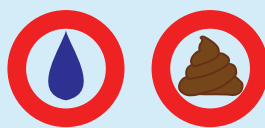


ETHIOPIA



One of the strongest commitments that can be made to the human right to water and the human right to sanitation is its clear, unequivocal articulation in a country's core laws. This fact sheet examines whether the country's core laws establish a human right to water and a human right to sanitation. We explore whether a right is explicitly stated in those core laws and whether the scope and parameters of right are described in the laws. Articulating a clear obligation is the starting point for implementing the human rights to water and sanitation at the country level.

Significant improvements in access to drinking water and sanitation have been achieved since 2000, but more is needed to achieve universal access by 2030. Ethiopia, located in Eastern Africa, is a landlocked country with a total area of more than 1.1 million square kilometers and a population of approximately 108 million people. The median age is 16.9 years. More than 80% of the population lives in rural areas.

Ethiopia's population has grown steadily since 2000. Urban populations have grown from 9.8 million people in 2000 to more than 23 million in 2017. Rural populations also grew from 56.7 million to almost 83.6 million people during the same time frame. During this seventeen year period, sanitation coverage has developed unevenly across urban and rural communities. While a significant percentage of the rural population no longer practices open defecation, most of the rural population either continues to practice open defecation or has access to limited sanitation. Urban areas saw better coverage in all areas of sanitation; however, urban households' access to basic sanitation has increased slowly over time.

In 2017, the most recent year of JMP data, 26.7

percent of rural households still practiced open defecation. Comparatively, only 5.1 percent of urban residents continued to practice open defecation. In urban communities, open defecation rates have dropped by 17.7 percent. In 2000, 2.2 million people practiced open defecation while in 2017 just over 1 million people continued the practice in urban areas. For rural communities, the percentage of the population practicing open defecation has dropped 62.1 percent, a significant achievement in light of the growth in the rural population. During the same years, the number of people supplied by safely-managed or basic sanitation rose from about just under 2.3 million people to almost 7.7 million people or from 17.2 percent to 23.8 percent of the total population.

From 2000 to 2017, many households practicing open defecation attained access to unimproved sanitation. In 2017, 67.5 percent of rural households have unimproved sanitation. Less than 2 percent have access to limited service and less than 5 percent have access to basic or safely managed services. This is in stark contrast to urban populations where 30.1 percent have access to limited sanitation service and 19.6 percent have access to at least basic services.

No percentage of the population, rural or urban, is reported as having access to safely managed sanitation.

With respect to drinking water, in 2017, 38.2 percent of the rural population continued to consume drinking water from unimproved sources or directly from surface waters such as lakes and rivers. Comparatively, 3 percent of urban residents consumed drinking water from unimproved sources or directly from surface waters. Between 2000 and 2017, the consumption of drinking water from unimproved sources and directly from surface waters decreased by 48.3 percent for the rural population whereas in urban areas consumption decreased by 8.7 percent. In urban areas, there was a 7.7 percent increase in access to safely managed drinking water services between 2000 and 2017. In raw numbers, approximately 5.1 million more people had access to safely managed services in 2017 than in 2000. Rural communities saw a 4.6 percent increase in access to safely managed drinking water between 2000 and 2017. Zero percent of the rural population was reported having access to safely managed drinking water in 2000. While there have been increases in access to greater quality drinking water and sanitation services, those increases are not keeping pace with the growth in population.

In the 2019 WHO GLAAS Report, Ethiopia inaccurately reported that both a human right to drinking water and a human right to sanitation are contained in its Constitution.

The (human) rights to water and sanitation have not been recognized in Ethiopian law.

Ethiopian law does not establish a right to water or a right sanitation. While the Constitution creates neither a human right to water nor a human right to sanitation, it does set forth a social objective that requires policies to aim to provide all Ethiopians access to public health and education, clean water, housing, food and social security to the extent the country's resources permit. Article 90(1). However, neither the Constitution, nor any other law create rights to water and sanitation or obligate the government to

provide these services.

While rights to water and sanitation are not recognized, Ethiopian law recognizes a right to a clean environment. The Constitution states that all persons have a right to a clean and healthy environment. Article 44(1). The right is not defined nor explained in the Constitution. However, the Constitution does create an obligation on the government to “endeavor to ensure that all Ethiopians live in a clean and healthy environment.” Article 92(1). The use of the word endeavor weakens the obligation on the government to ensure that the environment is clean and healthy for Ethiopians by only requiring that the government try to ensure a clean environment rather than actually ensure or achieve a clean environment. The Constitution also places a duty on both the Government and citizens to protect the environment. Article 92(4). While there is a duty on the government to protect the environment, which would likely be seen as including an obligation to protect water resources, the right is unlikely to be seen as including a right to water or to sanitation. Though a duty to protect the environment is likely to be interpreted to include taking actions and adopting measures that reduce the release of pollution, which would include making access to sanitation services more widely available, it is unlikely to be interpreted as an obligation on the government to ensure access to sanitation. In fact, because the duty to protect the environment is also placed on citizens, citizens would be equally responsible for preventing the pollution of the environment, including the release of untreated fecal waste into the environment. Therefore, the right to a clean and healthy environment represents obligations different from those created by the rights to water and sanitation.

The Ethiopian Water Resources Management Proclamation (No. 197/2000) seems to recognize the importance of water, but does not create a right to water. Proclamation 197/2000 states that all water resources of the country are the common property of the Ethiopian people and the State. Article 5. The State, as a separate and distinct entity, is given an equal stake in the

water resources of Ethiopia as the people of Ethiopia. The Proclamation also establishes that domestic water use has priority over and above any other water use. Article 7(1). Domestic water is defined as water used for drinking, cooking, sanitation and other domestic purposes. Article (2). This declaration is critical to protecting access to water for domestic uses especially if there is insufficient water to supply all water demand requests or during periods of water scarcity or drought where all permitted water uses cannot be fulfilled. While domestic use is prioritized above all other water uses, it seems that not all water used for domestic water would be exempt from permit requirements. Proclamation 197/2000 exempts water use from hand-dug wells as well as water used for traditional irrigation, artisanal mining, traditional animal rearing, and water mills from permit requirements. Article 12(1). Domestic use as a category of water use is not explicitly exempted from permit requirements.

References

1. Constitution of the Federal Democratic Republic of Ethiopia.
2. Proclamation No. 197/2000, Ethiopian Water Resources Management Proclamation.
3. Central Intelligence Agency (CIA), The World Factbook, Ethiopia.
4. World Health Organization, Joint Monitoring Program (JMP) Global Database available at <http://www.washdata.org>.