

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

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Shaping Water Law and Policy Frameworks

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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,

Turnover: 247 MDT (2011).



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»



Accessibility

JMP - estimated trends of drinking water coverage

Tunisia	Drinking water coverage estimates					
	Urban (%)		Rural (%)		Total (%)	
	1990	2015	1990	2015	1990	2015
Piped onto premises	90	95	20	57	60	82
Other improved source	6	5	44	36	23	16
Other unimproved	4	0	34	6	16	2
Surface water	0	0	2	1	1	0

Source: WHO/UNICEF JMP, 2015



Accessibility

Chiffres clés 1968 - 2014

Indicateurs	1968	1990	2000	2010	2013	2014
Nombre d'abonnés	103000	937676	1548085	2304242	2567439	2637903
Volume d'eau produit(en Mm ³)	90,0	276,8	345,5	524,0	609,4	627,5
Volume d'eau distribué (en Mm ³)	82,0	256,1	331,5	478,8	555,5	570,7
Volume d'eau consommé et facturé (en Mm ³)	63,0	194,5	285,1	387,6	416,0	428,0
Rendement global des réseaux(en %)	70,0	70,4	81,4	76,2	72,6	71,6
Rendement des réseaux de distribution (en %)	76,8	75,9	86	82,1	77,9	77,9
Taux de desserte national (en %)	31,0	75,4	78,4	97,8	98,1	98,1
Taux de desserte en milieu urbain (en %)	55	100	100	100	100	100
Taux de desserte en milieu rural (en %)	9,2	38,7	79,6	93,5	94,1	94,1



Accessibility

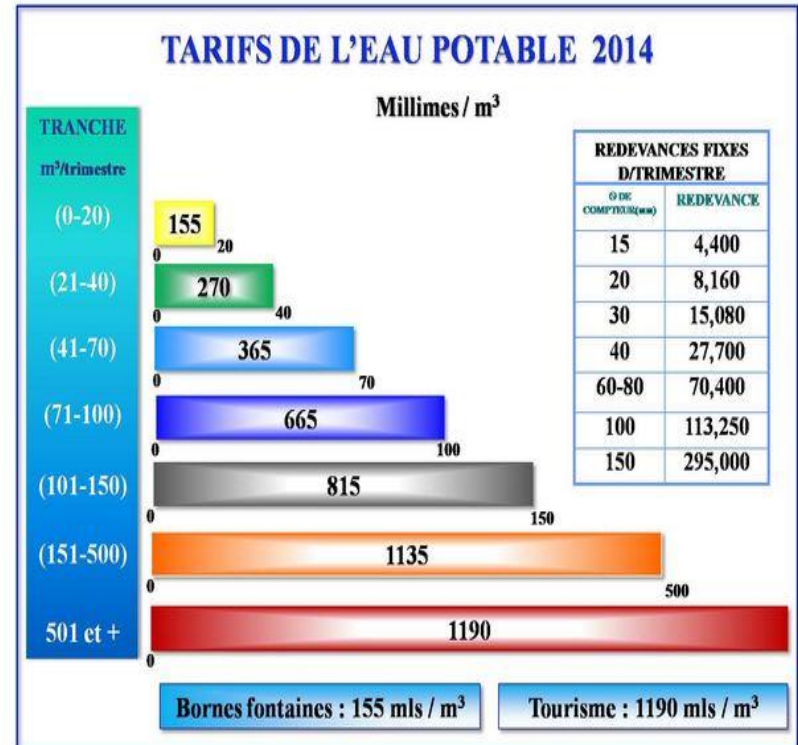
- Individual connection can benefit of subsidies for the first 100 m extension of the network,
- No water disconnection for unpaid bills under 20 DT,
- No water disconnection during national and religious feasts and during Ramadan,



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 binding 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.*

French - English - العربية

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Ministère de l'Agriculture

SOCIÉTÉ NATIONALE D'EXPLOITATION ET DE DISTRIBUTION DES EAUX

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Essaiage

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A la une

La société Nationale d'Exploitation et de Distribution des Eaux (SONEDE) a été créée par la loi 68-22 du 2 juillet 1968.

Son statut est défini par la loi qui la qualifie d'établissement public à caractère non administratif. Elle est sous la tutelle du Ministère de l'Agriculture.

Sa mission porte sur trois activités principales:

- La production de l'eau: production, traitement et transport.



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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