

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



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

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The Permanent Mission of the Arab Republic of Egypt to the United Nations Office, the WTO and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (Special Procedures Branch- Secretariat of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment), and with reference to the letter dated 2 September 2020 from the "Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment" concerning the upcoming thematic report focusing on human rights and associated obligations related to water pollution, water scarcity and floods to be presented at the Human Rights Council in March 2021, has the honor to attach herewith the contribution of the Government 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 WTO and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the assurances of its highest consideration.

Geneva, 9 November 2020

**Secretariat of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (Special Procedures Branch, Office of the High Commissioner for Human Rights).**  
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## Mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

### (Questionnaire)

Q(1) Please provide examples of ways in which water pollution, water scarcity and floods are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, and indigenous peoples' rights.

#### ▪ Water scarcity:

While the average amount of available water is relatively constant, Egypt's population has continued to grow. The outcome of this is a declining per capita share of water and a growing sense of water scarcity.

The new style for dealing with water scarcity is an adaptive strategy, with adaptive water management involving input from social disciplines together with engineers, economists, ecologists and politicians. Adaptive management is characterized by a decentralization policy where water users are encouraged to find solutions for water management by self-organization. Pressures associated with population growth, such as urbanization, waste and wastewater disposal and industrial expansion place a further squeeze on the availability of water of good quality.

The National Water Resources Plan (NWRP2037) aims to bring coherence and momentum by providing a common sense of purpose among the key stakeholders concerned with water management.

#### ▪ Water Pollution:

There are dedicated efforts to address pollution in specific drains with critical water quality as they need immediate intervention. Measures that could be considered include dredging of contaminated sludge, in-stream treatment of water through wetlands and conventional treatment.

#### ▪ Flood:

Flood's risks include destructive effects of infrastructure and public and private property. MWRI is the main player in providing the requisite infrastructure of flood protection (such as retention dams and reservoirs) to both avoid flood's destructive effects and also to capture a greater part of it of the limited rainwater through rainwater harvesting.

#### ▪ Food security:

The challenges posed to irrigation due to water pollution, water scarcity, floods, and other water-related impacts of extreme weather events in Egypt present many problems, including to Food Security, where it negatively affects availability, quality and access. The impact on water due to extreme weather events that we are beginning to witness lately may reduce agricultural productivity, cause land degradation and biodiversity loss.

Q(2): How has climate change exacerbated water-related problems?

Climate change will affect Egypt principally through higher uncertainty on the upstream water supply through the river Nile; and clear negative pressures on the coastal zone in terms of sea-level rise, storms, erosion, and salt water intrusion, aggravated by continued land subsidence. In addition, more water will be required to produce the same amount of agricultural commodities because of higher evaporation and lower yields. The 2050 strategy signals the urgency of climate change adaptation.

NWRP2037 has included effects of climate change in its analysis of the water balance. These are, by necessity, average effects, whereas the reality may be that, for example, inflow into Lake Nasser will be affected by a series of extremely dry years. The actual weather patterns will deviate from the expected average foreseen by climate change studies, and the climate change models themselves may underestimate the actual climate change taking place. The result would be that overall available water resources may reduce further, while agricultural productivity and water use are affected by higher temperatures

In addition, and based on the existing facts, adaptation to the adverse effects of climate change is becoming a priority in Egypt's national strategies. This is guided by the fact that mitigation efforts with the aim of limiting the rise in average global temperature to the band between 2 and 1.5 degrees will take time. Therefore NWRP2037 is based on the assumption that we must address the effects of climate change through a combination of mitigation and adaptation actions.

Q(3) To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing water pollution, water scarcity and floods? Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, policies and programmes that apply a rights-based approach to preventing, reducing, or eliminating water pollution, water scarcity and floods. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the rights to clean water and adequate sanitation.

Water management needs the support of an adequate legal framework that provides the water managers with guidelines and instruments for the planning of new developments, for the allocation of water, for the operational management and maintenance of the irrigation and drainage system, for the management of water quality and for financing all these activities (NWRP2017).

Laws:

- Law 12 (1982), "Concerning the Issue of the Law on Irrigation and Drainage";
- Law 213 (1994), "Regarding Farmer Participation";
- Law 48 (1982), "Concerning the Protection of the River Nile and Waterways from Pollution", implemented by Decree 8/1982 of MPWWR (now MWRI); and
- Law 4 (1994), "Law for the Environment."
- Law 9 (2009) amendment of Law 4 (under which the SCPN was established).

- The unified irrigation Law (WIP) will include several legislation rules contributing to achieve wide range of necessary reforms to enhance water management.

Sector policies:

- **Ministry of water resources and irrigation (MWRI):**

MWRI's main mandate is to supply and allocate water resources to the different sectors. Important policies under development by the Ministry are:

- Draft Water Resources Development and Management Strategy for 2050.
- Fast-track Measures to tackle Egypt's Future Water Needs.

The strategies and plans of MWRI demonstrate a growing commitment to a broad agenda of far-reaching measures. The proposed measures go beyond the traditional 'water supply – infrastructure' preference of water resources engineers and give a comprehensive selection of measures, which coincide with the intervention segments of an integrated water resources plan.

- **Ministry of agriculture and land reclamation (MALR):**

The water balance calculations by NWRP2037 set the limitations for water use, including the water available for the agricultural sector. A key consideration is that the actual adaptation to water scarcity in agriculture will be made by the private sector, comprising both small farmers and agricultural enterprises, with the Ministry playing a facilitative role towards local adaptation measures.

- **Ministry of Housing, Utilities, and urban development (MoHUUD):**

MoHUUD and HCWW are currently preparing a Rural Sanitation Strategy up to the year 2030. It is expected that the strategy includes four tranches of investments to achieve full coverage of the sewerage and treatment network in rural areas by 2030. Major institutional and regulatory reform is included to enable concerned agencies to effectively implement the programmes in keeping with principles of good governance.

- **Ministry of Environment (MoE) and the Egyptian Environmental Affairs Agency (EEAA):**

The National Environmental Action Plan of Egypt 2002/17 (MSEA, 2002) seeks to mainstream the consideration of the environment in the decision-making cycle for the five-year plans. It emphasizes the need for better information and analysis to understand the water quality challenge and prioritizes water quality management in general, and specifically for the lakes and the coastal zone. It places great

emphasis on developing monitoring mechanisms to assess implementation and impacts of such programmes.

➤ **The Supreme Council for the Protection of the Nile and Waterways from Pollution (SCPN):**

SCPN will continue to be mandated to provide strategic oversight and coordination for the implementation of the National Water Resources Plan.

Programmes:

The purpose of National water resources plan, in brief, is referred to as 'water security for all'. Water security is defined as ensuring that the intended use of water is supported by sufficient water availability through supply and demand-side improvements; as well as through adaptation of the intended water use to the resource limitations.

In support to its overall purpose, NWRP 2037 will pursue four objectives:

- Improve the water quality.
- Enhance availability of freshwater resources.
- Enhance management of water use.
- Improve the enabling environment for IWRM, planning and implementation.

Under these four objectives, 15 outcomes have been set, and for each outcome clusters of measures have been defined together with their indicators and, targets for the year 2037.

*Q(4): If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, reducing, or eliminating water pollution, water scarcity and floods? If so, how? If not, why not?*

Egypt constitution has provided several articles for environment protection which includes:

Article 44: The Nile

The state commits to protecting the Nile River, maintaining Egypt's historic rights thereto, rationalizing and maximizing its benefits, not wasting its water or polluting it. The state commits to protecting its groundwater, to adopting methods appropriate to achieve water safety, and to supporting scientific research in this field.

Every citizen has the right to enjoy the Nile River. It is prohibited to encroach upon it or to harm the river environment. The state guarantees to remove encroachments thereon. The foregoing is regulated by law.

Article 45: Seas, Beaches, lakes, waterways, groundwater and natural reserves

The state commits to protecting its seas, beaches, lakes, waterways, groundwater, and natural reserves.

It is prohibited to encroach upon, pollute, or use them in a manner that contradicts their nature. Every citizen has the right to enjoy them as regulated by law. The state also commits to the protection and development of green space in urban areas; the protection of plants, livestock and fisheries; the protection of endangered species; and the prevention of cruelty to animals. All the foregoing takes place as regulated by law.

Article 46: Environment

Every individual has the right to live in a healthy, sound and balanced environment. Its protection is a national duty. The state is committed to taking the necessary measures to preserve it, avoid harming it, rationally use its natural resources to ensure that sustainable development is achieved, and guarantee the rights of future generations thereto.

Q(5): Please provide specific examples of good practices in preventing, reducing, or eliminating water pollution, water scarcity and floods. These examples may occur at the international, national, sub-national, or local level. Examples may involve water quality and quantity monitoring; guaranteeing procedural rights (e.g. public access to water quality information, public participation in decision-making about proposed uses of water, access to remedies); water use and water quality legislation, regulations, standards, and policies; and initiatives to reduce water consumption and/or water pollution from specific sectors (e.g. agriculture, electricity generation, industry, transportation, domestic use). Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices.

For two years, MWRI has organized a national competition among farmers for the best pioneering and distinctive experiences to rationalize the consumption of water used in irrigated agriculture within the national program for water rationalization.

The competition aimed to raise farmers' awareness of the importance of practicing rationalization of water consumption, especially with the challenges of water scarcity currently facing the country, and to

encourage them to use modern irrigation techniques (sprinkler irrigation - drip irrigation) as one of the ways to apply positive water saving practices.

The farmers who won the first places were honored within the activities of Cairo Water Week for the years 2018 and 2019.

The Ministry of water resources and Irrigation saw good initiatives from farmers to convert from surface irrigation systems (flood irrigation) to modern irrigation systems, whether sprinkler or drip irrigation, especially in the old lands in the valley and the delta.

From this standpoint, the Ministry of Water Resources and Irrigation, in cooperation with the Ministry of Agriculture, prepared a project proposal "a shift from surface irrigation systems to modern irrigation systems in the old lands of the valley and the delta".

Q(6): Please identify specific challenges that your government, business, or organization has faced in attempting to employ a rights-based approach to address water pollution, water scarcity and floods and the impacts of these problems on human rights.

The most important water challenges facing Egypt and affecting human rights are:

- Limited water resources available.
- Increasing demand and competition for water sectors (drinking - industry - agriculture).
- The continuation of high rates of population increase and concentration of population distribution in the Valley and Delta.
- The growing food gap and the need to achieve food security.
- Approximately 97% of the renewable water resources are from outside the borders.
- Conflicting development in the Nile Basin countries and their effects on limited water resources.
- Climate changes and their expected impacts on the water supply and water needs.
- Preserving waterways from pollution (garbage - sewage - industrial sewage).
- Increasing awareness of water saving methods.
- Providing the required investments to ensure the quality of the irrigation and drainage system performance.

In light of the Ministry of Water Resources and Irrigation's eagerness to reduce the gap between water demand and consumption in various sectors, the Ministry has prepared a "Water Resources Plan 2017-2037" to define how Egypt can secure its water resources in the future, whether in terms of water quantity or quality, and how these resources can be used.

Q(7) Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to water pollution, water scarcity and floods (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and improve water quality and availability?

Egypt launched the initiative 'Decent Life' to help 32 million people living in Egypt's underprivileged villages. Egypt will aid 377 villages in 11 different governorates in the first phase of the initiative, specifically those in Upper Egypt where 75 percent of the residents live below the poverty line.

The initiative's plan for the year 2020/2021 aims to implement 271 drinking water projects and deliver sanitation services to 68 rural communities, also Lining and rehabilitating canals and delivering covered drainage to about 70 rural communities.

It is also worth noting that a cooperation protocol has been signed between the Ministry of water resources and irrigation and the Ministry of Local Development to support the implementation of the NWRP's procedures, especially in the field of collecting solid waste in villages to preserve the environment and waterways from pollution.

Q(10) For businesses, what policies or practices are in place to ensure that activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of-life management) minimize water use and water pollution and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

NWRP2037 puts number of measures to achieve both objectives (Reduce industrial pollution loads released into the water system - Reduce agricultural and aquaculture pollution loads released into the water system) such as:

- Improve and raise operational capacity of treating and recycling industrial waste water within industrial unites
  - Support, organize and help industries for safe disposal and dealing with industrial waste water
  - Activate and raise efficiency of industrial waste water quality monitoring networks
  - Control and rationing trade and production of agricultural chemicals (Fertilizers and pesticides)
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TÉLÉCOPIE · FACSIMILE TRANSMISSION

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À/TO: All Permanent Missions to the United Nations Office at Geneva

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A handwritten signature in black ink, appearing to read "Beatriz Balbin".

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OBJET/SUBJECT: **Call for input - Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**