**Questionnaire for States**

**Report to the 48th session of the Human Rights Council (2021) on planning and vision, and**

**Report to the 76th session of the UN General Assembly (2021) on water commodification**

## Background

The Special Rapporteur on the human rights to safe drinking water and sanitation will dedicate his first thematic report to the 48th session of the Human Rights Council in September 2021 on planning and vision of the first three years of his mandate (2020-2023).

In addition, he will dedicate his thematic report to the 76th session of the UN General Assembly in 2021 on water commodification.

In order to prepare for these two reports and to have wide consultations, the Special Rapporteur invites States to submit their response to the below questions **by 15 April 2021.**

## I. COVID19 and human rights to water and sanitation

1. In the context of COVID19 pandemic and recovery and relief measures, what measures and steps have been in place to ensure that all populations have access to adequate and sufficient water, sanitation, and hygiene services and facilities? In particular:

This is an extract from the minister state minister of finance and economic planning foreword note on National budget framework paper which is a government document that demonstrates how the country is prepared to handle its programmes through budget allocation.

Due to the impact of Covid-19 which is likely to feed through in the coming Fiscal Year, we do not anticipate significant changes in both domestic and external financing. Therefore, the formulation of the Budget framework Paper (BFP) for Fiscal Year 2021/22 ensures that the limited resources are properly aligned to the most deserving priorities along the eighteen (18) NDPIII development programmes that are critical in the attainment of the goal of the plan. The budget for the next Fiscal Year thus marks a major step in the transition to programme-based budgeting reform.

The programme goal is to reduce environmental degradation and the adverse effects of climate change as well as improve utilization of natural resources for sustainable economic growth and livelihood security.

 But specifically to ensure that all populations have access to adequate and sufficient water, sanitation, and hygiene services and facilities, government plans to do the following:

1. Increase water permit holders complying with permit conditions at the time of spot check;

a. abstraction – surface from 78 percent to 82 percent;

b. abstraction – groundwater from 76 percent to 81 percent;

c. waste water discharge from 63 percent to 68 percent.

2. Increase water samples at point of collection complying with national standards:

a. water bodies from 0 to 05 percent by 2025;

b. Drinking water supplies (Rural) from 41% to 50%;

c. Drinking water samples (Urban) from 60% to 70% percent by 2025;

d. Wastewater samples from 30% to 40%

**Strategies to achieve the above objectives, the following strategies have been developed:**

**Strategy 1.1:** Promote integrated development and management of water and related resources to ensure availability of water resources for all uses for the present and future generations.

**Strategy 1.2:** Extend coverage and functionality of water resources monitoring networks.

**Strategy 1.3**: Promote efficient utilization of water resources information for early warning and decision making.

**Strategy 1.4**: Develop capacity of stakeholders for water quality testing at national, regional and Local Government levels.

**Strategy 1.5: Strategy:** Improve and strengthen compliance monitoring and enforcement of water laws, regulations and permit conditions.

**Strategy 1.6:** Promote integrated and coordinated planning of water and related resources following a catchment.

**Strategy 1.7:** Engage riparian States on equitable use of trans-boundary waters.

* 1. What measures and steps have been taken to identify the minimum vital amount of water required by specific individuals and groups in the context of COVID19 which emphasized hand washing as one of the preventive measures against COVID19?
* Promote measures to improve safety of new and existing dams and reservoirs, and prevent failure that can compromise public safety and dam safety.
* Hand washing equipment and soap were mandatorily placed in public places entrances like: markets, schools, hotels, taxi parks and commuter taxis.
* Maintain natural water bodies and reservoirs to enhance water storage capacity to meet water resources use requirements.
* Ensure availability of adequate and reliable quality fresh water resources for all uses, government plans to increase water bodies from 0 to 05 percent by 2025; Drinking water supplies (Rural) from 41% to 50%; Drinking water samples (Urban) from 60% to 70% percent by 2025 and Wastewater samples from 30% to 40

1.2. In the event that the water and sanitation services that are managed by private operators cannot be provided, what specific measures are in place to regulate and ensure that the population has adequate access to water, sanitation and hygiene services and facilities?

* Number of Water Management Zones offices (sub and zonal offices) established and operational to ensure that population has adequate access to water, sanitation and hygiene services.
* Number of stakeholder coordination structures in form of Catchment Management Organizations established and operationalize stakeholder coordination structures at catchment level
* In cities like Kampala, the authority managing the city which is Kampala city council authority (KCCA) put in place garbage collection trucks that move around collecting cabbage from business areas and homes.

1.3. In the case of water and sanitation services that are managed by local and municipal (regional) governments, or by community systems, that cannot be performed, what specific measures are in place at the level of the central government to ensure that the population has adequate access to water, sanitation and hygiene services and facilities?

* Government rehabilitated a number of water points in urban areas and constructed new ones to increase access to safe and clean water.
* Washing points with soap and sanitizers were procured and distributed to various public places and also enforcement officers put in place to enforce compliance.
* Extend coverage and functionality of water resources monitoring networks.
1. What temporary legislative or policy measures have been implemented in the context of COVID19 (including state of emergency, emergency laws, moratorium) to prohibit water disconnections for those who are not capable to pay the water and sanitation service tariffs?
* Government through ministry of health developed guidelines which were made into laws to promote and implement sanitation and hygiene in prevention COVID-19. The public health (control of COVID-19) rules 2020 arrangement of rules was put in place by “ministry of Health by sections 11 and 27 of the public Health Act, Cap.281, these rules are made this 24th day of 2020”
* Government instructed national water and Sewerage Corporation not to disconnect water from peoples’ houses and businesses for a period of six months in 2020.
* Increase number of water or wastewater samples complying with national standards to ensure availability of adequate and reliable quality fresh water resources for all uses.
* Increase % of water supplies/water collection point (Rural) complying with national standards. From 2021/22 the percentage is 41% and by 2023/24 its projected to be 45%
* Whereas the % of water supplies/water collection point (Urban) complying with national standards is at 60% in 2021/22 projected to be 65% by 2023/24

2.1. In the event emergency laws or moratoriums have ceased to be in force, what subsequent measures and steps have been envisaged and planned to ensure that disconnection of water and sanitation services are prohibited for households that are unable to pay?

* These emergency laws ended in 2020 last quarter and for those who can afford to pay water bills, their water has been disconnected. There is no planned bail out for such services now including garbage collection.

2.2. What data is available on the impact that COVID19 has had on unemployment, how it has increased the numbers of people in poverty, increased inequalities and in particular, how these three dimensions impact people's capacity to pay for water and sanitation services and facilities?

* The economy grew by 2.9 percent in FY 2019/20 which is lower than 6.8 percent recorded in FY 2018/19. Strong performance was registered in the first half of the financial year (8.1 percent), although this was countered by the negative growth registered in the second half of the financial year. The COVID-19 pandemic along with the containment measures implemented by Government, locusts’ invasion and floods in several parts of the country negatively impacted economic activities in the second half of the financial year. All sectors of the economy registered lower growth rates compared to FY 2018/19 performance
* The industry sector was most hit by the impact of the pandemic, growing by just 2.2 percent compared to the 10.1 percent growth registered in FY2018/19. Similarly, the services sector also slowed down to 2.9 percent from the 5.7 percent registered in FY 2018/19. All this evidence that, unemployment increased due to COVID-19 in 2020 when the pandemic started.
* ***Employment***

The National Labour Force Survey carried out in FY2016/17 revealed that the working age population (14-64 years) was estimated at nearly 19 million with more females (52 percent) than males (48 percent). Among the working age population, 81 percent were engaged in at least some form of work while 19 percent were not engaged in any kind of work. About 27 percent were in purely subsistence agricultural work. The mean age of working age population was 30 years. The Annual Labour Force Surveys of FY2017/18 and FY2018/19 show a shift in the share of labour in agriculture to industry and services. The share of labour in services increased to 45.6 percent in FY2018/19 from 41.8 percent in FY 2017/18 while in industry, it increased to 17 percent from 15 percent in FY2017/18. On the other hand, the share of labour in agriculture reduced to37.4 percent in FY2018/19, from 43.2 percent in FY2017/18.

2.3. What steps are being taken to ensure the affordability of water services for those who cannot pay their bills for reasons beyond their control, including unemployment and poverty, which have been exacerbated by the COVID19 pandemic?

* In line with the NDP III, Government’s policy and planning frameworks continue to support initiatives for accelerating and sustaining inclusive economic growth while maintaining macroeconomic stability and debt sustainability. The macroeconomic strategy therefore, is to enhance returns from public investment through implementation of policies that boost efficiency in public investment, increase domestic revenue mobilization efforts and maintain price stability. In addition, the Government will continue with measures to revive private sector activity as well as improve our position with the rest of the world by boosting exports and building up foreign reserves to cushion the country against external shocks.
* **Economic Growth Strategy**

Central to the formulation of the economic growth strategy in FY 2021/22 is the National Development Plan III and the policy interventions required to sustain recovery from the socioeconomic setbacks caused by Covid-19.The strategy will be focused on three broad interlinked agenda, which are key to developing and harnessing the factors of production

**Fiscal Strategy**

Fiscal operations in FY 2021/22 and the medium term will focus on policy interventions to sustain recovery from the socioeconomic setbacks caused by the COVID-19 pandemic as well as the development objectives set out in the third National Development Plan (NDP III).

FY 2021/22 will be the second year of implementation of the NDPIII, whose overall goal is to increase household incomes and improve the quality of life of Ugandans. This goal will be pursued under the budget theme – **Industrialisation for Inclusive growth, Employment and Wealth Creation in FY 2021/22** and will seek to achieve the following development outcomes:

i. Increased investment in the real economy to generate employment and increase products for import substitution and exports.

ii. Enhanced quality of social services to build human capital especially among the youth, who constitute majority of the population;

iii. Enhance efficiency of physical infrastructure to enhance productivity; and

iv. Provision of affordable financing to unlock entrepreneurial potential and improve competitiveness.

To achieve the above growth and development outcomes, Government will:

i. Preserve a stable macroeconomic environment by: maintaining low and stable inflation; ensuring fiscal sustainability by maintaining low debt levels and; establishing a stable external position with the rest of the world by boosting exports and building up foreign reserves to cushion the country against external shocks.

ii. Boost domestic revenue mobilisation efforts by implementing the Domestic Revenue Mobilization Strategy in order to increase domestic revenues within the next 5 years.

iii. Mobilize additional external borrowing, preferably on concessional or near concessional terms and utilizing this financing for projects that will provide adequate returns to investment; and maintain debt to GDP ratio at sustainable levels.

3. What are the vulnerabilities that have been exacerbated by COVID19 that negatively impact people's access to water, sanitation and hygiene (WASH)? What measures and steps have been taken to identify and target individuals and groups that have been exposed to those vulnerabilities?

* With lack of employment, some people have no means to afford water and sanitation services like toilet fees. This is common in slum areas. Again due to curfew hours, time being limited, people have no or are caught by time as they trek long distances to access water points both in urban and rural areas.
* Steps taken by government and some civil society organisations, include: provisional of communal water points with soap in places like markets, taxi parks, health centres, religious points and others where people gather in big numbers.
* Increase % of population with access to basic sanitation (Improved toilet not shared with other households) from 20% in 2021/2 to 24% in 2023/4 (FY NBFP 2021/2022)

3.1. What are the specific challenges faced by the population living in rural areas and those areas that rely on community-based water and sanitation services? How have these challenges been addressed?

* One of the biggest challenge is poor maintenance of these water sources, if it’s a dam or spring, it will bushy and silt clogging to the brim. If it’s a bore hole, its broken down and no maintenance programs and budgets with local council budgets.
* Both animals and people share same water sources this presents an environment for diseases
* Long distances of course where water points are and community homes, this comes with other challenges like being waylaid on way especially girls by men who end raping them. % of households with access to improved water supply facilities withi 1000metres is still low at 70% 2021 NBFP.

Steps on addressing these challenges:

* Increase % of water supplies/water collection point (Rural) complying with national standards. From 2021/22 the percentage is 41% and by 2023/24 its projected to be 45%

Example, Construction of three (03) multi-purpose bulk water storage dams and watering facilities of Kyenshama in Mbarara, Geregere in Agago and Ojama in Serere including water abstraction systems, transmission mains, water pumping systems, storage tanks andwater distribution networks (50% progress)

* Long distances and drought leading to drying out of dams. To solve this, government has embarked on the following:
* Increase % of households with access to improved water supply facilities within 1000metres from 70% in 2021 to 76% in 2023/24
* Increase % of point water sources that are functional (active) at the time of spot check from 87% in 2021 to 2023/4
* Detailed designs for multi-purpose bulk water storage facilities of Makokwa and Kyahi in Gomba District and Ojama in Serere District (100% progress) in general government is plan to increase water access and availability nationally from the National budget frame work paper (**FY 2021/22)**

 3.2. What are the specific challenges faced by population living in areas that are suffering hydric stress, and/or semi-arid regions?

* Feasibility studies and detailed designs for Lopei Bulk water and irrigation scheme in Napak District (100% progress) these are highly stressed areas. Also Detailed designs of Namalu in Nakapiripirit, Sipi in Bulambuli, Unyama in Gulu and Amuru (100% progress)
* Establishment of O&M, Institutional and sustainable management structures for effective utilization of medium and small scale Irrigation schemes, multipurpose bulk water schemes, earth dams and valleytanks.

3.3. What are the specific challenges faced by seasonal workers, by populations living in refugee camps, in host-communities that absorb refugees, displaced persons and other forcibly displaced persons, as well as slums and informal settlements in urban and peri-urban areas?

* % of population with access to basic sanitation (Improved toilet not shared with other households) is still low.
* % of people with access to sewerage services (urban areas -NWSC) is still at 00% 2021/2
* % of people accessing safe water supply within 200M in urban areas is still at 79% 2021/2 projected to increase to 85% by 2023/4

Under refugee management programme government’s objective is to lead and enhance national response capacity to refugee emergency management some challenges faced by populations living in refugee camps, in host-communities that absorb refugees are:

*i) not 100% security to refugees, service providers and host communities.*

*ii) lack of access to basic services by refugees and asylum seekers.*

*iii) lack of service delivery to refugees and host communities in Uganda.*

iv) *lack of awareness to sustainable environmental management practices among refugees and host communities*

3.4. In addition to the above groups which have been identified as gaps in the Special Rapporteur’s research thus far, which other groups and populations should be prioritized due to the increased vulnerability that COVID19 has created?

* The old people, women and children whose education has been affected
* Then the sick especially those who were on drugs like of HIV/AIDS patients, then cancer patients people that have routine check-ups and access to medicines that are affected by curfew and lockdown.
* Teachers whose schools were shut down.

**Public policies**

1. What steps have been taken to address vulnerabilities that COVID19 has created for people and groups in public policies - the so-called “Building Back/Forward Better” policies - and other policies to build resilience and sustainability?

**Macroeconomic Policy Framework**

* In line with the NDP III, Government’s policy and planning frameworks continue to support initiatives for accelerating and sustaining inclusive economic growth while maintaining macroeconomic stability and debt sustainability. The macroeconomic strategy therefore, is to enhance returns from public investment through implementation of policies that boost efficiency in public investment, increase domestic revenue mobilization efforts and maintain price stability.
* In addition, the Government will continue with measures to revive privatesector activity as well as improve our position with the rest of the world by boosting exports and building up foreign reserves to cushion the country against external shocks. The economic strategy and the Government spending priorities for Fiscal Year 2021/22 are centred on two (2) issues and these are; (i) the policy interventions required to sustain recovery from the socioeconomic setbacks caused by Covid-19 as well as, harness the opportunities that come along, and (ii) the Third National Development Plan. All these are critical for maintaining progress towards achieving Uganda’s Vision 2040.
* The strategic interventions to sustain economic recovery and spur growth will entail the following broad interventions;
* **Expanding the economic base**, through productivity enhancement in agriculture, the development of oil and gas resources and diversification of the growth corridors to ensure equitable regional development and economic opportunities, especially for the youth.
* **Prudent macroeconomic management**, which is critical to lessen the negative impact of the current socioeconomic issues.
* **Enhancing competitiveness**: This will require Government to address issues of low agriculture productivity, the narrow export base, high cost of capital and electricity as well as inadequate infrastructure network to regional trading partners, particularly DRC and South Sudan for which we have reached agreements for joint development

4.1. What are the lessons learned from responding to COVID19 to build social protection and resilience to prevent future possible public health crises?

* Maintain and/or restore a clean, healthy, and productive environment;
* Promote inclusive climate resilient and low emissions development at all levels
* Increase incomes and employment through sustainable use and value addition to water, forests and other natural resources. This is because of all sectors affected by COVID-19, Agriculture remained somehow stable and developing. **Agriculture Production and Agro-Industrialisation**
* Support to agriculture and agro-industrialization program is critical for enhancing food security, manufacturing (accounting for over 60% of manufactured products), export promotion and jobs creation. Notwithstanding the Covid-19 disruptions, Uganda’s coffee export reached the highest level in July 2020. The country shipped 543,252 of 60-kilogramme bags, up from 463,709 in July 2019. It is the highest amount exported in a single month since 1991. Similarly, maize exports to the region also increased. This points to the enormous potential we have to increase export of agricultural products to both the regional and continental markets. Currently, the African Continent imports over US$ 48 Billion in agricultural commodities which can be grown and processed in Uganda. We therefore need to increase our capacity to take advantage of thi opportunity

4.2. What measures and steps have been taken to strengthen access to water, sanitation and hygiene as part of strengthening public health policy?

 **Rural Water Supply Status:**

* The main technology options for water supply in rural areas include: deep boreholes (44.7%), shallow wells (23.1%), and protected springs (20.8%). While others (tap stands/kiosks of piped schemes and rainwater harvesting tanks at (11.3%).
* As of June 2020, the national safe water coverage in rural areas was estimated at 68% from 66% in FY 2018/19 although functionality of systems stagnated at 85%.
* 608 new boreholes, 57 piped water systems with 587 taps and 90 protected springs were constructed. With another 1,096 rehabilitated while 116 rainwater harvesting systems (ferro cement tanks, Plastic tanks and Communal) of 10m3 were installed.
* The percentage of water points with functional water and sanitation committees increased from 89% in June 2019 to 90% in June 2020.

**Urban Water Supply status:**

* 16 small town’s water supply systems with 383 Public stand posts (PSP) construction were completed while 23 institutional and 4,032 yard tap connections done.
* Umbrella Authorities made 5,197 new connections while 61,246 was done by NWSC.
* The population using an improved drinking water source in urban areas reduced from 79%in June 2019 to 70.5% in June 2020.
* Access to safely managed water (available on premises) remained at 57.11% in urban areas.
* NWSC geographical coverage increased from 253 towns as at 30th June 2019 to 258 towns as at 30th June 2020, a growth of 2%.
* Functionality of small towns and rural growth centres piped water supply systems reduced from 94.3% in June 2019 to 81.23%.

**Sanitation and Hygiene**

* In rural areas, access to sanitation services in general increased from 77.2% to 78% while basic sanitation increased from 16.6% to 18%.
* In urban areas, access to sanitation services in general increased from 87.9% to 89.1% while basic sanitation from 42.8% to 44.8%.
* Access to hand washing facilities in schools increased from 42% in FY 2018/19 to 58%.
* Use of safely managed sanitation in rural areas remained at 7.1% and in urban areas increased from 37.4% to 38.9%.
* Three Faecal Sludge Management Facilities were constructed to completion and under test running at Dzaipi, Kamuli, and Nakasongola.

**Allocation of funding**

5. What measures and steps have been taken to ensure that water, sanitation and hygiene is considered as a priority in the COVID19 response in terms of the allocation of funding?

* Safely managed water, sanitation, and hygiene (WASH) services are an essential part of preventing and protecting human health during infectious disease outbreaks, including the current COVID-19 pandemic. One of the most cost-effective strategies for increasing pandemic preparedness, especially in resource-constrained settings, is investing in core public health infrastructure, including water and sanitation systems. Good WASH and waste management practices, that are consistently applied, serve as barriers to human-to-human transmission of the COVID-19 virus in homes, communities, health care facilities, schools, and other public spaces.
* To fulfil this, Government borrowed more than 1Tn UGX and the biggest chuckle was allocated to ministry of health to help in procuring the necessities. On June 29, 2020 the Uganda government borrowed $300m from World Bank to support operations and boast the capacity to prevent, detect and treat the corona virus. Protect the poor and vulnerable population and support economy recovery

5.1. What percentage of the COVID19 response is allocated to water, sanitation and hygiene (including menstrual hygiene)?

* No clear figures but The average per capita investment cost for the new water facilities was USD57.95 compared to USD 58 in FY 2018/19.

5.2. What percentage of funding is allocated or planned to be allocated to improving water, sanitation and hygiene facilities and infrastructure in the context of COVID19?

* Sub-programme: Rural Water Supply and sanitation 79.40bn UGX for 2020/2021 was allocated and 79.4bn UGX proposed for 2021/2022.
* Sub-programme: Urban Water Supply and sanitation 12.50 UGX for 2020/2021 was allocated and 12.5bn UGX proposed for 2021/2022. These are figures from **National Budget Framework Paper FY 2021/22 and may not be strictly in context of COVID19.**
* CSOs investment in FY 2019/20 was UGX 52.12 bn compared to UGX 69.13 bn in FY 2018/19. UGX 29.88 bn was invested in water supply and UGX 9.72 bn in sanitation and hygiene, UGX 8.08 bn in water for production, UGX 0.77 bn in capacity building and UGX 0.60 bn in research and development.
* CSOs constructed 251 boreholes, 110 rainwater harvesting tanks and 15 shallow wells. Rehabilitated 303 boreholes, 5 protected springs and 49 shallow wells. Constructed 10 piped water supply systems and rehabilitated/ expanded 11. Again, these are not indicated as response to COVID19.

6. What specific measures and steps are taken to ensure a safe environment for defenders of human rights to water and sanitation in response to protests and advocacy on water disconnections, access and quality?

* There are no specific measures and steps in place to secure protestors, if one gets arrested for such protests, they will find their own means to get out of police cells, if they are lucky and have connections, they may get lawyers from available legal fraternity like human rights defenders lawyers.

## II. Climate change and human rights to water and sanitation

**Impact of droughts on availability and quality**

1. During drought cycles, which climate change tends to intensify in frequency and duration, water reserves should be monitored and foreseen. Both domestic and drinking use must be prioritized in order to ensure the human rights to water and sanitation, with special attention paid to those groups in vulnerable situations. Likewise, an increase in the concentration of pollutants should be prevented as there are fewer dilution water flows that would normally preserve water quality. In this context, in order for climate adaptation strategies to ensure that the population has access to safe drinking water and sanitation:

1.1. Are there legal, policy and regulatory frameworks to ensure that drinking water and water for domestic and personal usages are prioritized over water used for industrial agricultural and other for-profit economic activities in case of scarcity during drought periods?

* Non-Revenue Water (NRW) increased from 30.73% to 33.5% in large towns and from 33% to 37.78% in small towns and RGCs
* As of June 2020, the national safe water coverage in rural areas was estimated at 68% from 66% in FY 2018/19 although functionality of systems stagnated at 85% in rural areas.
* 608 new boreholes, 57 piped water systems with 587 taps and 90 protected springs were constructed. With another 1,096 rehabilitated while 116 rainwater harvesting systems (ferro cement tanks, Plastic tanks and Communal) of 10m3 were installed.
* The percentage of water points with functional water and sanitation committees increased from 89% in June 2019 to 90% in June 2020 in rural areas.
* For urban some key achievements from NWSC geographical coverage increased from 253 towns as at 30th June 2019 to 258 towns as at 30th June 2020, a growth of 2%.
* Functionality of small towns and rural growth centres piped water supply systems reduced from 94.3% in June 2019 to 81.23%.

1.2. Are there measures scheduled in drought emergency plans to ensure that priority is given to household water supply and water for domestic and personal use? Is there hydrological planning that establishes specific plans to prevent drought, in which the priority of said water supply is guaranteed?

1.3. Have areas, neighbourhoods or populations in vulnerable situations and most exposed to water cuts in drought periods been identified? If so, please provide information on how they were identified and what has been planned to counter this greater vulnerability.

1.4. In periods of drought, how is the quality of drinking water guaranteed? If the water supply is seriously compromised, are there any alternative reserves in place, such as reservoirs, aquifers or drought wells that could provide the quality and quantity of water required, especially in the poorest regions and rural areas

**Impact of droughts on affordability**

2. During drought periods, when availability and accessibility to drinking water and water for domestic and personal use is affected by competing demands for water resources, there may be pressures to increase water and sanitation tariffs. On the other hand, the need for implementing additional water supply sources may increase supply costs. Is an increase in rates foreseen in drought cycles? And if so, what is planned for families and individuals in poverty with incapacity to pay for water and sanitation tariffs?

* **NDP III Programme (Natural Resources, Environment, Climate Change, Land And Water Management) office of prime minister (OPM), under this programme there sub programme** 18: Disaster Preparedness and Management which is allocated 15.68bn UGX. Ideally, water challenges should be addressed from these funds. But what actually happens, everyone caters for themselves, unless it was planned for in the budge that a dam will be constructed in certain area this year. But it may not an immediate government response to water stress due to drought*.*

**Impact of floods on availability and quality**

3. Floods caused by heavy rains and river floods, apart from causing risk to the lives of those affected, the flooding of homes, destruction of crops and various economic damages, have significant impacts on water and sanitation services. Often, domestic water supply is contaminated or supply facilities are affected, which implies drinking water supply cuts. Sanitation stations tend to collapse when they receive massive storm drains along with domestic and industrial discharges, which produces direct polluting discharges. Especially worrying is the situation of those sanitation stations located next to rivers, which tend to be flooded indefinitely. Sometimes the rise in the level of the rivers and the massive pluvial drainage generate black or grey waters urban floods through the sanitation sewers, even reaching inside the houses. In this context, in order for climate adaptation strategies to ensure that the population has access to safe drinking water and sanitation:

3.1. Are there plans for territorial and urban reorganization that make it possible to minimize the vulnerability of populations to flood risks? What specific measures are included for groups in vulnerable situations?

* In 2019/2020, Lake Victoria and Lake Kyoga flooded a lot affecting many homes and their livelihoods for those that stay near it. Government has since then warned and forcefully evicted the affected persons. But no specific place was allocated for them, its CSOs that may come in to provide sanitation facilities and hygiene but this may not be enough. For instance, African Agency for integrated Development (AAID) is at fore front of providing safe clean water and protection of water sources in districts of Fort portal [www.africanaid.org](http://www.africanaid.org)
* Government has embarked on programme to evict people from wetlands and restore them. Though this is on slow pace with encountered challenges in implantation

3.2. Are there emergency flood plans for groups in vulnerable situations and generally poorer neighborhoods, guaranteeing in particular water, sanitation and hygiene services for these populations, including the eventuality of evacuation?

3.3 What alternative water supply provision is there to guarantee drinking water when floods contaminate habitual sources or affect storage and purification facilities, especially for groups in vulnerable situations?

* The only unsustainable way that has been seen is provision of temporally water from either tap or dam water, for days and then citizens embark on self-provision. In extreme and rare cases, boreholes are sunk for communities.

**Impact of Desertification on availability and quality**

4. Rising temperatures and rainfall variability caused by climate change can increase desertification in arid, semi-arid and dry sub-humid areas.In addition, prolonged droughts increase fire risks, accelerating degradation and even destruction of plant protection, soil erosion and desertification.Desertification increases surface runoff and therefore increases the risk of floods, which can impact water supplies and sanitation. It also causes less water infiltration in aquifers, affecting the availability of water. What steps and measures are being taken to combat desertification processes and to ensure safe drinking water and sanitation in case of desertification, especially for groups in vulnerable situations?

**Impact on people and their vulnerabilities**

5. What measures and steps are being taken into account when designing and planning climate change adaptation strategies and policies to ensure that affected groups and populations and their knowledge are part of the solution? How are affected populations involved from the beginning in the planning design and its subsequent development?

* The national budget has a sub Programme whose Objective: Reduce Human and Economic loss from natural hazards and disasters, whose Intermediate Outcome: Enhances access and uptake of meteorological information and Level of accuracy of seasonal weather forecasts issued in 2019/2020 it increased from 80% 83%
* The training of 80 companies (energy, forestry, agriculture, waste management & financing institutions) has been conducted to enhance their skills in green investments and access to climate
* Capacity development on integration of gender in the implementation of climate actions was done for 10 districts in the central region Uganda has been developing her Long Term Climate Strategy to provide national direction with regard to reaching national peaking of greenhouse gas emissions and undertaking rapid reductions

6. What measures and steps are taken to identify the movement of populations, ongoing or foreseeable due to the impact of climate change on availability, accessibility and affordability of drinking water and water for other uses (what are called climate refugees or migrants)? What information is available on the situation of access to water and sanitation for temporary workers in informal settlements?

* Uganda has experienced two decades of economic growth, leading to large population movements from rural areas to informal settlements around urban centers. High population growth stressed the water and sanitation services that exist. 8 million Ugandans lack access to safe water and 27 million do not have access to improved sanitation facilities.
* Further, due to disparities in water access in Uganda, urban people living in poverty pay as much as 22 percent of their income to access water from water vendors. Spending such a high percentage of earnings on water reduces overall household income, limiting opportunities to build savings and break the cycle of poverty.
* In Uganda and around the world, millions are navigating the COVID-19 pandemic with the added challenge of living without access to safe water. Now more than ever access to safe water is critical to the health of families in Uganda.
* This information is scanty and migration due to accessibility and affordability is largely in the pastoral communities and largely rural areas. For urban areas, the emergency of slums in Cities has been gradual and sustained over a long period of time, a combination of factors contribute to this. This growth comes with challenges in water accessibility and affordability.
* Water supply is relatively regular, though shortages do occur. A 20 litre jerri-can is sold at Uganda Shillings 300/= (equivalent to US$ 0.08). Water bills are paid per consumption levels on a monthly basis directly to (NWSC) on a cash basis. In all areas, at least 60% of the households have access to public standpipes, while 40% depend on ground water sources 50. However, it is the affordability of both piped water and ground water which is considered to be high by residents. Urban areas are worsened by the disparity between water bills (presented by NWSC) and the actual income from sale of water. Besides, there is a feeling that the water points were politically allocated in the homes of local council officials, as a way of creating income for their households.

## III. Financialisation/commodification questionnaire

The commodification of water and sanitation has been carried out through different mechanisms and policy programs. Each have had an impact on the payments to be covered by users. This includes the privatisation and inclusion of private actors in water, sanitation and hygiene (WASH) services and infrastructure, the transformation of public utilities into for-profit entities, market based mechanisms to manage water scarcity such as water trading and water banks, and the bottling of water by private companies. At each point, financial actors become involved when WASH services and infrastructure proves to be a profitable business. This report will explore the implications of these processes on the progressive realisation of the human rights to water and sanitation.

**On the privatization of water and sanitation services.**

1. The former Special Rapporteur, Leo Heller, dedicated a thematic report on the impact of privatization on the human rights to safe drinking water and sanitation (A/75/208) in 2020. Building on this report, the Special Rapporteur aims to follow-up on the recommendations made and to expand the scope to examine the role of private actors, the various ways private actors can take part in water, sanitation and hygiene service provision and to clarify challenges and ways to address compliance with human rights to water and sanitation. In this context:

1.1. Has the participation of private operators through long-term management contracts guaranteed the necessary investments in water and sanitation services filling the so-called financial gaps?If so, to what extent?

**Civil Society Organizations (CSOs) - Contribution to Water and Sanitation**

* CSOs investment in FY 2019/20 was UGX 52.12 bn compared to UGX 69.13 bn in FY 2018/19. UGX 29.88 bn was invested in water supply and UGX 9.72 bn in sanitation and hygiene, UGX 8.08 bn in water for production, UGX 0.77 bn in capacity building and UGX 0.60 bn in research and development. CSOs constructed 251 boreholes, 110 rainwater harvesting tanks and 15 shallow wells. Rehabilitated 303 boreholes, 5 protected springs and 49 shallow wells. (The **Water** and **Environment** Magazine 2)
* Constructed 10 piped water supply systems and rehabilitated/ expanded 11.
* Civil Society Organizations (CSOs) investment UGX 3.08 bn in IWRM
* CSOs active in ENR reported a contribution of USD 529,425 for forestry and USD 467,909 for environment and USD 346,802 to climate change activities among others
* For instance, African Agency for integrated Development (AAID) is at fore front of providing safe, clean water and protection of water sources in district of Kabarole in Western Uganda. [www.africanaid.org](http://www.africanaid.org)

1.2. Is there a law that prohibits cutting off water to households in vulnerable situations? Is there by law a vital minimum amount of water set as a mandatory supply to impoverished households?

* Not aware of it, only a few months were granted to households during 2020 when COVID-19 hit us, this was also relinquished after a few months and people forced to pay for used water during that time.

1.3. When the management of water and sanitation services is concessioned or contracted out to a private or mixed company, or when the operators are public but running as commercial for-profit entities, are households in vulnerable situations guaranteed a vital minimum amount of water? And if so, how is this compliance with human rights to drinking water and sanitation financed?

* The main technology options for water supply in rural areas include: deep boreholes (44.7%), shallow wells (23.1%), and protected springs (20.8%). While others (tap stands/kiosks of piped schemes and rainwater harvesting tanks at (11.3%). The same methods apply to urban vulnerable a NWSC geographical coverage increased from 253 towns as at 30th June 2019 to 258 towns as at 30th June 2020, a growth of 2%.
* In all these areas, its spring and borehole and shallow wells water that is free of charge. This definitely compromises rights to safe drinking water and sanitation facilitates if one dose not have the resources to afford safe water.

1.4. When the management is public and non-profit, is a vital minimum amount of water established for households in vulnerable situations, in compliance with the human rights to drinking water and sanitation? And in such cases, how is this compliance financed?

* Vital minimum amount of water established for households in vulnerable situations if It can only be provided for by example an NGO
* Inadequate financing to the sector remains a major challenge and affects the fulfillment of core functions. Capacity gaps in the sector remains critical and particularly in newly created local governments, Umbrella Authorities and the ENR subsector.
* Inequity in water service coverage is affecting the sector. 17 least served districts with less than 55% coverage require special attention. The majority of these districts fall in the dry cattle corridor (The **Water** and **Environment** Magazine 2)

1.5. Is there a regulatory framework that guarantees transparency and citizen participation in the management of water and sanitation services, whether public or private, in line with the requirements related to human rights?

* There is no regulatory frame work in this regard.

1.6. During the past financial crisis (2007 - 2008), due to austerity strategies, private investment was favoured to compensate for the lack of public financing in infrastructure and public services. In the present economic crisis accelerated by the COVID19 pandemic and given the need for investments to prevent the impacts of climate change, are there funds provided in public budgets to cover these costs? Or is the pressure for the privatization of water services growing again?

* The programme goal is to reduce environmental degradation and the adverse effects of climate change as well as improve utilization of natural resources for sustainable economic growth and livelihood security. And is well catered for in the national budget 2021/2022.
* NDP III Programme (Natural Resources, Environment, Climate Change, Land And Water Management) Ministry of water and environment (MWE)

UGX *478.07 bn* approved 2020/2021, *543.40bn* proposed budget 2021/2022

* Note: When the various sub-programs are reflected according to the delineations in the program structure, the allocation to the Natural Resources, Environment, Lands and Water Management effectively remains with Ushs 543.40bn for the FY 2021/22 that will go to the program’s actual outputs that deliver on its mandate and interventions.
* This therefore calls for increased funding to the program if it’s to deliver on its mandate as per the funding gap below of Ush 190.56bn for the FY 2021/22 (**National Budget Framework Paper FY 2021/22)**

1.7. From the current perspective of climate change, are there green funds established to finance investments in WASH services due to the impact of the climate emergency?

* Sub-programme: Environment and natural resources management UGX 124.53Bn approved for 2020/2021 and UGX 186.2536 Bn proposed for 2021/2022
* Sub-programme: Weather, Climate and Climate Change subprogramme UGX 2.245Bn approved for 2020/2021 and UGX2.245Bn proposed for 2021/2022
* NDP III Programme (Natural Resources, Environment, Climate Change, Land And Water Management) LGs, approved UGX 94.90Bn 2020/2021 and UGX 94.9Bn for 2021/2022 as proposed budget***.***

1.8. Are there prospects for higher service rates or charges to cover the costs of investments? Is there any provision to guarantee the affordability of services to households in poverty? NO

1.9. In relation to the impact of COVID-19, if WASH services were managed by private operators were the costs derived from the pandemic (for example, lower water consumption due to economic restrictions, higher rates of non-payment of tariffs) covered by private operators as contract risks or are they passed on to public institutions?

* Largely public institutions played the provision of WASH services especially sanitation like provision of water, soap and sanitizers; this was in isolated places also especially public spaces. But on second thought private operators contracted, played also another big role, there are no clear figures to this. Though government borrowed heavily towards WASH issues and other services during the Pandemic period 2020/2021

**On market based mechanisms as a response to water scarcity**

2. There are various market-based options for managing water scarcity and its distribution to competing users. Although there are different models, what is common to all is the need to separate water rights and land rights, so that water rights/concessions/allocations/entitlements can be traded and potentially managed as a consumer good. There are models, such as Water Banks, that organize transactions under public control and with strong regulations. There are also water trading markets that facilitate trade between entitlement holders and those who want to use that water. These water markets can be opened to speculators, who are not going to use the water rights at stake. Speculators are financial actors that promote speculative games (with high expectations of short-term benefits) between those who have water rights and those who seek to buy them. Although most water trading markets are localized, with the entry of new financial players, water rights can be integrated into global financial markets, where water will receive the same treatment as other tradable commodities, generating speculative impacts on the final costs to pay for water.

If water markets or water banks exist:

2.1. How are they designed and what is their purpose? i.e. to manage water scarcity, to deal with over-allocations, or to ease trading between water rights/entitlement holders to increase the efficiency of use? Is the water traded or banked understood as public or private property? And if private, what is actually privatised? For example, a set amount of water, a licence to extract a certain amount of water, or the concession.

* The national budget 2020/21 Vote 019: Ministry of Water and Environment Sub Programme: 04- *Water Resources Management*
* Sub - Programme Objectives: To ensure availability of adequate and reliable quality fresh water resources for all uses whose Intermediate Outcome: Increased availability of good quality and adequate water resources to support socio economic transformation for men and women
* Increase water permit holders complying with permit conditions at the time of spot check;
* Increase number of waste or water samples complying with national standards

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2.2. Are there public institutions (such as Water Banks) that manage possible transfers of water rights? If so, are they set up only to manage drought cycles or do they also work when there is no drought?

* They are there, and commercial at all times, they work all the time and more in drought periods with increment in prices because of demand and long distance.

2.3. To what extent do market based transfers under public control affect the affordability of water and sanitation services and the price of water? What about privately managed markets? What is the impact on families in vulnerable situations and the effective fulfilment of human rights to access to water and sanitation?

* The water supply is controlled by demand and supply, so affordability is determined by forces of demand at a time, this definitely has consequences on sanitation and water access to some vulnerable people and homes. It gets worse in drought periods and areas.

2.4. Are there direct markets for water rights? Does the supply of water and sanitation services depend on access to water through these markets? And if so, to what extent do these markets affect rate increases, especially for households in vulnerable situations?

* Water and sanitation are vital and everyday need, everyone uses them. The markets are controlled by demand and supply, the water stressed areas tend to have higher prices for these services. Therefore households in vulnerable situations find it hard to afford these expensive basic needs. In some places you find a jerrican of water costing half a dollar.

2.5. In some water markets trading is limited to actors buying water for their own use (for example, agriculture, extractive industries, urban water services), while other markets are open to speculators. Who are the largest actors in the water trading market? And if markets are open to private investors what type of companies are they, for example hedge funds, individual investors, or international banks? Are there differences between the impact of each type of actor and design of the water market on the price and availability of water?

* Currently in Uganda water is natural resource which means it belongs to the government. Any abstraction of water from water source one needs permission from ministry of water and environment. For example extractives industries got permission to abstract water from Lake Albert for use in oil and gas projects. So the companies involved in this are Total E&P who are leading on this project in UGANDA.
* The argument for would be if these companies can extend water to neighbouring communities at no cost as part of corporate social responsibility.
* The largest actors in the water trading market are water companies like Rwenzori, Coca-Cola beverages company and many more who deal in drinking water that is bottled for commercial purposes.
* When it comes agriculture, private companies/ persons incur the costs at a fee except for irrigation projects that are government owned.

2.6. Water markets impact communities in vulnerable situations in different ways, for example cultural water rights of Indigenous people or its environmental functions are not taken into account, and small-scale farmers can be priced out of the market due to increasing prices. What regulatory bodies are in charge of water trading markets? How has accessibility of water for communities in vulnerable situations been affected? And how have they been included into the design, oversight and regulation of water trading markets? What vulnerabilities may be exacerbated by water trading markets?

* With commercial developments like agricultural plantations, oil and gas projects many water sources have been affected and with environmental social impact assessment ESIAs conducted, the government body national environment management authority (NEMA), requires each project to see that social amenities like cultural and community water sources are replaced if affected or destroyed by the project. It’s one of the requirements in the certificate or operation.
* This sometimes comes with a challenge, if the water distances are long or other cultural diversities there in, for instance communal wells which serve not only for water but also as meeting points for local people especially women as they collect water, they discuss other issues. So, in an event these are not respected in restoration process, accessibility may be affected.

2.7. Is there the opportunity for water futures trading such as the recently announced Nasdaq Veles California Water Index? If not, are there expectations that futures trading will occur in the future? And how would water futures trading impact affordability, accessibility, and availability of water for communities in vulnerable situations?

There are investors who sale water storage containers made of Plastic which are sold in Local market at an affordable Price. And more to this there has been **the commodification of safe drinking water through bottled water.**

3. The extraction of water for beverages is an increasingly profitable industry. Water extraction companies can be given licences to extract water from ground or surface water or given access to municipal water supplies at low or marginal costs. The beverage products created, including but not limited to bottled water are sold at high profit margins and can target communities where there is limited access to public water services, they are of poor quality, or where suspicion of the quality of public water services exists. This can increase vulnerabilities in communities that need such surface or groundwater, when it is increasingly scarce.Bottled water can also increase vulnerabilities in these communities due to high costs and weakening of public utilities.

3.1. What regulatory and monitoring mechanisms exist to counter possible vulnerabilities caused by private water bottling?

* The Uganda government through its body for certification of standards and quality issues certificate of operation after validating the standards. This body is called the Uganda national bureau of standards (UNBS).
* The biggest challenge with bottled water is disposal of empty bottles which have since become an environmental issue. People dispose off bottles in open streams, land, roads and when it rains all this end in rivers and other water sources. But also, affecting the agricultural land since they not biodegradable. Attempts are there to recycle them, but the collection manpower is not enough.

3.2. How can impacted communities hold private companies to account within existing regulatory regimes for their impact on access, affordability and availability of water?

* It’s a free market economy, no mechanism is in place to hold the company responsible for high prices, or access.

**On Financialisation**

4. Water and sanitation services and infrastructure can be "financialised" in different ways. This can mean a larger role for for-profit actors including investors and private companies and financial actors - banks, international financial institutions, hedge funds, pension funds, and increasingly insurance companies -involved in the provision of water, sanitation and hygiene (WASH) services and infrastructure. Financialisation can consist of: the commodification of water, with the corresponding water pricing processes; or the commercialisation and privatization of public water and sanitation services; or the inclusion of WASH services and infrastructure in global financial markets. The financial sector is defined by a short rather than long-term management focus that prioritises profit maximisation and shareholder returns, resulting in a concentration of investment in financial products rather than the production of goods.In this context, risk management is critical, and gives a leading role to the insurance sector and international rating agencies.

4.1. How has WASH services and infrastructure been turned into a financial asset? for example, as a financial product, or private companies traded in global financial markets. What regulations and legislation including private property laws were necessary for this to occur and how are those regulations and legislation compatible with the State’s obligation to provide accessible, affordable, safe and acceptable water available to all without discrimination?

Not sure of this

4.2. How has the financial sector (hedge funds, investment banks, pension funds) entered the WASH services and infrastructure sectors? And does this mark a difference to previous processes of privatisation such as Public-Private-Partnerships or long term concession contracts? And how has this impacted individuals access to water and sanitation and affordability of those services and infrastructure, especially for people in vulnerable situations?

* Public- private partnership in WASH is more efficient especially in prioritization of access and affordability. They normally provide WASH services where they are lacking most. But also, protection and maintenance of water sources is critical within provision of WASH and with private public partnership its efficient and proving to work.
* CSOs investment in FY 2019/20 was UGX 52.12 bn compared to UGX 69.13 bn in FY 2018/19. UGX 29.88 bn was invested in water supply and UGX 9.72 bn in sanitation and hygiene, UGX 8.08 bn in water for production, UGX 0.77 bn in capacity building and UGX 0.60 bn in research and development. CSOs constructed 251 boreholes, 110 rainwater harvesting tanks and 15 shallow wells. Rehabilitated 303 boreholes, 5 protected springs and 49 shallow wells.

4.3. What has been the impact of speculation - speculation in financialised WASH investments, water based hedge funds or in water trading markets - on access, availability and affordability of water and sanitation services? The community living in Urban areas have coped up with the situation of Paying for WASH services where in the long run they are knowing the Importance of WASH services that they can not do without WASH services.

4.4. Do you expect speculators to enter existing water trading markets? And If so, what regulations and accountability mechanisms are in place to prevent negative impacts of speculation on the affordability and access of water and sanitation services for communities in vulnerable situations? No because water trading in Uganda monopolised

4.5. Financial actors are accountable to their shareholders and governed by logics of profit maximization. How is the State able to meet its obligation to progressively realize the human rights to water and sanitation within these goals? How does the State regulate business and financial actors to respect human rights to water and sanitation?

4.6. What specific measures and steps are taken to ensure a safe environment for defenders of human rights to water and sanitation in response to the increased role of financial actors in the WASH sector, which have resulted in protests from communities impacted by the effects of financialisation? Please give specific examples of cases.

Answered by

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