How water utilities have substantially contributed to the realization of the human rights to water and sanitation: an experience from Tunisia

4th IWA Congress on Water and Development

2015

WaterLex

Jordan 18-21 October

Shaping Water Law and Policy Frameworks
An enabling legal framework

Article 44:

The right to water shall be guaranteed.

The conservation and rational use of water is a duty of the state and of society.
An enabling legal framework

*International conventions:*

- Convention on the Rights of Persons with Disabilities,
- Convention on the Rights of the Child,
- Convention on the Elimination of All Forms of Discrimination Against Women,
- ILO Convention No. 161 of 1985 on Occupational Health Services
- International Covenant on Economic, Social, and Cultural Rights,
- International Covenant on Civil and Political Rights,
- Geneva Conventions.
An enabling legal framework

Draft Water Act:

**Article 1**

The present Act aims ... the principle of the right to water and sanitation consolidation...

**Article 2**

The right to water and sanitation is essential for life.

Competent authorities at the central, regional and local levels shall ensure to make it available for all and to provide the relating services.
The water utility

SONEDE

Société Nationale d’Exploitation et de Distribution des Eaux (drinking water utility),

A state-owned enterprise established by Law in 2 July 1968,

A monopoly in drinking water production and distribution.

6500 employees,

The water utility

Main texts governing the relationship with the users:

→ Law n° 68-22 authorizing the creation of SONEDE
→ Decree n° 73-515 on water subscriptions regulation
→ A series of internal memos and notices «guidelines»
### JMP - estimated trends of drinking water coverage

<table>
<thead>
<tr>
<th></th>
<th>Drinking water coverage estimates</th>
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<tbody>
<tr>
<td></td>
<td>Urban (%)</td>
<td>Rural (%)</td>
<td>Total (%)</td>
<td></td>
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<tr>
<td>Piped onto premises</td>
<td>90</td>
<td>95</td>
<td>20</td>
<td>57</td>
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<tr>
<td>Other improved source</td>
<td>6</td>
<td>5</td>
<td>44</td>
<td>36</td>
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<tr>
<td>Other unimproved</td>
<td>4</td>
<td>0</td>
<td>34</td>
<td>6</td>
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<td>Surface water</td>
<td>0</td>
<td>0</td>
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### Chiffres clés 1968 - 2014

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<tr>
<td>Nombre d'abonnés</td>
<td>103000</td>
<td>937676</td>
<td>1548085</td>
<td>2304242</td>
<td>2567439</td>
<td>2637903</td>
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<tr>
<td>Volume d'eau produit (en Mm³)</td>
<td>90,0</td>
<td>276,8</td>
<td>345,5</td>
<td>524,0</td>
<td>609,4</td>
<td>627,5</td>
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<tr>
<td>Volume d'eau distribué (en Mm³)</td>
<td>82,0</td>
<td>256,1</td>
<td>331,5</td>
<td>478,8</td>
<td>555,5</td>
<td>570,7</td>
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<tr>
<td>Volume d'eau consommé et facturé (en Mm³)</td>
<td>63,0</td>
<td>194,5</td>
<td>285,1</td>
<td>387,6</td>
<td>416,0</td>
<td>428,0</td>
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<td>Rendement global des réseaux (en %)</td>
<td>70,0</td>
<td>70,4</td>
<td>81,4</td>
<td>76,2</td>
<td>72,6</td>
<td>71,6</td>
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<td>Rendement des réseaux de distribution (en %)</td>
<td>76,8</td>
<td>75,9</td>
<td>86</td>
<td>82,1</td>
<td>77,9</td>
<td>77,9</td>
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<tr>
<td>Taux de desserte national (en %)</td>
<td>31,0</td>
<td>75,4</td>
<td>78,4</td>
<td>97,8</td>
<td>98,1</td>
<td>98,1</td>
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<tr>
<td>Taux de desserte en milieu urbain (en %)</td>
<td>55</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Taux de desserte en milieu rural (en %)</td>
<td>9,2</td>
<td>38,7</td>
<td>79,6</td>
<td>93,5</td>
<td>94,1</td>
<td>94,1</td>
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Accessibility

→ Individual connection can benefit of subsidies for the first 100 m extension of the network,

→ No water disconnection for unpaid bills under 20 DT,

→ No water disconnection during national and religious feasts and during Ramadan,
Affordability

The price of water at the level of the first band of consumption (including the sanitation fees) remains acceptable.

Approximately 40% of the subscribers belong to this band and 70% do not exceed the second band.
Affordability:

→ The m³ price for the first consumption band (20 m³) is 0.155 DT, if we add the fixed quarterly costs (4.4 DT) and VAT (18%) on we reach 8.850 DT per quarter, i.e. 2.950 dinars per month,

→ Less than 1% of the monthly minimum wage (320 DT) and if we include the sanitation fees, it does not exceed 2%.

→ UNDP proposes that water expenditures do not exceed 3% per cent of the household income.

1 DT = 0.5 USD
Affordability:

- Facilities for payment to domestic subscribers for connecting fees,
- Facilities can go up to 8 years,
- Facilities for payment can be granted to poor people in case of non-payment.
Quality/Acceptability:

→ Tunisia is not particularly affected by water-related diseases,
→ SONEDE is carrying out more than 48,000 sanitary control per year,
→ Health services of the ministry of public health perform their own controls,
→ The quality of drinking water even if it remains satisfactory, there are disparities between the regions, in particular due to the salinity level exceeding the international standards (more than 1.5 g/l) in some regions in the south of the country.
→ Currently there’s no biding standard on drinking water approved by decree as announced in the water Act.
Public Participation

Constitution: Article 139 on Participatory democracy and open governance → applicable only at the level of local authorities.

→ No legal or regulatory provisions relating to the participation of the public in decision-making concerning water resources management or the management of water and sanitation utilities.

→ Water users associations (GDA) mentioned in the water Act are rather a form of water services providers at the community level.
Non-discrimination

Disparity between urban and rural areas:

→ Accessibility: 87% in the Northern-West / 98% in the South,

→ Water pricing for Water Users Associations in rural areas are varying from 0.5 DT and DT 1.25/m3,

→ Water quality especially in the Eastern-South of the country.
Right to information

Constitution:

*The state guarantees the right to information and the right of access to information and communication networks.*

Draft water Act:

→ No new elements related to the access to information, apart from the dissemination of information relating to water shortage.

→ The chapter relating to data and systems of hydraulic information remains ambiguous concerning the dissemination of information to the public.
Right to information

The only reference text remains the **decree-law No. 2011-41 on access to the administrative documents of public agencies.**
Accountability

Constitution: Article 15: Public services

Public administration is at the service of the citizens and the common good. It is organized and operates in accordance with the principles of impartiality, equality and the continuity of public services, and in conformity with the rules of transparency, integrity, efficiency and accountability.

Laws and Regulations:

→ No specific provisions relating to accountability despite those related to the exercise of the authority over the state-owned enterprises,

→ No regulatory authority, despite the provisions laid down in regard to private sector participation in the management of water and sanitation services.
Accountability

Laws and Regulations:

→ No specific provisions relating to accountability despite those related to the exercise of the authority over the state-owned enterprises,

→ The Court of Auditors and other national audit bodies are powered to carry out administrative and financial audits (the last one was in 2012),

→ SONEDE is implementing a programme called “water integrity” funded by GIZ.
Thank you

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