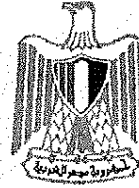


*Permanent Mission of the Arab Republic of Egypt
to the United Nations Office, the WTO
& International Organizations
in Geneva*



البعثة الدائمة لجمهورية مصر العربية
لدى الأمم المتحدة ومنظمة التجارة العالمية
والمنظمات الدولية الأخرى
في جنيف

CHAN.2019.069

The Permanent Mission of the Arab Republic of Egypt to the United Nations Office, the World Trade Organizations and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to OHCHR's fax dated January 18th 2019 concerning the report of the Special Rapporteur on the human rights to safe water and sanitation to be presented to the 74th session of the General Assembly pursuant to resolution 33/10 of the Human Rights Council, has the honor to attach herewith the input of the Arab Republic of Egypt to the aforementioned report.

The Permanent Mission of the Arab Republic of Egypt to the United Nations Office, the World Trade Organizations and Other International Organizations 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, 11 March 2019

**Office of the High Commissioner for Human Rights
Palais Des Nations . 1211 Geneva 10, SWITZERLAND
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Response to the questionnaire regarding to the impact of mega-project' on the human rights to water and sanitation

Mega-projects have both negative and positive impact on the environment and the society, particularly on the human rights to water and sanitation. The analysis of the impact on those rights are based on the normative content of the rights to water and sanitation (quality and safety, accessibility, availability, acceptability, affordability, dignity) and relevant human rights principles (access to information, participation, equality and non-discrimination).

1. Access to safe drinking water and sanitation has been identified as a basic human right. However, the problem lies not in identifying people's right to safe and clean drinking water, but in the ability to provide this service and the size of investments offered by the government to reach the required level of provision. It is also worth mentioning that the provision of sanitation services is much more costly than provision of drinking water. The Government of Egypt has made great efforts concerning the provision of water supply and sanitation services to all urban and rural communities.

Ensuring access to sufficient safe water as a human right constitutes an important step towards making it a reality for everyone. Therefore, MWRI has recently shifted its long-standing policy paradigm of water resources development to water demand management. It has launched several projects to contribute to the demand management paradigm, as well as water quality conservation measures. There are also several programs for cost recovery, institutional reforms, laws and legislations, and stakeholders' participation. The water policies adopted by MWRI consider water in the first place as a human right.

Most of mega project now such as Assuit barrage constructed with aim of serving five governorates in Middle Delta, providing irrigation water for 690,000 hectares that will benefit five million Egyptians working in agriculture, the barrage will also meet the needs of 130,000 families of clean electricity and municipal water.

FAX NO. :

22 Feb. 2019 23:15 P 2

Response to the questionnaire regarding the impact of mega-projects' on the human rights to water and sanitation

General questions:

1. How do mega-projects contribute towards the progressive realization of the human rights to water and sanitation?

On the national level, mega projects such as High Aswan Dam (HAD) in Egypt was constructed with the aim of regulating the flow of the River Nile inside Egypt and conserving the fresh water that used to flow to the Mediterranean, and also to serve as a lifeline to almost all of Egypt. Hence, such a mega project has contributed to maintain the Egyptian population rights to safe drinking water and other crucial uses.

On the other hand, mega project at the transboundary level such as Grand Ethiopian Renaissance Dam (GERD) in Ethiopia will cause significant harm to Egypt in terms of water use and hydropower production which consequently will affect other sectors (agriculture, industry, municipal) causing sever socio-economic impacts. Irrigation, hydropower generation, public and industrial water supply and navigation will be negatively affected. This proves that application of international water law principles is crucial (prior notification) in such transboundary water projects to avoid causing significant harm.

2. What are the main positive and negative impacts, assessed by your government, that mega project have on the normative content of the human rights to water and sanitation

If mega project such as GERD is constructed, filled and operated without reaching an agreement with the downstream countries, this will cause significant harm to Egypt in terms of water shortage and socio-economic impacts. The river system cannot accommodate huge dams such as HAD and GERD without close coordination during filling and operation. Cooperative/adaptive filling strategies provide a significant improvement under drought conditions, also guaranteed minimum outflow from GERD and maintaining a minimum level in HAD Lake will significantly help in reducing the adverse impacts on Egypt. Meanwhile, the negative impacts of GERD may include:

FROM :

FAX NO. :

22 Feb. 2019 23:15 P 3

- Filling GERD will cause extreme water shortages in Egypt if prevailing hydrological conditions are not taken into account and the no cooperative/adaptive filling strategy is applied. Filling GERD in a non-cooperative manner will deplete HAD Lake to extremely low levels.
 - Applying filling strategies based on fixed number of years cannot mitigate abovementioned extreme water shortages in Egypt when filling takes place during a (severe) drought period like what was experienced in the 1980s.
 - 'Reducing the maximum supply level in GERD' will improve the water availability in HAD but cannot alone help to avoid severe water shortages when filling occurs during drought periods.
6. (The second part of the question) Please provide information on the challenges or good practices faced during the planning and designing stage to respect, promote and fulfill the human rights to water and sanitation
- The challenges that Egypt faces as a result of development projects in upstream countries such as (GERD) includes:
- Some upstream countries ignore the principles of International law specially the principle of no-harm and a timely prior-notification upon the construction of projects with cross-border effects, which necessitate the conduction of assessment studies on the estimated impacts of such projects on downstream countries.
 - The lack of implementation of adaptive/cooperative approach in accordance with the hydrological condition of the transboundary river.
 - The absence of detailed coordination between the different dams in the system during filling and long-term operation of GERD and in case of drought/prolonged drought periods considering the hydrological conditions and the dams' critical levels.
 - The absence of a coordination mechanism with a well identified mandate, structure and method of work.

FAX NO. :

22 Feb. 2019 23:15 P 4

- The lack of identification of the strategic reserve storage and the specific rules for its utilization, as well as the non-agreement on the definition of the prolonged drought.
- The non-existence of the modality of implementing the long term operation of such projects.
- The absence of an agreement regarding the refilling of GERD and HAD after extended drought.

16. What are the human rights challenges faced by home-states in relation to mega-projects constructed or operated within and outside of its territory?

Egypt is one of the most water scarce countries in the world and is highly dependent on the Nile for its survival as its dependence ratio exceeds 97%.

Furthermore, Egypt's vulnerability to climate change touches several sectors and the common player of this vulnerability is water. The results of studies on climate change impact showed that Egypt will face numerous threats to its economy, social and environmental sustainability, agriculture and food security, water resources, energy, human health, coastal zones and physical infrastructure. Climate change studies expect that the productivity of two major crops in Egypt - wheat and maize will be reduced by 15 to 19% and this percentage could be increased without adaptation. Moreover, 12% to 15% of the most fertile arable land in Nile Delta is negatively affected by sea level rise and salt water intrusion deteriorating ground water quality in addition to the increase in seawater temperature and salinity in the coastal lakes negatively affecting fish species and leading to serious impacts on low-level lands in Delta and adjacent highly populated cities such as Alexandria and Port Said. The impact includes the destruction of weak parts of the sand belt, inundation of valuable agricultural land, damage of the natural system and communities in the Northern Lakes, endangering of recreational tourism beach facilities; up to 6 Million people and 4500 Km² may be affected. This will result in a more significant challenge: the migration of people from the affected areas.

Moreover, being the most downstream country in the Nile basin, Egypt can be significantly affected by climate change impacts, not only by what happens within its borders, but also what could happen within the 10 sister countries that share the Nile with Egypt. For example,

FROM :

FAX NO. :

22 Feb. 2019 23:15 P 5

mitigation and adaptation measures that can take place in upstream sister countries are probably going to put pressure on water resources in Egypt. Therefore, it is of prime importance for the Nile Basin countries to assess the hydrological impacts of climate change on the Nile and work together to minimize the impacts of Climate Change on the Nile Basin countries.

In addition, Egypt is vulnerable to any development projects in upstream countries that constructed without assessing its impacts on Egypt's uses of the Nile water.