**Special Rapporteur on the human rights to safe drinking water and sanitation.**

1. **Central Water Authority Act**
2. In the State of Mauritius, the control, development and conservation of water resources are under the responsibility of the Central Water Authority (CWA).
3. The CWA is established under the CWA Act ***(Annex I).*** Section 20 of the Act provides for the following duties of the Authority:

*(1) The Authority shall be the sole undertaker for the supply of water for domestic, commercial and industrial purposes throughout Mauritius.*

*(2) The other duties of the Authority shall be -*

* 1. *to investigate water resources and to collect, correlate, interpret any data with regard to those resources;*
  2. *to prepare an inventory of water resources and to keep the inventory continuously up to date;*
  3. *to study and formulate policy in relation to the control and use of water resources for the following purposes -*
     1. *the provision of water resources for domestic, industrial and commercial supply and for hydro-electric power;*
     2. *irrigation, land drainage, the reclamation of land, flood control, the development of fisheries, the protection of wild life, afforestation and the control of soil erosion;*
     3. *the disposal of sewage and industrial waste;*
     4. *the abatement and prevention of pollution of water resources;*
     5. *any other purpose ancillary to the purposes specified in sub-paragraphs (i) to (iv) or such other purpose as the Authority may, with the approval of the Minister, determine;*
  4. *to prepare plans for the conversation, utilisation, control and development of water resources;*
  5. *to prepare schemes for the development of river basins and trans-river basins;*
  6. *to co-ordinate and scrutinize the projects undertaken by any person relating to the conversation, utilisation and development of water resources and to assess the technical possibilities, benefits and economic feasibility of the projects;*
  7. *to conduct and co-ordinate research and investigation on the economic use of water;*
  8. *to promote, design, construct, operate and maintain schemes and works for the purpose of conversation and development of water resources and for the purposes specified in paragraph (c);*
  9. *to inspect any work carried out in relation to water development or utilisation purposes;*
  10. *to ensure that water supply conforms with such standards as are laid down by law;*
  11. *to grant rights for the use of water and to issue permits, licences and concessions and for this purpose -*
      1. *establish procedures for the recognition of existing water rights, for the reassessment, variation and re-allocation of existing water rights and for the grant of new water rights;*
      2. *establish procedures for the issue of permits, licences and concessions; (l) to supervise the enforcement of any water legislation;*
      3. *(m) to advise the Minister on any matter affecting water.*

1. **Wastewater Management Authority Act**
2. Moreover, the State of Mauritius has established the Wastewater Management Authority and provided a legal framework for the wastewater section under the Wastewater Management Authority Act ***(Annex II)***.
3. Section 5 of the Wastewater Management Authority Act provides for the main functions of the Wastewater Management Authority.

*The Authority shall be the main undertaker for the collection, treatment and disposal of wastewater throughout Mauritius.*

*The duties of the Authority shall be to –*

* 1. *take over, maintain and manage all existing public sewers and wastewater systems existing in Mauritius;*
  2. *manage and run any wastewater system including public sewers or equipment, whether vested in it by way of a "Contrat de Délégation” or otherwise;*
  3. *recover through tariffs user fees that may be claimed in respect of the lease of assets under a "Contrat de Délégation";*
  4. *extend as far as practicable the public wastewater system so as to provide sewerage facility to all properties, domestic, commercial or industrial;*
  5. *undertake wastewater treatment to such, predetermined quality as may be prescribed for safe disposal of the effluent and sludge to the environment or re-use;*
  6. *carry out and co-ordinate studies for the implementation of any project which may be devised for research and investigation for the economic collection, treatment and safe disposal of wastewater;*
  7. *control and monitor the pollution discharged to wastewater systems by any person;*
  8. *ensure that any storm drainage is not connected or does not get mixed up with the wastewater system;*
  9. *regulate the construction of private sewers, enforce their maintenance according to such standards as may be prescribed and provide for their inspection;*
  10. *ensure that appropriate equipment is used in relation to all types of wastewater and provide for inspection of such equipments;*
  11. *establish and maintain laboratories for the purpose of testing wastewater and sanitary equipments;*
  12. *carry out, against payment of such fees as may be prescribed for and on behalf of any Authority or Organisation responsible for the enforcement of wastewater laws, any wastewater analysis which may be necessary for such enforcement.*

1. **Environment Protection Act (EPA) 2002**
2. Section 38 of the EPA 2002 provides for standards for water and reads as follows:

***38. Standards for water***

*(1) The Minister shall prescribe standards for water quality to protect the public health, welfare and the environment, and to provide adequate safeguard for the quality of water.*

*(2) Any regulations made under subsection (1) may provide for different standards for water quality, having regard to the use and value of water for domestic supply, propagation of fish, flora, fauna, and wildlife, recreational purpose, agricultural, industrial and other uses.*

1. Section 39 of the EPA 2002 provides for Effluent limitations and reads as follows:

***39. Effluent limitations***

*The Minister shall establish-*

*(a) effluent limitations for sources of pollution by effluents in accordance with the applicable pollution control technology, having regard to existing and to new sources of pollution;*

*(b) time schedule for installation and operation of applicable pollution control technology.*

1. In line with the EPA 2002, the Ministry of Environment, Solid Waste Management and Climate Change has developed the following national standards and regulations with respect to water and effluent limitations:
2. the Environment Protection (Drinking Water Standards) Regulations 1996, which prescribes the standards for water. (copy is at ***Annex III***);
3. the Environment Protection (Standards for Effluent Discharge) Regulations 2003; (copy is at ***Annex IV***) and
4. the Environment Protection (Effluent Discharge Permit) Regulations 2003(copy is at ***Annex V***).
5. As per the Environment protection (Standards for Effluent Discharge) Regulations 2003, a number of industrial activities have to comply with the prescribed standards before discharging effluents onto land, into a watercourse or into a waterbody. Moreover, industrial activities listed under the First Schedule of Environment Protection (Effluent Discharge Permit) Regulations 2003, have to obtain an Effluent Discharge Permit prior to discharging any effluent into any watercourse or water body from which water is, or is likely to be abstracted for domestic purposes is also prohibited.

**Conclusion**

1. The private sector does not participate in the provision of water and sanitation in Mauritius except for the sale of bottle water for drinking purposes on a commercial basis. These enterprises are required to comply with relevant commercial norms and legislations under the Food Regulations 1999.
2. Moreover, the Ministry of Health and Wellness carries out regular sampling of the bottled water for laboratory analysis to check for standard parameters and fitness for human consumption. In case of non-compliance, appropriate legal actions are initiated against the manufacturer. Statistics on the tests carried out for Years 2017-2019 is at ***Annex VI.***

**26 May 2020.**