

PERMANENT MISSION OF JAMAICA TO THE UNITED NATIONS OFFICE AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA

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Mr. Pedro Arrojo-Agudo
Special Rapporteur on the Human Rights to
Safe Drinking and Sanitation
Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10,
Switzer land

Dear Mr. Arrojo-Agudo,

I have the honour to refer to your letter dated 16th September 2021, inviting Governments to submit inputs to assist in the preparation of your 2022 thematic reports, particularly focusing on the human rights to safe drinking water and sanitation of people living in impoverished rural areas.

The Government of Jamaica is pleased to submit the attached responses to the questionnaire that was provided to gather Member States' input in this regard.

Please accept, Excellency, the assurances of my consideration.

Mr. Craig Douglas Chargé d'Affaires

Permanent Mission of Jamaica to the Office of the United Nations and other International Organisations at Geneva





Responses Prepared for Questionnaire on Human Rights to Safe Drinking Water and Sanitation on Indigenous People and People living in Impoverished Rural Areas

Section 1 - General Questions

Responses to Question 1

- 1.1 The Government of Jamaica's (GOJ) vision for the management of the water resources is guided by the GOJ's Vision 2030 Jamaica—National Development Plan. The National Vision is stated as "Jamaica, the place of choice to live, work, raise families and do business." The National Water Sector Policy & Implementation Plan, 2019 (NWSP), is the overarching Policy that guides the provision of potable water and sanitation in Jamaica and projects the achievement of universal access to potable water and adequate sanitation by 2030. The NWSP recognizes the critical role that water resources play in the realization of the National Vision and seeks to ensure the management of the resources in a sustainable and integrated way.
- 1.2 The vision for the NWSP is that water resources will be managed in a sustainable and integrated manner to facilitate the population having universal access to potable water and adequate sanitation by 2030. The Policy outlines that everyone should have access to at least 50 litres of water each day, within 500 meters of their home. The Policy divides the country into Utility Service Areas (USAs) and Non-Utility Service Areas (NUSAs). USAs are parts of the country where piped water supply is the least-cost method of providing water, while NUSAs are parts of the country where piped water supply is not the least-cost method of providing water. The National Water Commission (NWC), an Agency under the remit of the Ministry of Economic Growth & Job Creation (MEGJC), is charged with the responsibility of being the main provider of potable water supply and the collection, treatment, and disposal of wastewater services in the USAs.



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The Rural Water Supply Limited (RWSL) an Agency under the remit of the Ministry of Local Government & Rural Development (MLGRD), is responsible for the provision of potable water in the NUSAs through modalities such as spring entombments, water shops and small piped gravity-fed or solar powered systems. The Municipal Corporations, also under the remit of the MLGRD, are responsible for the management/maintenance of Minor Water Supply Systems. Where sewerage services is not provided by a utility company (such as in the major towns), all new developments will have access to safe and environmentally friendly sanitation solutions, which will preserve the privacy and dignity of users.

The private sector is also involved in the water sector through the provision of piped water supply, piped sewerage services and irrigation services to small geographic areas. These areas are commercially attractive with customers, such as hotels and housing developments, located in a small area.

- 1.3 Water supply and sanitation services are critically important to the health and well-being of the entire population and is a right of every citizen. Although Jamaica does not have indigenous peoples, the Government's policy is that minimum standards of water and sanitation services will be made available to all citizens at an affordable price. If persons cannot afford to pay for the water then, the GOJ will provide social water. Social Water refers to the provision of minimal levels of water and sewerage services to persons who cannot afford to pay the full cost.
- 1.4 Jamaica has service providers in both the public and private sector. There are four (4) main regulators in the water sector and all Service Providers must adhere to the standards that have been established by these regulators. They are listed below and a a brief description of their function is provided:



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- Office of Utilities Regulation (OUR) Regulation of utility services that enables consumer access to modern, reliable, affordable, and quality utility services.
- National Environment & Planning Agency (NEPA) Promote sustainable development by ensuring protection of the environment and orderly development in Jamaica.
- Ministry of Health & Wellness (MOHW) Provision of quality health services and the promotion of healthy lifestyles and environmental practices. They also monitor the quality of drinking water.
- Water Resources Authority (WRA) Responsible for the management, protection and controlled allocation and use of Jamaica's water resources.

Responses to Question 2

- 2.0 The National Water Sector Policy & Implementation Plan, 2019 (NWSP) is the overarching Policy that governs the Water Sector in Jamaica and projects the achievement of universal access to potable water and adequate sanitation by 2030, in keeping with the Government's Vision 2030 Jamaica National Development Plan. There are six (6) main principles guiding the Policy as indicated below:
 - Sustainability and Intergenerational Equity Water sustainability will mean that water resources and water services are able to satisfy the changing demand placed on them, now and into the future.
 - Efficiency Water is an economic resource, and water service provision is costly, so services in the water sector must be delivered efficiently and should be self- financing.



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- Integrated Water Resources Management (IWRM) the coordinated development and management of water, land and related resources in order to maximize economic and social welfare without compromising the sustainability of ecosystems and the environment. IWRM simply means strengthening partnerships in water.
- Universal Access Access to safe water and sanitation is a basic human necessity. Access to safe water must be convenient, reliable, affordable and at established international standards for quantity and quality. No one should go without basic water and sanitation because of an inability to pay.
- Responsiveness to Gender and Vulnerable Groups Gender responsive approaches should be considered in the design of potable water systems and sanitation and wastewater solutions, so that individuals who are vulnerable, including the aged, youth and the disabled, are treated equitably.
- Stakeholder Participation Everyone should have a voice in how the water resources are managed.

Following these principles, the goal of the Policy is to ensure that Jamaica's water resources are effectively managed to provide for our nation's social, economic, and environmental well-being, now and in the future. The Policy sets new service targets and outlines improved arrangements for service delivery. It also outlines the measures that will be implemented by the GOJ through its Implementing Agencies, to manage and protect the island's water resources, and provide universal access to water and adequate sanitation by 2030. These measures include but are not limited to the following:-

Integrated Water Resources Management (IWRM) - The goal of Integrated
 Water Resources Management (IWRM) is to "promote the coordinated



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development and management of water, land and related resources, in order to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems." The MEGJC has established the Integrated Water Resources Management Council (IWRMC), which is a multi-disciplinary and multi-sectoral body that includes key stakeholders from the land, environment, and water sectors. The Council facilitates consultations among key stakeholders for matters relating to water and water related resources. The IWRMC also serves as the advisory body for the management of the island's water resources as well as advancing the agenda for sustainable development.

- Climate Change Adaptation and Mitigation Jamaica's water sector is susceptible to multiple risks associated with climate change and climate variability. Climate change risks for Jamaica include changing rainfall levels and patterns, rising temperatures, and more intense hurricanes. The impacts of climate change will therefore require policy shifts. The Government will ensure that awareness is raised on water and climate change issues, and that climate change considerations are mainstreamed into water resources management and decision-making processes to enhance institutional capacities and to build resilience in the sector.
- Energy Efficiency in the Water Sector Energy efficiency is among the most promising initiatives for reducing greenhouse gas emissions, energy costs, and for seeing improvements in operational efficiencies in the provision of public water supply and irrigation services. The GOJ will ensure that service providers in the sector adopt energy efficient technologies and techniques and adopt regulations to reduce energy costs. Energy efficiency can also be increased by adequately maintaining infrastructure.



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- Private Participation in the Water Sector The private sector is involved in the water sector through the provision of piped water supply, piped sewerage services, and irrigation services. In many cases, private sector involvement has been effective at increasing the speed of development and delivering essential services to Jamaicans. The Government's policy is to ensure that private participation in the water sector transforms decision making and accountability by aligning the interests of all parties, government and private, with the public interest.
- Standards for Access to Potable Water Supply and Improved Sanitation An improved water supply source is one that is safe for drinking, based on its construction or intervention to protect from contamination. The GOJ aims to ensure that all individuals across the island have access to potable water supply by 2030. This means that water supply will be safe, convenient, of sufficient quantity, reliable and affordable. Cities and major towns will have sewerage services provided by a utility company. Where sewerage service is not possible, all households will have individual access to safe and environmentally friendly sanitation solutions.
- Water Supply in Utility and Non-Utility Service Areas The Policy divides
 the country into Utility Service Areas (USAs) and Non-Utility Service Areas
 (NUSAs). USAs are parts of the country where piped water supply is the
 least-cost method of providing water, while NUSAs are parts of the country
 where piped water supply is not the least-cost method of providing water.

Approximately 85 percent of Jamaican live in USAs, while 15 percent live in NUSAs. Differences in environmental and infrastructural conditions in USAs and NUSAs create different obstacles to providing water supply in these two areas. To overcome these obstacles and achieve universal access to potable water, the GOJ will consider different technical solutions and



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institutional arrangements. To enable universal access, Government-funded social programmes will assist vulnerable persons to pay for water to meet basic needs.

• Rainwater Harvesting (RWH) - Fifteen (15) percent of households, including 31 percent of households in NUSAs, use rainwater harvesting as their main source of water supply. However, variations in rainfall levels across the country would suggest that rainwater harvesting may not always be the most reliable option. The Government will therefore promote rainwater harvesting for households in areas with adequate rainfall and where groundwater and surface sources are inadequate. They will also promote the rehabilitation and maintenance of community catchment tanks, where Municipal Corporations, Local Authorities, or the communities themselves wish to take on the responsibility of maintaining these systems. Water supply from rainwater harvesting will be treated or filtered to meet the standards established by the Ministry of Health & Wellness (MOHW) and the World Health Organization (WHO) before it is consumed.

RWH systems that are used as a primary source for household or community water supply will be designed to deliver the most optimal volumes of water. A reliable backup supply, such as trucking, may be necessary.

Wastewater Management in Utility and Non-Utility Service Areas - Eightythree (83) percent of all Jamaicans have exclusive access to improved
sanitation facilities. However, only 22 percent of the population is
connected to a sewerage network. Effluent from sewage treatment plants,
other types of sanitation facilities, and industrial discharge, pollute the
environment and endanger people's health.



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The GOJ's policy is that all households will have access to improved sanitation facilities that protect the health of users, community members and the environment by 2030. Different technical solutions and institutional arrangements will be recommended to provide safe sanitation services in USAs and NUSAs.

2.1 The National Water Commission (NWC) is the main water service provider in the country and is responsible for all major water and sewerage operations, including production of water collection, water treatment and disposal of urban sewage. The NWC, a government agency is tasked with ensuring the provision of water to the general population in USAs including those unable to pay the full cost of the service. The NWC earns its own revenues through tariffs approved by the Office of Utilities Regulation and secures loans from lending agencies such as the IDB, CDB, etc., which are utilized to undertake projects/programmes to improve and maintain water supply. Currently, there is no specific budget allocation for the provision of social water.

The Water Resources Authority is the Agency responsible for the management, protection and controlled allocation and use of Jamaica's water resources. While the Agency does not receive any budgetary allocation that is specific to improving water and sanitation services for indigenous peoples and impoverished people, the WRA Act prescribes that, "a person may abstract and use water without a licence (a) if he has a right of access to the source of water; and (b) if the water is required only for domestic use."

The RWSL, an agency of the MLGRD, which has responsibility for the provision of potable water to the NUSA, receives funds annually from the Ministry of Finance and the Public Service for the implementation of projects/programmes aimed at improving access to water in NUSAs.



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- 2.2 The WRA oversees the recovery of the healthy state of drinking water sources for all persons by monitoring the standard and quality of the island's water resources as well as monitoring the utilization of this vital resource. They are also responsible for drafting the Water Resources Master Plan, the declaration of a Water Control Area and the declaration of an Emergency Area. NEPA ensures that the standard of effluent being discharged into the environment from sewerage companies is safe for the environment and the general water supply, and recommends corrective actions, if there is any deviation from the approved standards.
- 2.3 There have been no changes in policy in relation to access to water and sanitation services since the COVID-19 pandemic. In fact, the GOJ remains committed to providing potable water and adequate sanitation to all citizens, both in the USAs and NUSAs.

Response to Question 3

The GOJ through the Planning Institute of Jamaica continues to work closely with Multilateral Lending Agencies (MLAs) such as the Inter-American Development Bank (IDB), Caribbean Development Bank and the United Nations Development Programme (UNDP), to improve the country's capacity to manage and protect its water resources, to implement projects and programmes aimed at improving access to potable water and sanitation by all citizens as well as institutional strengthening. The GOJ ensures that all projects/programmes which are developed and implemented, including those developed in collaboration with international lenders are aimed at improving the lives of all citizens, wherever they may reside in the country.



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Responses to Question 4

- 4.0 The NWSP outlines service targets for water supply. All households will have access to potable water supply by 2030. This means that water supply will be:
 - Safe Potable water will conform to standards set by the MOHW and the WHO.
 - Convenient Water supply will be delivered to the home, or as close as possible. Water supply should be no more than 500 metres from the home.
 - Of sufficient quantity Each person will have access to at least 50 litres per day Reliable - Water supply will be available 24 hours per day, or otherwise on a predictable schedule.
 - Affordable Pricing for water will continue to be arrived at by consultation with stakeholders. No one will be denied access to potable water because of an inability to pay.

The GOJ's target is that all households in the USAs, (approximately 85% of the population), will have piped water supply to their residences by 2030, which will meet the service and affordability standards. Additionally, everyone in the NUSAs (approximately 15% of the population) will have access to potable water by 2030.

As it relates to sanitation, all households will have access to sanitation facilities that protect the health of users and the environment by 2030. Cities and major towns will have sewerage services provided by a utility company. Where sewerage service is not economically feasible, all new developments will have access to safe and environmentally friendly sanitation solutions. These solutions will preserve the privacy and dignity of users. Standards for non-sewerage areas will be established and enforced by the National Building Code, Ministry of Health & Wellness



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(MOHW) Regulations, stipulations by the Municipal Corporations and Local Authorities, and the National Environment & Planning Agency (NEPA) guidelines.

In the NUSAs, all households will have exclusive access to sanitation facilities that protect the health of users and the environment. Such facilities will be on-site and will meet the standards for safety set by the NEPA and the MOHW.

4.1 The main utility service provider in the USAs is the National Water Commission (NWC). The Government through the NWC will provide piped water supply to household in the USAs where it is practical to do so. Additionally, the GOJ/NWC will establish central sewerage in major towns and increase sewerage coverage in Kingston and St. Andrew from 30% to at least 45% by 2030 as outlined in the NWSP.

The Rural Water Supply Limited (RWSL), is responsible for the provision of Potable Water to Non-Utility Service Areas. The appropriate technology for the provision of water will depend on the area being served and will be determined by the community or household that will benefit from the water supply system. Technologies used will include spring entombments, small piped gravity-fed or solar powered systems, and community or individual rainwater harvesting (catchment tanks) systems.

Ideally, each household will have its own sanitation facility, and communal facilities may be necessary in some cases. Diverse on-site sanitation facilities will be used without contaminating groundwater sources. However, households and communities will have the primary responsibility for providing safe sanitation services. Some households and communities may need financial, technical, and institutional assistance. As with water supply, the RWSL will provide technical and



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institutional assistance to households and communities that require it. The RWSL will provide this assistance to meet policy objectives for sanitation services in NUSAs. The best supply method will depend on the area being served and will be determined by the community or household that will benefit from the facility. For example, conditions and solutions will be different for formal sector houses and developments, traditional rural houses and communities, and squatter settlements.

The private sector is also involved in the water sector through the provision of piped water supply, piped sewerage services and irrigation services to small geographic areas. Private providers are granted a Licence by the Ministry responsible for water and same contains the responsibilities of the provider. These private service providers tend to focus on small geographic areas and facilities, sized to service their own developments. These areas are commercially attractive with customers, such as hotels and housing developments, located in a small area.

The Office of Utilities Regulation in collaboration with the utility providers agree and sets the standards of operation, to which each entity is held accountable and if same is not maintained, then sanctions may be applied. The OUR also sets the tariff rates to be charged, with utility providers having the ability to apply for periodic rate increases. Citizens also have the ability to submit complaints directly to the OUR.

4.2 Citizens can access information regarding access to potable water and sanitation, by utilising any of the mechanisms established by the service providers to disseminate information. These mechanisms include electronic contact, physical/phone interaction or via their various social media platforms. Persons



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also have the ability to obtain information directly from the MEGIC or through their Members of Parliament or Councillors.

4.3 Service providers are regulated by four (4) main entities as indicated in 1.4, all of which have standards for which compliance is mandatory. Citizens may use any of the mechanisms established by the Regulatory Agencies to lodge their complaints, as well as obtain information on how complaints are handled and enforced. They may also lodge complaints directly with the Service Providers or with the respective Ministries under which the providers fall as well as the Consumer Affairs Commission.

Additionally, citizens in the NUSAs can submit complaints to their representative that serves in the Municipal Corporation, and representation can then be made on their behalf. Most Water Supply Systems that address their needs are managed by the Municipal Corporation. Issues for redress may also be channelled through the Ombudsman or any other citizen's group.

4.4 As highlighted in sections 4.1, 4.2 and 4.3, there are varying mechanisms by which persons can hold the GOJ or specific entity accountable for actions or inactions that affect their rights to safe drinking water and sanitation.

Responses to Question 5

- 5.1 In the USAs, there are several reasons that can impair full enjoyment of the human rights to potable water and sanitation. These include:
 - In some instances, high levels of Non-Revenue Water (NRW), which reduces how much water is able to reach persons. NRW is water that is collected,



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treated and supplied, but is either wasted due to aging infrastructure or stolen and, therefore, earns no revenue for the NWC or the Government.

- Inadequate storage capacity Many parishes require additional storage to increase the reliable yield, and to ensure that there is sufficient supply of water, especially during the dry season.
- Inadequate infrastructure Distribution pipelines to move water to the areas where it is needed are inadequate in some parts of the country.
- Location of communities making it inaccessible
- Unavailability of a suitable or reliable water supply to serve the area(s).

In the NUSAs the mountainous terrain, scattering of communities, and water resource availability are the main reasons that hinder access to potable water and sanitation.

5.2 In addition to the factors highlighted in 5.1 above, other challenges that are faced by the Government are insufficient funding and the country's vulnerability to the existing climate and climate variability. The cost to provide/improve water infrastructure is very significant and only limited funding is available each year.

The impacts of climate change on water availability and water quality affect many sectors, including energy production, infrastructure, human health, agriculture, and ecosystems. Changes in weather patterns also affect water supply, resulting in less rain to supply the reservoirs, aquafers, rivers, and springs. Over the past two (2) decades, the frequency and intensity of drought conditions have risen significantly, and below average rainfall levels across the island have resulted in more frequent water restrictions for domestic and agricultural use.



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5.3 In order to provide piped water supply to all households in USAs by 2030 a significant amount of capital works will have to be undertaken, and the financial support required to achieve same is astronomical. Various financial modalities will be utilized by the GOJ to undertake capital projects to increase access, including but not limited seeking additional funds from multilateral lending agencies and utilizing Public Private Partnerships (PPPs) arrangements - a very popular approach to financing water utilities which has proven to be an important tool in improving utility performance and leveraging finance, which results in rapid development of water.

The GOJ's policy is that everyone in NUSAs will have access to potable water by 2030. Meeting this target is especially important for achieving equality and improving the livelihoods of women and other vulnerable groups, who often bear the burden of collecting water for the family.

The Water Supply Development Strategy for NUSAs, an accompanying document to the NWSP, details how the GOJ will achieve this target and includes the technical options, institutional responsibilities, and financing mechanisms that will be utilized in achieving the overall objective.

Various modalities will be used to provide water supply in Non-Utility Service Areas. The appropriate method will depend on the area being served and be determined by the community or household that will benefit from the water supply system. Technologies used will include spring entombments, small piped gravity-fed or solar powered systems, and community or individual rainwater harvesting (catchment tanks) systems.

The technology chosen for each community will depend on water resource availability. Where reliable springs are available in proximity to a community, they



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will be used. Elsewhere, rainwater harvesting will often be the most suitable option to access water.

Institutional arrangements will also affect technology choices. Community systems can be used where there are strong community organizations or local authorities with the funds and expertise to maintain them, and to ensure water is used efficiently. Where these conditions are not in place, individual rainwater harvesting systems will often be the best solution. All systems will be designed with trucking of water as a back-up option in the event of drought conditions.

Also, the Government will ensure that an effective monitoring programme is in place to provide long term planning and the development of plans and programmes to combat the effects of drought conditions, especially in vulnerable communities and the agricultural sector.

The GOJ is cognizant that the traditional fragmented approach to water management is no longer viable, and a more holistic approach is essential. This is the rationale for the Integrated Water Resources Management (IWRM) approach as the way forward for efficient, equitable and the sustainable management of the island's water resources.

Response to Question 6

As indicated earlier, Responsiveness to Gender and Vulnerable Groups and Stakeholder Participation, are two of the principles that guide the NWSP thereby highlighting the Government's commitment to engage in meaningful participation with all citizens/groups. It is most often women and children who must walk long distances in order to obtain the water they need for domestic use. The distance travelled and the time consumed to access water, can be a hindrance to increased productivity and can expose women and children to danger.



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As such, gender is to be mainstreamed in all policies, programmes and projects in the water sector. Gender-responsive approaches should be considered in the design of potable water systems and sanitation and wastewater solutions, so that individuals who are vulnerable, including the aged, youth and the disabled, are treated equitably. These approaches should include capacity enhancement of men and women, for the effective, efficient, and equitable solutions to the challenges of water resources management and development. The GOJ aims to ensure resilience for all groups.

The GOJ has an established Code of Consultation, which must be followed, when developing policies, programmes, and projects as well as an established procurement process. Stakeholders, inclusive of community-based organizations and non-government agencies, are consulted on the development and implementation of projects and programmes. The views and opinions received are taken into consideration in deciding how to move forward with the respective projects. Persons are also made aware of various projects through the Notice of Invitation to submit Bids, which is placed in the newspapers.

Ministries are responsible for monitoring the GOJ agencies that implement projects to ensure compliance with the stipulated guidelines for the development and implementation of projects.

Section 2 – Specific questions on indigenous peoples (7-10)

As mentioned previously, there are no indigenous peoples in Jamaica. Hence, MEGJC is unable to provide responses to these questions.



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Section 3 - Specific questions on people living in impoverished rural areas

Response to Questions 11 - 12

MEGJC is unable to provide a response to these questions.

Response to Question 13 - 14

As previously mentioned, the GOJ is committed to ensuring universal access to potable water and sanitation and section 5 provides details on how the GOJ intends to ensure access to the population in both the USAs and the NUSAs (these encompass both rural and urban areas). Section 4 in addition to section 5, outlines how water and sanitation services are provided to the population as well as the entities responsible for the provision of same. Section 6 speaks to gender and the role of women and children play in providing water for their families.

Water for farming (irrigation purposes) is provided through the National Irrigation Commission, an agency of the Ministry of Agriculture and Fisheries.