basic needs of the entire population are met?

Yemeni government realized the endangerment of country due to scarcity of water resources and attrition excessive for this resource, and therefore with significant cooperation and coordination with all donors, the government initiated approach for integrated water resources and water sector reform that denoted in the following outputs: -

- 1) In 1996 Establishment a governmental entity responsible for water resources management named the national water resources authority. This organization is functioning to ensure effective and efficient integrated water resources management at national and local levels with the principle of community participation in the management.
- 2) Issuing cabinet resolution No.237 for year 1997 as fundamental approach of water and sanitation services in urban areas. This approach tailed by several studies strategies to enhance providing sustainable water and sanitation services to the communities in the urban areas; the core principle of this approach is independent management of water utilities based on commercial basis and standards. The implementation had been done in stages and each stage subjected to the assessment before the movement to the next stage.
- 3) Perform several studies and approaches that attribute in the transferring from centralized management to decentralized management of water resources and water and sanitation services.
- 4) Set-out Water law in 2002 and its executive bylaw in 2009 as orderly legislation to prevent water resources depletion and organizing the various water uses. Unfortunately implementing this law and bylaw has been interrupted due to the timing gap between issuing the law and its bylaw further to other politic and society aspects.
- 5) The Ministry of Water and Environment (MWE) was established in May 2003 to reorganize the water sector, with the aim of creating an institutional structure for integrated water management and to prepare the necessary institutional and investment conditions to face the exacerbating water problem in Yemen. The MWE was charged with one of the most complex development problems in Yemen and its most challenging tasks, namely: the water scarcity problem and the challenges of providing drinking water to the urban and rural

population, treating wastewater, managing water resources and planning its use in light of the water law.

As a new ministry, it was natural for the MWE to start by initiating a participatory process which involved all stakeholders and which aimed at elaborating a clear and shared vision of its priorities and the needed approaches to address water and environmental issues based on an objective evaluation of the conditions of the five subsectors (water resources, urban water, rural water, irrigation and environment), to arrive at an accurate determination of the needed actions or measures and institutional, legislative and investment requirements. This evaluation and determination of the main actions and requirements was carried out through a participatory process that involved all stakeholders.

- 6) Set-out the first national water strategy and investment program (NWSIP) in 2004 for 2004 - 2009. Following reorganization of the water sector in 2003, the MWE initiated a multi-stakeholder process of preparing a consolidated strategy, action plan and investment program for the water sector as a whole – the National Water Sector Strategy and Investment Program (NWSSIP). This strategy proposes a set of institutional, financial and other measures, which aim at addressing discrepancies in the five sub-sectors in order to protect the interests of all stakeholders in the resources. Obviously, if the situation continues as it is without regulation of groundwater extraction and use, without reduction of the current unsustainable level of water resources use, and without putting an end to the ongoing resource capture, then this will eventually harm everyone, including farmers, who will be the first victims of water exhaustion. At the same time, water regulation is needed to safeguard or secure the economic and social growth of the cities. Growth will not happen unless the cities get their water needs. Hence, an equitable mechanism for rural-to-urban transfer of water from the rural peripheral areas surrounding cities needs to be developed, as well as strict measures to protect the well-fields which supply the cities against illegal drilling.
- 7) In 2008 the Yemini government was aware on water sector wide approach to involve completely irrigation subsector, in addition during the process of monitoring and evaluation of NWSIP implementation for the last three years, it was realized that some performance indicators were over-unattainable as well as estimated cost of some activities in the investment program. Therefore, NWSIP had been updated for the period (2009-2015) and

become on hand for implementation at the end of year 2008 of which calls NWSIP Update. The fifth subsector excluded from this strategy as it has owned separately.

However the achievement in the fact is slightly insufficient, in spite of non-existent in most important legislation such as water law and its bylaw, and the reasons exposed to several political, social and institutional factors that cannot be mentioned here.

On the other hand the political events that affected the country during the past two years have contributed significantly to the problem, which caused a sharp deterioration in water and sanitation services in particular areas, which was the center of events such as the capital Sanaa and the cities of Aden and Taiz.

The Ministry of Water and an Environmental recently intends to perform the second update of NWSSIP combining the impact of climate change to water sector and crises,

Almost all the bases needed to manage the water resources and uses sustainably are in place however weak if non applicable and what have been achieved up to now was due to the donors push and support during the last two decades. On the governmental side, water is still considered as the ninth priority in the government agenda. As result, the drinking water and sanitation services coverage is still limited especially in the rural areas where 75% of the population exists, the water resources are utilized in random unsustainable manner...etc.

Unless the government supports the water sector management effectively, nothing of what have been established could help to improve the situation which is worsening day by day.

IV. How does your government ensure transparency, access to information and participation in decision-making regarding water resources and wastewater management?

As mentioned above, that basin management structure has been identified. In the basin management structure all official and local stakeholders are represented in basin, sub-basin and field levels of management and supposed to participate in the water planning, implementation and monitoring. The structure is only and partially established in three or four basins where some basin committees and WUAs have been found. Even there is some modest progresses, the whole structure is still not empowered and weak functioning.

- V. In your government's view, should water resources and wastewater management be reflected in the Sustainable Development Goals/post-2015 development framework?

No doubt of that. Nevertheless, we should consider that Yemen is still far away from the MDGs prior 2015 relevant to water and sanitation. The whole country in general and the water sector in particular have just passed the political and security instability during and after the second revolution happened on February 11<sup>th</sup>, 2011, and hardly trying to recover. This means that the water sector should pay huge efforts to fulfill the MDGs prior and then post-2015 during the current transition phase and in future. There is a hope and efforts of government, donors, and local communities should synergy to make remarkable progress on the water resources and sanitation management which for sure reflected on country economic development and social security.

**Ministry of Water and Environment**

**Sana'a Yemen**

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