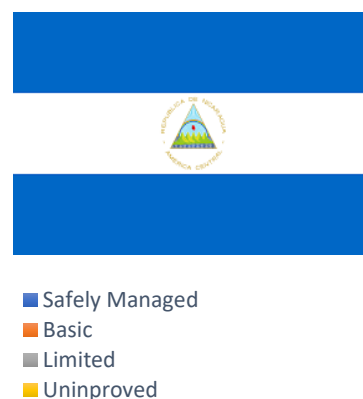
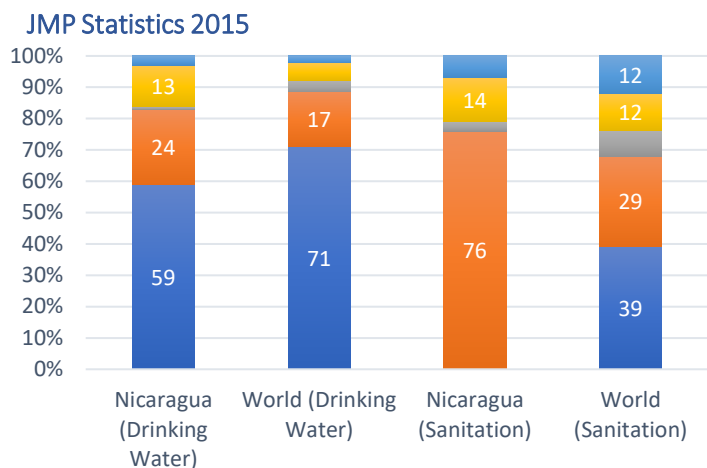




Methodology: Legal country mapping

NICARAGUA

07/2018



General Legislation

Member of a regional integration organisation	Yes
State Organisation	Presidential Republic
Relationship between International and National Law	Monist
Supreme Law	Constitution
Independent National Human Rights Institutions (NHRI)	Yes
National Institution possessing regulation-making authority	Presidencia de la Republica
Popular consultation as part of governing/legislative process	Yes

Water Governance

Right to Water or Sanitation mentioned in Constitution	No
A water code or a law specific to water resources	Yes
National Strategy, Policy, Action Plan etc. on Water and Sanitation	Yes
Transboundary Water Resources	Yes
Priorities in the allocation of water for different uses	Yes (human consumption)

Legal Framework

Human Rights Criteria

Human Rights Principles

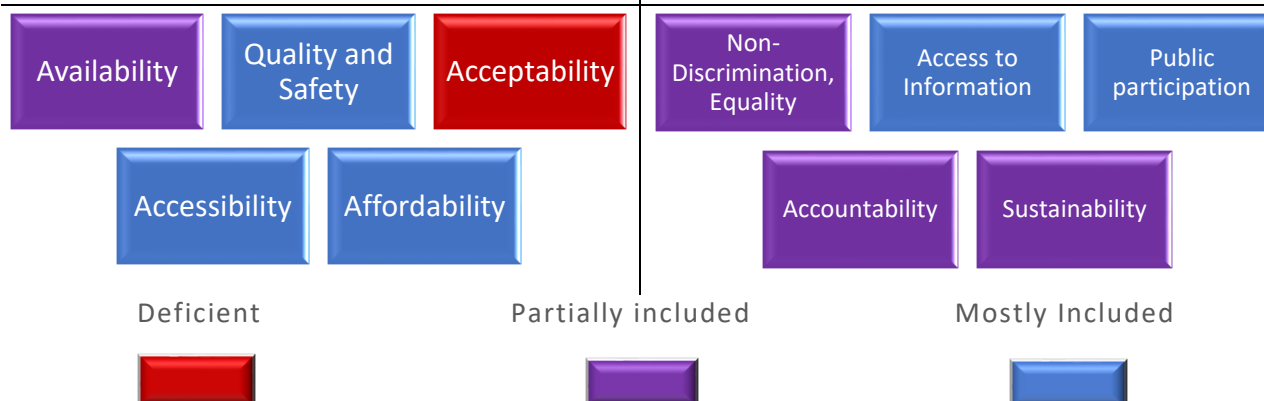


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CHAPTER 1. WATER GOVERNANCE OVERVIEW

A. Preliminary Questions:

What type of State is the country? (e.g. Federal, Unitary, etc.)

Nicaragua is a democratic, participatory and representative Republic. The governing bodies are: the Legislative Power, the Executive Power, the Judiciary and the Electoral power (Article 7 of the constitution). The Judiciary is represented by the Supreme Court of Justice, composed of 12 judges. Nicaragua is divided into 15 departments and 2 autonomous regions. The departments have purely administrative functions, they have no authority, neither own nor delegated by the central power. The departments are divided into municipalities governed by a mayor and a municipal council.

Who has the power to ratify treaties?

The President of the Republic (Art. 150 para 8 of the constitution) has the competency to sign treaties. Once a treaty is signed, it must be ratified by the National Assembly (Asamblea Nacional, Art. 138, para 12 of the Constitution).

Division of Powers exists?

Yes. Power is divided among Legislative Power, executive Power, the Judiciary and the Electoral Power.

Which institutions have legislative powers?

The National Assembly (Asamblea Nacional). The President of the Republic has the power to veto all or part of a bill in the fifteen days following the reception of the bill (Article 142 of the Constitution).

How is the country organised politically?

The legislative power is unicameral and resides in the National Assembly (Asamblea Nacional), formed by 90 delegates (Art. 132 of the Constitution).

The Executive Power (Poder Ejecutivo) exercises the executive functions. The Executive Power (Poder Ejecutivo) is exercised by the President of the Republic, his cabinet, the vice president and 12 ministries (Articles 144-153 of the Constitution).

The Judicial Power (Poder Judicial) exercises the Judiciary function. The Constitution of Nicaragua provides that justice emanates from the people and will be imparted in its name by the Judicial Power, integrated by the courts established by the law (Articles 148 and 149 of the political constitution). The courts form a unitary system, whose superior organ is the Supreme Court of Justice. There are courts of appeal, district judges, local judges, whose organization and operation is determined by law.

The Electoral Power (Poder Electoral) is in charge of organizing, directing and monitoring the elections, the plebiscites and the referendums.

Is there popular consultation as part of governing/legislative process?

Yes, but only at the local level. It is regulated by Law 475/2003 (Article 68), which establishes the popular consultation as a mean to get to know the opinion of the residents of a given municipality with respect to those aspects that could affect local management and development.

Is this State part of the Washington Convention on the Settlement of Investment Disputes between States and Nationals of Other States?

Yes, since April 1995.

Does the country have transboundary water resources?

Yes. Nicaragua shares water resources with Honduras (Río Coco, Río Negro) and Costa Rica (Río San Juan).

Where transboundary water resources exist, is there an established international institution for basin management?

Yes, mainly by the General Law on National Waters (Ley general de Aguas nacionales, Law No. 620/2007), which provides for the creation of a National Council of Water Resources (Consejo Nacional de Recursos Hídricos, CNRH) entrusted with the management of water resources, a National Water Authority (Autoridad Nacional de Agua, ANA) and Basin Agencies (Organismos de Cuenca).

Furthermore, the Nicaraguan Institute of Aqueducts and Sewers (Instituto Nicaragüense de Acueductos y Alcantarillado Sanitario, INAA) is encharged to protect, in coordination with the

Ministry for the Environment (MARENA), the hydrographic basins and to supervise irrigation and water management projects.

Nicaragua does not have established the management of its transboundary basins. Nicaragua and Costa Rica have appeared several times before the International Court of Justice to discuss issues related to the San Juan River. There is currently a project for an integrated binational management plan (PAE-PROCUENCA-San Juan) that, however, has not yet been implemented.

Where transboundary water resources exist, is there an established international institution for basin management?

1) The CNRH is an advisory body of the Presidency of the Republic and an intersectoral coordination body entrusted with the planning, the study, the inventory, the regulation, the supervision, the protection, the rational use, the conservation and the control of water resources.

2) The ANA is a specialized agency part of the Ministry of Agriculture and Irrigation (MINAGRI). The ANA is organized into 14 Water Management Authorities (Autoridades Administrativas de Agua, AAA), 71 Local Water Administrations (Autoridades Locales de Agua, ALA) and 8 Basin Water Resources Councils (Consejos de Recursos Hídricos de Cuenca, CRHC) all with different functions.

3) The INAA is in charge of planning, designing, building, operating, maintaining, marketing and managing the aqueducts and sewers of the country, to meet the needs of drinking water and sanitation of the population. It is an autonomous institution but hierarchically subordinated to the Presidency of the Republic.

4) The Nicaraguan Institute of Territorial Studies (Instituto Nicaragüense de Estudios Territoriales, INETER) is in charge of studying the water resources at the national level, through the design, construction, operation and maintenance of basic networks in the national territory. Its General Directorate of Water Resources (Dirección General de Recursos Hídricos) is responsible for the investigation, inventory and characterization of surface and

ground water resources, as well as of hydrographic studies.

5) The MARENA and the MAGFOR (Ministry of Agriculture and Forestry) are part of the executive power for being Ministries.

6) Basin Agencies (Organismos de Cuenca) are governmental entities, whose functions are exercised in accordance with the regulations within the basin territory, in accordance with the General Law of National Waters, regulations and approved technical standards.

6) The Basin Committees (Comités de Cuenca) are entities participated by citizens. They are responsible for ensuring compliance with the objectives established by the Law for the management of water resources in a specific basin. They are autonomous entities.

7) Finally, there is the Water and Sanitation Network of Nicaragua (Red de Agua y Saneamiento de Nicaragua, RASNIC), which is a platform participated by government institutions, cooperation agencies, NGOs, associations and municipalities, whose mission is to promote informed discussions that allow decision makers to improve their public policies

Do these institutions have any responsibility in relation to drinking water?

Only the INAA has specific obligations both in relation to the management of water resources (in cooperation with MARENA) and to the supply of drinking water.

B. Is the country a member of a regional integration organisation?

Is the country a party to any regional/international organization with regulatory authority over water and sanitation??

1) Organization of American States (OAS). It is a Pan-American international organization of regional and continental scope established on April 30, 1948. It is a political forum for decision-making, multilateral dialogue and integration of American States. The organization's declaration says OAS works to strengthen peace, security

and to consolidate democracy, promote human rights, support social and economic development by promoting sustainable growth in America.

2) Association of Caribbean States (ACS). It is a regional organization whose mission is to strengthen and integrate the countries of the Caribbean Sea area, with the objective of creating a common economic space, preserving the sea and promoting the sustainable development of its members through trade, transport and tourism.

3) Bolivarian Alliance for the Peoples of Our America (ALBA). It is an intergovernmental organization by Venezuela and Cuba whose mission is to integrate countries governed by leftist ideologies. It has special emphasis on the fight against poverty and social exclusion.

4) Inter-American Development Bank (IDB). It is a multilateral Development Bank that provides financing and technical cooperation to its members. It is part of the Inter-American System of the OAS. Its two main objectives are to reduce poverty and to achieve economic growth, fostering competitiveness, modernization, investment in social programs and integration of regional markets.

5) Community of Latin American and Caribbean States (CELAC). It is an intergovernmental organization successor to the Rio Group, with the aim of promoting the integration of the subcontinent, created by the Declaration of Cancun, Mexico, in 2010.

6) Economic Commission for Latin America of the UN (ECLAC). It is one of the five Regional Commissions of the United Nations. It was established to contribute to the economic development of Latin America and to coordinate actions aimed at strengthening economic relations among its members.

7) Latin American and Caribbean Economic System (SELA). It is Regional international organization created in 1975 by the Panama Convention as a system of consultation and coordination in economic, cooperation and integration matters.

8) Central American Integration System (SICA), whose fundamental objective is the realization of the integration of Central American States. Under the supervision of SICA is the CCAD: which is the Central American Commission for Environment and Development. Nicaragua also belongs to the PARLACEN, which is also part of SICA. It is an inter-parliamentarian body formed by delegates from the Central American region, with the aim of achieving political and ideological integration and representation, in a pluralist democratic system that guarantees free and participatory elections, in conditions of equality of the political parties.

Specifically related to water, there is the Regional Hydraulic Resources Committee (CRRH).

What is the mandate of the organisation?

(CRRH). To coordinate and facilitate projects related to all aspects of water resources: to devise them, to obtain regional or international financing. The CRRH draws up its actions in order to strengthen policies in national institutions, aiming at improving the management of the integral demand for water and of transboundary resources and at strengthening the links of Central America with regional and global programs dedicated to meteorological monitoring, hydrological cycle, monitoring of climate change and design of adaptation and mitigation policies.

Which countries form part of this organization?

Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica y Panama.

Are the decisions taken by this organisation binding?

Not really. This organization only issues recommendations and publishes reports, investigations and other consultative documents.

Does the regional organisation have the authority to regulate or make decisions which affect water and sanitation?

This institution studies, investigates, analyses and issues recommendations in the field of water and sanitation, but it does not possess regulating authority.

C. Water Governance and Administration:

Which institutions are directly or indirectly related with water and sanitation governance?

The MARENA. The National Commission for Drinking Water and Sanitary Sewerage (Comisión Nacional de Agua Potable y Alcantarillado Sanitario, CONAPAS) is the entity entrusted with the mission of planning and formulating sectoral policies, objectives and strategies.

The INAA is in charge of planning, designing, constructing, operating, maintaining, commercializing and managing the aqueducts and sewers of the country as well as of meeting the needs of drinking water and sanitation of the population.

The Nicaraguan Water and Sewerage Company (Empresa Nicaragüense de Acueductos y Alcantarillados, ENACAL) is a public company responsible for ensuring human consumption and sanitary sewerage. Its competencies also relate to the efficient and rational use of ground and surface water.

The Drinkable Water and Sanitation Committees (Comités de Agua Potable y Saneamiento, CAPS) are non-profit organizations whose members are democratically elected on a voluntary basis. The CAPS are in charge of the administration, operation and maintenance of the drinking water and sanitation service in the local communities. They are autonomous and independent bodies (Article 6, Law 722).

Municipalities have also responsibilities over the governance of drinking water, but the legislative framework is quite disorganized and frequently their functions overlap with the functions of ENACAL.

What is the structure of the government water administration?

The institutions in charge of water administration established by the General Law of National Waters (CONAPAS, ANA, ENACAL) and the INAA are advisory bodies and / or entities hierarchically subordinated to the Presidency of the Republic.

Which government ministries/agencies are directly or indirectly involved in governance of water and sanitation?

Since 1998, responsibility for drinking water has been shared between CONAPAS (which bears the political responsibility), INAA (which is the regulatory entity in charge of regulating the sector and has a responsibility of regulatory and administrative nature) and ENACAL (which bears an operational responsibility). At the local level, responsibility for drinking water has been shared between Basin Organizations, Basin Committees and CAPS.

The MARENA does not have specific responsibilities relating to drinking water, but sometimes it implements specific programs aimed at guaranteeing and/or strengthening the supply of drinking water (for example, in 2013 MARENA launched and supervised the program "Improvement of the ability to adapt to climate change in the sector of drinking water supply and sanitation in Nicaragua").

Which institution is responsible for sanitation in the country? And which responsibilities does it have?

Same as per the drinking water section.

Does the law establish basin management agencies? How do they work? How are they regulated?

Yes. The General Law on National Waters and its regulatory decree establish and regulate Basin Organizations and Basin Committees.

Basin Organizations are governmental entities whose technical, operational, administrative and legal functions are exercised within the territory determined as a basin and in accordance with the rules laid down by the General Law on National Waters (Article 31 General Law on National Waters).

The Basin Committees are independent bodies in charge of watching over a specific area, such as a specific basin, in order to ensure that the objectives set forth by the Law for the management of the water resource are fulfilled (Article 35 General Law on National Water

CHAPTER 2: INTERNATIONAL AND REGIONAL TREATIES

United Nations Treaty and Conventions		
Name of the Instrument	Place of adoption	Date of Ratification / Adhesion
Convention on the Reduction of Statelessness	New York, United States	29/07/2013
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	New York, United States	05/07/2005
Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	New York, United States	25/02/2009
International Convention Against the Taking of Hostages	New York, United States	24/09/2003
International Convention on the Elimination of All Forms of Racial Discrimination	New York, United States	15/02/1978
Convention on the Prevention and Punishment of the Crime of Genocide	Paris, France	29/01/1952
Convention against Discrimination in Education	Paris, France	28/09/1981
Convention Relating to the Status of Refugees	Geneva, Switzerland	28/03/1980
Protocol relating to the Status of Refugees	New York, United States	28/03/1980

Convention on the Elimination of All Forms of Discrimination against Women [Article 14.2 protects explicitly the right to water and sanitation]	New York, United States	27/10/1981
Convention n. 29 - OIL concerning Forced or Compulsory Labour	Geneva, Switzerland	12/04/1934
Convention n. 87 - OIL concerning Freedom of Association and Protection of the Right to Organise	Geneva, Switzerland	31/10/1967
Convention n. 98 - OIL concerning the Application of the Principles of the Right to Organise and to Bargain Collectively	Geneva, Switzerland	31/10/1967
Convention n. 100 – OIL concerning Equal Remuneration	Geneva, Switzerland	31/10/1967
Convention n. 105 – OIL concerning the Abolition of Forced	Geneva, Switzerland	31/10/1967
Convntion n. 111 - OIL concerning Discrimination in respect of Employment and Occupation	Geneva, Switzerland	31/10/1967
Convention n. 122 - OIL concerning Employment Policy	Geneva, Switzerland	01/10/1981
Convention n. 138 - OIL concerning Minimum Age for Admission to Employment	Geneva, Switzerland	02/11/1981

Convention n. 169 - OIL concerning Indigenous and Tribal Peoples in Independent Countries	Geneva, Switzerland	25/08/2010
Convention n. 182 – OIL concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	Geneva, Switzerland	06/11/2000
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	New York, United States	26/10/2005
Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	Geneva, Switzerland	17/12/1953
Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.	Geneva, Switzerland	17/12/1953
Convention (IV) relative to the Protection of Civilian Persons in Time of War [Articles 85; 89, §3 and 127, §2 protect explicitly the HRWS]	Geneva, Switzerland	21/04/1952
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) [Articles 54 and 55 protect explicitly the HRWS]	Geneva, Switzerland	08/06/1977

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) [Articles 5 and 14 protect explicitly the HRWS]	Geneva, Switzerland	08/06/1977
Geneva Convention (III) relative to the Treatment of Prisoners of War [Articles 20, §2; 26, §3 ; 29 and 46, §3 protect explicitly the HRWS]	Geneva, Switzerland	21/04/1952
International Covenant on Economic, Social and Cultural Rights [Articles 11 and 12 protect implicitly the HRWS]	New York, United States	06/04/1988
International Covenant on Civil and Political Rights [Articles 11 protects implicitly the HRWS]	New York, United States	12/03/1980
First Optional Protocol to the International Covenant on Civil and Political Rights	New York, United States	12/03/1980
Second Optional Protocol to the International Covenant on Civil and Political Rights	New York, United States	25/02/2009
Convention on the Rights of Persons with Disabilities [Article 28 protects explicitly the HRWS]	New York, United States	07/12/2007
Optional Protocol to the Convention on the Rights of Persons with Disabilities	New York, United States	02/02/2010

Convention on the Rights of the Child [Article 24 protects explicitly the HRWS]	New York, United States	05/10/1990
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	New York, United States	17/03/2005
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	New York, United States	06/05/2002
United Nations Declarations and Resolutions		
Universal Declaration of Human Rights [Articles 25 protects implicitly the HRWS]	Paris, France	10/12/1948
Mar del Plata Declaration of the United Nations Conference on Water [The Preamble is explicitly related to the right to water and sanitation]	Mar del Plata, Argentina	25/03/1977
Report of the United Nations Conference on Environment and Development [The paragraph 18.47 of the Agenda 21 is explicitly related to the right to water and sanitation]	Rio de Janeiro, Brazil	14/06/1992
International Conference of the United Nations on Population and Development [The principle. 2 is explicitly related to the right to water and sanitation]	Cairo, Egypt	13/09/1994

Resolution 64/292 of General Assembly, the human right to water and sanitation [The whole resolution is explicitly related to the right to water and sanitation]	New York, United States	03/08/2010
Resolution 15/9 of the Human Rights Council, Human rights and access to safe drinking water and sanitation [The whole resolution is explicitly related to the right to water and sanitation]	New York, United States	06/10/2010
Treaties and Agreements Organization of American States - OEA -		
American Convention on Human Rights [Articles 11 protects implicitly the HRWS]	San Jose, Costa Rica	25/09/1979
Additional Protocol to the American Convention on Human Rights in the area of Economic, Social And Cultural Rights [Articles 11 and 12 protect implicitly the HRWS]	San Salvador, El Salvador	15/12/2009
Inter-American Convention to Prevent and Punish Torture	Cartagena, Colombia	23/09/2009
Protocol to the American Convention on Human Rights to Abolish the Death Penalty	Asuncion, Paraguay	24/03/1999
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women	Belem of Para, Brazil	06/10/1995

Inter-American Convention on the Granting of Political Rights to Women	Bogota, Colombia	22/05/1956
Inter-American Convention on the Granting of Civil Rights to Women	Bogota, Colombia	06/10/1995
Inter-American Convention on The Forced Disappearance of Persons	Belem of Para, Brazil	Firmada, pero no ratificada
Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities	Guatemala City, Guatemala	15/07/2002
Statements Organization of American States		
American Declaration of the Rights and Duties of Man [Article 11 protects implicitly the HRWS]	Bogota, Colombia	1948
American Declaration on the Rights of Indigenous Peoples [Article 19 protects implicitly the HRWS]	Santo Domingo, Dominican Republic	14/06/2016
Declaration of Principles on Freedom of Expression	Washington D.C., United States	20/10/2000
Instruments of Regional Cooperation		
Central American Water convention	San Jose, Costa Rica	11/08/2006

CHAPTER 3: DOMESTIC LEGISLATION ON WATER

Make a list of all legislation that has been reviewed.

- Ley General De Aguas Nacionales (Ley N. 620/2007);
- Reglamento de La Ley General De Aguas Nacionales (Decreto N. 44/2010);
- Política Nacional De Los Recursos Hídricos (Decreto N. 107/2001);
- Ley General Del Medio Ambiente y Los Recursos Naturales (Ley N. 217/1996);
- Ley General de Servicios de Agua Potable y Alcantarillado Sanitario (Ley N. 297/1998) y su Reglamento (Decreto N. 52/1998);
- Acuerdo Ministerial N. 232/2011 y su Manual para la Vigilancia Sanitaria del Agua para Consumo Humano;
- Decreto Ley N. 276/1998 que dio vida a ENACAL;
- Decreto No. 51/1998 de creación de la CONAPAS;
- Ley No. 275/1998 que transformó el INAA en un ente regulador;
- Ley de Municipios (Ley N. 40/1988) con reformas e incorporaciones;
- Ley Especial de Comités de Agua Potable y Saneamiento (Ley N. 722/2010);
- Ley Orgánica del Instituto Nicaragüense de Acueductos Y Alcantarillados (Decreto N. 123/1979);
- Ley de Reforma a la Ley Orgánica del Instituto Nicaragüense de Acueductos y Alcantarillado (INAA) (Ley N. 275/1997);
- Ley de Reforma a la Ley no. 276 (Ley N. 925/2016);
- Ley 201 de promoción de los derechos humanos y de la enseñanza de la constitución política.

A. WATER LAW

Is the right to water or the right to sanitation mentioned in the Constitution?

No. However, Article 105 of the Constitution provides the obligation of the State to promote, facilitate and regulate the provision of basic

public services of energy, communication, water, transport, road infrastructure, ports and airports and the relevant inalienable right of the population those basic public services. Furthermore, Article 89 of the Constitution provides the acknowledgment by the State of the communal forms of land ownership of the indigenous populations of the Caribbean Coast. It also recognizes the use and enjoyment by those indigenous population of the waters and forests of their communal lands.

Is there a water code or a law specific to water resources?

Yes, the General Law on National Waters (Ley N. 620/2007).

If there is, is it complemented by a regulation?

Yes, the Regulatory Decree of the General Law on National Waters “Reglamento de La Ley General De Aguas Nacionales (Decreto N. 44/2010)”.

What is the procedure for enacting a law?

1) Presentation of the bill to the National Assembly.

2) After receiving the project, the Secretariat of the National Assembly informs the Directorate (Junta Directiva) so that the latter includes the bill in the Agenda.

3) All the bills presented to the Secretariat of the National Assembly and included in the Agenda are read before the Plenary of the National Assembly, before being transmitted to the competent Commission (Comisión Dictaminadora). Exceptionally, Nicaraguan legislation grants the President of the Republic the power to present an "Urgent Bill".

4) The competent Commission carries out the Consultation and Opinion Process (Proceso de Consulta y Dictamen).

5) The competent Commission issues its Opinion and the discussion before the Plenary of the National Assembly starts.

6) The President of the Republic may sanction or veto the law.

7) If the President sanctions the law, it is promulgated.

8) Once promulgated, the law is published in the Official Journal of the Republic of Nicaragua (La Gaceta).

Is there national strategy / policy, action plan or similar document on water?

Yes, the National Policy on Water Resources (Política Nacional De Los Recursos Hídricos, Decreto N. 107/2001).

Are there any other major regulations, decrees, orders, circulars, or similar official documents related to water (such as pricing, water policing, utility easements, public domain occupation... etc.) related to the rights to water and sanitation.

Yes: General Law on the Environment and Natural Resources (Ley General Del Medio Ambiente y Los Recursos Naturales, Ley No. 217/1996), General Law on Drinking Water and Sewerage Services (Ley General de Servicios de Agua Potable y Alcantarillado Sanitario, Ley No. 297 de 1998), Decree 276/1998 that created ENACAL, Decree 51/1998 that created CONAPAS, Law 275/1998 that transformed INAA into a regulatory entity, Municipal Law.

B. Extraction and/or use of Water

Does the legislation regulate the right to extract water? (surface, groundwater, etc.)

Yes. The General Law of National Waters and the General Law of the Environment and Natural Resources refer to the extraction of water from the subsoil.

Art. 84 of the General Law on the Environment and Natural Resources provides that both the surface and the ground waters are a unitary resource, attending the general interest and part of the public domain and that property and relevant limitations must be established by the law.

Does the legislation distinguish between the extraction of drinking water and water for other uses?

No.

Are there priorities in the allocation of water for different uses?

Yes. The General Law on National Waters provides that water used for human consumption has the highest priority and cannot be subject to or hampered by any other use (Article 66).

The Regulatory Decree of the General Law on National Waters mandates the ANA to prioritize the resources of the National Water Fund in favour of all those projects that are aimed at guaranteeing the quality, quantity and sustainability of the water resource for human consumption, prioritizing sectors and areas (urban and rural) that have never enjoyed this basic human right (Article 9).

Are permits/licenses required for water use?

Yes. The concessions are granted by the ANA and by the Basin Organizations. Owners of lands smaller than 70 hectares only require authorization from the municipality for using the water.

The procedure is clearly explained on the webpage

<http://www.tramitesnicaragua.gob.ni/procedur e/566/480?l=es>.

Is the right to use water connected to land ownership?

Groundwater belongs to the owner of the farm who needs an authorization for exploitation. The Nicaraguan Constitution expressly recognizes the communal forms of ownership of indigenous population of the Atlantic Coast. It also recognizes the use and enjoyment of the waters and forests by these populations of their communal lands (Constitution, Article 89).

Can permits/licenses be suspended? Under what circumstances?

Yes. Article 55 General Law on National Waters provides that the right to use water, regardless of the application of any sanctions, will be suspended when the holder does not comply

with its obligations of payment of the fees set forth by the law for a period of time greater than one fiscal year.

Article 59 of the Regulatory Decree of the General Law on National Waters provides that, besides the provision of Article 55 of the General Law on National Waters, concessions, authorizations and licenses will be suspended in case of violation of any of the provisions of the General Law on national Waters, the relevant Regulatory Decree, other applicable laws and/or criminal and environmental legislation.

Article 82 of the General Law of the Environment and Natural Resources provides that authorisations for the use of groundwater may be revised, modified or cancelled when the exploitation creates a risk due to hydrogeological circumstances on exploitation. It provides also that the use of groundwater may be suspended for a limited period of time.

**Can water abstraction licenses be transferred?
Is transferability subject to restrictions?**

This is not regulated by the General Law of National Waters.

CHAPTER 4. HUMAN RIGHTS CRITERIA TO WATER AND SANITATION

A. AVAILABILITY

Does the law ensure that a minimum essential level of water is available to all?

Yes (Article 71 of the General law on National Waters). However, the quantity is not defined.

Does the law ensure continuous supply of water for all?

Yes, see Article 13 d) 71 of the General law on National Waters.

Does the law prioritize water for domestic uses over other uses?

General Law on National Waters prioritizes human consumption (Article 66 and Article 9 of the Regulatory Decree).

What are the procedural standards/criteria for permitting interruption, disconnection or alteration of water supply and sanitation services?

Art. 36 of INAA Regulation of Services allows the provider to suspend the service should the user fail to pay two or more invoices. The provider must give a 30 days-notice to the user.

The General Law on National Waters (Article 5) prohibits the disconnection of water services to users in evident state of extreme poverty, exception made for force majeure, being in any case necessary to provide temporary supply alternatives.

What are the grounds for disconnecting, interrupting or altering water supply and sanitation services (e.g., authorities may alter water supply in case of droughts or emergencies, in which cases are disconnections possible...)?

The General Law on National Waters (Article 5) prohibits the disconnection of water services to users in evident state of extreme poverty, exception made for force majeure, being in any case necessary to provide temporary supply alternatives.

Does the law provide guidance on: the number of water outlets? the safety, distance and time

from a dwelling or structure to reach water outlet or sanitation facilities (e.g., laws that specify water outlets must be available within a certain distance from a school or household)? technical safety of water outlets or sanitation facilities (e.g. law requiring that certain standards are applied in the constitution of those facilities or of buildings)?

The law provides guidance with respect to the technical requirements for building water intakes and sanitation services. See “Design of Water Supply in Rural Environment” (Diseño de Abastecimiento de Agua en el Medio Rural”) and “Design of Basic Rural Sanitation” (“Diseño de Saneamiento Básico Rural”).

Is there provision in the law for accessibility of water and sanitation facilities in non-domestic places such as schools, hospitals, work places, prisons, refugee camps, etc.

Article 5 of the General Law on National Waters prohibits the interruption of water services to hospitals, health care facilities, schools, orphanages, nursing homes, prisons, fire stations and markets.

B. QUALITY AND SAFETY

Are there parameters of quality and safety for drinking water established under law?

Yes. Those parameters are established by the MINSa (Acuerdo Ministerial N. 65-94). The MINSa has adopted the Water Quality Standards for Human Consumption (Normas de Calidad del Agua para Consumo Humano), presented to the 4th Reunion of the Regional Committee for Water Quality (Comité Regional de Calidad del Agua, CAPRE) and accepted by the Committee of the Health Ministries of Central America (Comité de Ministros de Salud de Centroamérica). In elaborating the standards, the MINSa consults with MARENA, MAGFOR, ENACAL, INAA y FISE.

Is monitoring of drinking water quality or wastewater required by law? If so, which actor is required to monitor it and how often (according to the law)?

Yes. The actors required to monitor water quality are the MINSA (Ministerial Decree N. 232/2011) and the INAA (Decree N.52/1998).

The Ministerial Decree No. 232/2011, together with the attached Manual for Sanitary Surveillance of Water for Human Consumption (Manual para la Vigilancia Sanitaria del Agua para Consumo Humano) provides for three different levels of monitoring. The MINSA carries out a bacteriological analysis of the water resources/facilities listed in the first, second and third level respectively every month, every two months and every year, whilst a sanitary inspection must be carried out every six months regardless of the level (page 25 of the Manual para la Vigilancia Sanitaria del Agua para Consumo Humano).

Chapter X of Decree N. 52/1998 attributes to INAA competencies relating to the monitoring of drinking water. The law does not regulate the frequency of such monitoring activities.

Do laws/regulations include guidance on the safe construction of water and sanitation infrastructure (e.g. to ensure no contact with excreta, ventilation, respect construction guidelines)?

The “Design of Water Supply in Rural Environment” (Diseño de Abastecimiento de Agua en el Medio Rural”) and the “Design of Basic Rural Sanitation” (“Diseño de Saneamiento Básico Rural”) provides minimum requirements to comply with in the building and in the maintenance of the hydric and sanitary infrastructures.

Do laws/regulations include requirements or guidance on safe emptying of latrines as well as safe treatment and disposal of treated sludge?

The General law on National Waters regulates in detail the treatment of residual waters (Title VII, Chapters II to IV)

The “Design of Water Supply in Rural Environment” (Diseño de Abastecimiento de Agua en el Medio Rural”) and the “Design of

Basic Rural Sanitation” (“Diseño de Saneamiento Básico Rural”) also provide guidance on this topic.

Do laws/regulations establish requirements on household water treatment and storage (e.g. quality requirement with respect to water containers, rainwater harvesting limitations, etc.)?

No.

C. WATER POLLUTION CONTROL

[Is there legislation which regulates the contamination of groundwater?

Yes. The General Law on National Waters (Article 13 d) provides that individuals and entities responsible for contaminating water courses (including groundwater) will bear the costs to repriminate water quality. Furthermore, individuals and entities must comply with the technical regulations set forth by the MARENA to prevent contamination in any water source, including groundwater. Contamination of groundwater is considered as a “serious breach” by the General law on National Waters (Article 123). It can also be considered a crime under the Nicaraguan Criminal Code and under the Special Law on Crimes against Environment and Natural Resources (Ley Especial de Delitos contra el Medio Ambiente y los Recursos Naturales).

Is permission required to discharge effluents? What are the criteria used for considering applications and granting permits?

Yes. Permits are granted by the ANA in accordance with the standards and guidelines established by the MARENA. The matter is regulated in detail by articles 102 and following of the General Law on National Waters.

Can waste discharge permits be lost/suspended/modified during their lifespan? Under what circumstances? Is compensation payable?

The permits can be suspended or terminated (Articles 105 and 106 of the General law on National Waters) when the discharger exceeds the agreed limits or fail to pay the fees set forth by the permit for over a year. The regulatory

institution is the MARENA, which can also take action upon ANA's request. Transferability is not regulated by the law, nor is compensation.

Are instances of pollution of water sources subject to penalties / fines? Which institution is in charge of the administration of the penalties?

The General Law on National Waters (Article 13 g) provides that individuals or legal entities that contaminate water resources must bear the costs necessary to restore water quality.

Title IX, Chapter II of the General Law on National Waters sets forth an articulated system of penalties. The authority in charge of issuing such penalties is the ANA.

D. AFFORDABILITY:

How does the law address affordability of water supply and sanitation services? What mechanisms are established by law to ensure affordability of water and sanitation services?

Article 5 of the General Law on National Waters mandates the State to provide water at differentiated costs, favouring individuals/families with fewer economic resources.

Article 5 also provides that water services cannot be interrupted to consumers in an evident state of extreme poverty, except for force majeure, and that people in such a state must in any case be provided with temporary supply alternatives. Furthermore, water services be interrupted to hospitals, health centres, schools, orphanages, nursing homes, prisons, fire stations and markets.

Article 71 of the General Law on National Waters provides that in areas where there is no permanent service coverage, the institutions in charge of water services will have to adopt plans for the supply of drinkable water at really accessible costs, primarily when it is destined to marginal sectors or population located in urban or rural precarious settlements.

How are tariffs established under law and what is the process for updating these tariffs?

Article 17 of Law 297/1998 provides that that

tariffs are established by a Tariff Decree, a general technical-economic legal instrument that determines criteria and formulas to calculate water and sewerage services' costs for both intermediaries and end users. Based on these general indicators, INAA issues the agreements that incorporate the tariff levels to be collected by each particular concessionaire.

Does the tariff vary depending on the regions/circumstances?

Article 37 of Law 297/1998 sets forth the principles upon which the level of the tariffs must be calculated. Among these principles there is equity, by virtue of which each user must bear its own costs, except in cases of low-income consumers, to whom the State may subsidize part of the real cost of the service. The other principles are economic and operational efficiency and self-financing.

Which actor is responsible for and involved in setting and/or approving tariffs for water supply and sanitation services?

The INAA and the CAPS (in rural areas).

Does the law allow disconnection from water supply and sanitation services for non-payment? What procedures must be followed in such cases prior to disconnecting the supply and service?

Art. 36 of INAA Regulation of Services allows the provider to suspend the service should the user fail to pay two or more invoices. The provider must give a 30 days-notice to the user.

The General Law on National Waters (Article 5) prohibits the disconnection of water services to users in evident state of extreme poverty, exception made for force majeure, being in any case necessary to provide temporary supply alternatives.

E. ACCEPTABILITY

Is there provision in the law or contracts with service providers that relate to the need to take into account cultural and social dimensions of acceptability (e.g. colour or odour of water, or the positioning of a facility)?

Acceptability is not expressly regulated by law.

Is there provision in the law or contracts with service providers that relate to the need to ensure dignity and privacy (e.g.in work places, but also in the design of shared sanitation facilities for certain communities)?

No.

CHAPTER 5. HUMAN RIGHTS PRINCIPLES TO WATER AND SANITATION

A. NON-DISCRIMINATION, EQUALITY AND UNIVERSAL ACCESS

Is there any legislation about the prohibition of direct and indirect discrimination (on all grounds) and promotion of equality in accessing water and sanitation services?

One of the basic criteria related to access to water set forth by law 297/1998 is equity, by virtue of which each user must bear its own costs, except in cases of low-income consumers, to whom the State may subsidize part of the real cost of the service.

Are there any specific provisions that address that seek to ensure (physical) access to water and sanitation services for persons with disability, children or the elderly?

There is no express norm.

B. RIGHT TO INFORMATION

Is there any specific legislation about the right to seek, receive and impart information held by public authorities?

Yes. Law 621/1997 expressly regulates the matter. This law regulates, secures and promotes the exercise of the right of access to public information. It applies to documents, files and databases held by public entities or institutions, state owned companies and those subsidized by the State, as well as private entities that administer, manage or receive public resources, tax benefits or other benefits, concessions or advantages.

Does the law expressly set out the right to seek, receive and impart information on water related issues?

Yes. Article 11 of the Regulatory Decree of the General Law on National Waters provides for the creation of a special registry related to water rights. The ANA keeps a record of information related to water rights (list of extraction permits, discharging permits etc.), which is available to

the public for free. The registry is kept in a documentation centre created for that purpose. Access to information which the ANA considers to be of national interests may be restricted or denied by the ANA itself.

Does the right to information require the payment of a fee? Is there a provision on the affordability of such fee?

No. Access to the registry is free (Article 11 Regulatory Decree of General Law on national Waters). However, applicants bear the costs related to the issuance of certificates (Article 40 General Law on national Waters).

Are there any exceptions regarding who or what type of water and environment related information held by public authorities can be accessed?

Yes. The ANA can restrict access to information classified as of national interest by the ANA itself (Article 11 Regulatory Decree of General Law on national Waters).

Which institutions are required by law to make information on water public?

The ANA (Article 11 Regulatory Decree of the General Law on national Waters).

What are the requirements listed in the law in relation to the language, locations, format, timing and means used for providing water related information to the public? How does the law ensure that information is made available to all including to minorities?

There are no specific requirements in this respect. Pursuant to Article 11 of the Constitution, Spanish is the official language of Nicaragua. The languages of the indigenous populations of the Atlantic Coast of the countries also have the status of official languages in the cases provided by the law. It does not appear that water related information falls within such cases.

Are there any legal provisions requiring certain authorities to educate the population on water related issues?

No.

Are the legal requirements concerning informing the population about regulations, restrictions, prohibitions and discontinuations in water services?

No.

Does the law require that information be made available about the existence of complaint mechanisms for water supply and sanitation services to users of such services?

No.

Are there any requirements in relation to access to information in contracts with water and sanitation operators?

N/A

C. PUBLIC PARTICIPATION

Are there any requirements in relation to access to information in contracts with water and sanitation operators?

Yes. The fundamental law is Law 475/2003, which regulates the different tools of public participation available under Nicaraguan law. Pursuant to Law 475/2003 (Article 2), public participation can take the following forms:

1. Citizens' initiative as regards national, regional, regional and local laws.
2. Citizens' consultation through the legislation process as regards national, regional, departmental and local level.
3. Consultation bodies for the formulation, monitoring and assessment of public policies at the national, regional, departmental and local levels.
4. The associations of the villages' inhabitants and trade unions, sectoral and social organizations, women and young people organizations at the local level in the local area.
5. Citizens' consultation at the local level.

With specific relation to water, Law 722/10 "Special Law of Drinking Water and Sanitation Committees" and its Regulatory Decree regulate

the existence and the functioning of the CAPS (Committees for Drinkable Water and Sanitation). The CAPS are non-profit organizations whose members are democratically elected on a voluntary basis among the members of a given community. The CAPS are in charge of the administration, operation and maintenance of the drinking water and sanitation services in the relevant local communities. They are autonomous and independent bodies.

What are the criteria listed in the law in relation to participation in water-related issues (e.g. allocated time to provide comments, invitation to public hearings, etc.)?

This is not regulated by the law.

Do the contracts between governmental authorities and operators of water and sanitation services impose upon the operators an obligation to ensure or provide for public participation at any levels at which the applicable services are delivered?

No

Is the establishment of regional or local associations or other groupings of water users provided for and regulated by laws or regulations? How do they interact with or connect into other agencies or regulators?

There are community associations in charge of providing water and sanitation services to local communities: the CAPS, which are regulated by Law N. 722/10 "Special Law of Drinking Water and Sanitation Committees" and its Regulatory Decree. CAPS are formed by three fundamental organs:

- 1) General Assembly of Inhabitants, formed by a representative for each household. This is the decision-making body of the CAPS;
- 2) Board of Directors (Coordinator, Secretary, Treasurer, Members), which is the governing body of the CAPS and its highest authority. It is formed 5 to 9 members, democratically elected within the General Assembly;
- 3) Support Commissions, which may or may not be established. They can work as specialized

bodies in the field of sanitation, hygiene, health etc.

The CAPS are organized in a Local Network and in a National Network.

The CAPS connect to other agencies or regulators by occupying a number of seats in other agencies. For instance, pursuant to Article 34 of the Law 722/10, representatives of CAPS hold a number of seats in the River Basin Agencies (Organismos de Cuenca) and in the River Basin Committees (Comités de Cuenca).

D. SUSTAINABILITY

How does legislation ensure that water and sanitation services are delivered in a sustainable manner, considering the availability of water resources, competing demands and generally the needs of present and future generations?

Sustainability is one of the main objectives established by the General Law on National Waters (Article 1). Its basic aspects are laid down by Article 13 of the General Law on National Water. More in details, Article 13 a) defines water as a strategic resource for the economic

and social development of the country and affirms that its efficient use, quality and protection, as well as the measures necessary to face floods and droughts are necessary conditions to sustainable economic and social development. Furthermore, article 13 a) provides the commitment by the State to guarantee the basic water supplies to present and future generations. The main features of this approach are listed on the following letters of Article 13 and are: knowledge, preservation and defence, responsible administration, integrated management, public participation, responsibility, harmonious coordination, precaution, subsidiarity.

How does the legislation ensure that delivery of water and sanitation services are economically sustainable, with sufficient expenditure for operation and maintenance?

Law guarantees economic sustainability of water providers through the tariffs system and the public subsidies. Article 4 of the Law 297/1998 provides that the tariffs must be established in a way which allow them to generate sufficient resources to finance the management, cover the operating costs, the maintenance and generate the surplus necessary to remunerate the investment performed by the water provider.

CHAPTER 6. ACCOUNTABILITY

A. PRELIMINARY QUESTIONS

What is the relationship between international law and national law (i.e. is the state a monist or dualist system--how is international law interpreted in relation with domestic law)?

International treaties become part of the Nicaraguan legal system in a position of equality with ordinary laws. Some scholars have theorized a primacy of international human rights treaties arguing on the base of Article 46 of the Constitution. However, Article 182 of the Nicaraguan Constitution expressly provides for the supremacy of the Constitution above all other norms, including international treaties.

What is the hierarchical structure of the legal system?

The Constitution enjoys an absolute primacy, followed by the constitutional laws and the ordinary laws (and the international treaties), the decrees (decretos) and the regulations (reglamentos).

Has the State ratified the relevant international conventions establishing regional or international complaint mechanisms?

See Chapter II above.

B. REMEDIES AND COMPLAINT PROCEDURES/ACCOUNTABILITY

Are there remedies provided by law to file complaints or other ways of accessing justice in reference to water and sanitation? Who may file them? Are the decisions appealable?

The procedure is very articulated and is regulated in detail by Chapter XXII of the General Law on National Waters and by the INAA Organic Law (275/1997).

INAA is competent for monitoring rights and duties of the users of water and sewerage services and it must establish complaint mechanisms for its users (art. 1 c Law 275/1997). The complaint mechanism is regulated by Article 2 of the Regulatory Decree of law 275/1998. INAA's website says that the consumer need to file a complaint to the service provider before

being able to file a complaint before INAA, but the law does not say so.

The ANA is the conciliation and appeal body, competent to hear complaints that may arise among the Basin Organizations and between the Basin Organizations and the users (Art. 102 General Law on National Waters).

It is also possible to file a complaint directly with the private enterprise in charge of supplying the service. In this case, INAA will be the second instance body (Article 2 B of the Regulatory decree of Law 275/1997).

At the local level, a complaint can be filed also before a CAPS (chapter XI Law 722/2010).

Are such complaint procedures required to be provided in conformity with human rights principles (such as non-discrimination, equity)?

Not explicitly.

Does the law provide for financial assistance for legal counsel in cases concerning water and sanitation?

No. In Nicaragua there is a free legal assistance system (Defensoria Publica), but it mostly applies to family law issues.

Who monitors the administrative level bodies and/or service providers?

INAA or ANA, depending on the circumstances (see B.1 above)

Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under which conditions is such an appeal possible?

Yes. Decisions issued by service providers may be appealed before INAA (Article 2 B of the Regulatory decree of Law 275/1997). Decision issued by Basins Organizations can be appealed before ANA (Article 102 General Law on National Waters). Appeals are always possible, no particular conditions are required.

Are such administrative bodies legally independent entities according to the law?

No. The INAA is hierarchically subordinated to the Presidency of the Republic. The ANA is a decentralized entity part of the executive power (Art. 24 General Law on National Waters).

Is there any evidence (e.g., case law) that courts in the country have (or may have) jurisdiction to enforce any economic, social or cultural rights?

The Courts in the country clearly have jurisdiction to enforce any economic, social or cultural rights but there is no evidence that this is happening. There is evidence of the contrary, as the Interamerican Court of Human Rights (Awas Tingni case) has recommended to Nicaragua to enforce the economic, rights of the indigenous population living in the Awas Tingni territory.

Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to water and sanitation? Is there any existing case law?

No evidences were found.

Provide a brief overview of the judicial procedure involving a human rights violation case.

The proceedings may vary depending on the nature of the violated human right.

With specific reference to the human right to water, the only legal instrument that expressly recognizes it is the General Law on National Waters, which does not provide the judicial procedure to be followed in case of a breach (it only provides procedures of an administrative nature).

The only information provided by the General Law on National Waters (Article 130) is that In the case of companies or industries involved in the commission of crimes against water resources, the judicial authority will order those responsible for such crimes to repair the environmental damages, which include the costs to be borne to clean and recover the water resource, as well as the temporary or definitive closure of the same, taking into account the seriousness of the damage caused and the compensation due to the affected people. Every

person has the obligation to report such crimes to the competent authority.

The first instance entities competent to hear and settle the administrative proceedings for breaches of the General Law on National Waters are the Basin Organizations. The decisions of the Basin Organizations can be appealed before the ANA. The procedure is established in Chapter XXIII of the Regulatory Decree of the General Law of National Waters, and is as follows:

Article 103. Review proceedings. The natural or juridical person that is affected by resolutions or actions taken by the basin organizations may file an Application to Review before the basin organisation itself within 8 calendar days after notification of the act to request the basin organization to revoke the adopted decision. The basin organization, within 10 business days, will decide whether to revoke or not the adopted decision. The decision issued by the basin organization (or the silence) can be appealed before the ANA.

Article 104. Appeal. The appeal shall be filed before the basin organization itself within 5 calendar days following the notification of the act.

Article 105. Admission of the writ of appeal. The basin organization will admit the appeal and, within 15 calendar days from the receipt, it will submit it to the ANA, together with a report of the case. At the time of receiving the appeal, the basin organization will remind the appellant that he has a term of 15 calendar days to present a writ of expression of grievances before the ANA.

Article 106. Evidences. Having received the report and the writ of appeal, and within the term of 8 working days, the ANA will hear the appellant, that can rely on all the evidences admitted by the ordinary legislation to prove their claim.

Article 107. Final Resolution. After the evidentiary phase mentioned in the previous article, the ANA, will issue its decision within a period not exceeding 30 business days. The decision of the ANA exhausts the administrative route.

Another important instrument is the Regulation of User Services, whose chapter IX establishes the complaint procedure for cases of service disconnection.

Is there a Constitutional /Supreme Court? Cases are heard as the last appeal or may cases be referred directly?

The Court of last instance in Nicaragua is the Supreme Court. The Constitutional Chamber is a part of its structure and is the court of last resort. The other chambers are the Civil, Criminal and Administrative. The Supreme Court may be accessed directly but only in proceedings concerning the appeal of an act deemed unlawful.

Have domestic courts applied international human rights law in past cases or have they referred to decisions from international human rights bodies?

Are court proceedings conducted in only one principal language, or are they also conducted in local languages, including minority and indigenous languages? Does the law require that information is made available in local languages?

Yes. The Organic Law of the Judiciary provides that when the language of one of the parties is different from the one in which the proceedings are carried out, participation of an interpreter or a translator to the proceedings is mandatory. For no reason the parties can be prevented from using their own language. The assistance of the translator or interpreter is free and will be guaranteed by the State in accordance with the law (Article 17).

Have domestic courts applied (or referenced) recommendations of national human rights institutions?

C. HUMAN RIGHTS INSTITUTIONS

Is there an independent national human rights institution?

Yes, the *Procuraduría para la Defensa de los Derechos Humanos*, which is responsible for the promotion and defense of Human Rights of the

Nicaraguan people. It is regulated by the law 212/1996.

Does the mandate of the National Human Rights Institution cover the entire human rights framework, including economic, social and cultural rights?

Yes. Law 212/1996 provides for the protection of the rights included in Title IV and in Article 46 and 71 of the Constitution and in all the international human rights instruments ratified by the Nicaraguan State at present and in the future. Nicaragua is part of the International Covenant on Economic, Social and Cultural Rights. As a consequence, economic, social and cultural rights are included in the mandate of the *Procuraduría para la Defensa de los Derechos Humanos*.

Is the national human rights institution authorized to receive and adjudicate complaints of violations of human right to water and sanitation?

Yes. Please refer to the previous answer.

Does the national human rights institution have a legal basis or authority to initiate an action to address systemic human rights violations?

Yes. See Article 18 of the Law 212/1996.

Is the institution allowed to initiate investigations/hearings?

Yes. See Article 18 of the Law 212/1996.

What type of remedies does the national human rights institution have the authority to impose?

The *Procuraduría para la Defensa de los Derechos Humanos* can issue recommendations or take actions before the competent administrative/judicial authority. See Article 18 of the Law 212/1996

Does the national human rights institution have the authority to monitor how remedies for violations of rights to water and sanitation are implemented by governmental authorities, service providers or other agencies/entities?

It has the authority (See Article 18 of the Law 212/1996) but there is no evidence that the

Procuraduría para la Defensa de los Derechos Humanos has ever taken action with respect to breaches of the human right to water and sanitation.

D. REGULATION

Is there a water regulator established by law?

Yes: the INAA (Article 1 Law 275/98).

Are these institutions independent?

The INAA is an autonomous entity but it is hierarchically subordinated to the Presidency of the Republic.

What are the oversight mechanisms and responsibilities related to drinking water supply and sanitation services of the regulator?

The powers of the INAA are established by Article 6 of the Organic Law as reformed by law 275/1998.

The institution is in charge of the regulation, monitoring and supervision of the drinking water and sanitary sewerage sector in the country. To achieve its objectives, it has the following functions and attributions:

- a) To be the Regulatory Entity for the provision of drinking water and sewerage services.
- b) To regulate and supervise the supply of drinking water and sanitary sewerage services by the companies that operate these services, according to the applicable law.
- c) To ensure the rights of drinking water consumers and sanitary sewerage users by establishing regulations and procedures to settle their claims, according to the applicable law.
- d) To take care of the adjudication mechanism and to grant public services concessions in the drinking water and sanitary sewerage sector, from the call for bids until the issuance of the corresponding Concession Agreement.
- e) Approve, fix and supervise the rates for the provision of services, in accordance with the provisions of the General Law on Drinking Water and Sewerage Services and the Tariff Decree, by

publishing the corresponding Tariff Agreement for each concessionaire.

f) To dictate the norms governing the design, construction, operation, maintenance and administration of urban aqueducts and sanitary sewerage systems as well as the works relating to drinking water and rural sanitation and the waste treatment.

g) To supervise and verify that the works relating to aqueducts and / or sewers are executed in accordance with the standards referred to in the preceding paragraph and to require from the concessionaires, as the case may be, extensions, installations or adaptations necessary in order to ensure a high level of the service.

h) To supervise and verify that all works related to the supply of drinking water and disposal of wastewater or liquid industrial waste that are discharged into the public sewer system and the exploitation of ground or surface water; as well as the extensions and modifications and necessary installations carried out by the natural or legal persons leading to the supply of drinking water are submitted before its execution, to the inspection and technical approval of the institute, which may demand the modifications it deems necessary.

i) To elaborate the standards and technical specifications inherent to the objectives of the institution, as well as to regulate the norms and National Tariff Decrees concerning tariffs of the public services relating to aqueducts and sanitary sewers.

j) To supervise and monitor compliance with water quality standards for human consumption established by the Ministry of Health.

k) To regulate, supervise and monitor compliance with the rules for discharge of industrial liquid waste into the public sanitary sewerage system.

l) To supervise, in coordination with MARENA, compliance with the rules for the protection of the environment and natural resources and related to the defence and conservation of water sources used by the supply systems which serve

human consumption, as well as bodies of water which are used as receivers of the public sewerage system.

l) To impose fines on those who violate the provisions and regulations related to the drinking water and sanitary sewerage sector in the cases provided by laws, regulations, concession agreements, licenses, permits and other legal instruments.

m) To arrange agreements and loans that are necessary for the development of its functions and powers.

n) To full dispose of its movable and immovable assets, entering into any agreement necessary or useful to fulfil its purposes.

ñ) To ensure compliance with the standards, criteria, specifications and technical regulations that governs the activities of recognition and exploration of water resources for the production of drinking water and the activities of production, conduction, distribution and commercialization of drinkable water.

o) To inspect, supervise and monitor the services, facilities, constructions of the concessionaires as well as obtain from them the necessary information for the due monitoring of their tariffs and for keeping the statistics of the sector.

p) To grant, modify, extend or cancel exploration permits for any water source which may be a potential source of drinkable water.

q) To ensure the proper functioning of the drinkable water and sewerage service and to establish the relevant indicators of quality, reliability and safety.

r) To issue sanctions in the cases provided by laws, rules, regulations, concession contracts, licenses, permits and other provisions.

s) To adjudicate disputes between economic entities that participate in the drinking water and sewerage sector as established by law.

t) To ensure compliance with the obligations and exercise of the rights of holders of licenses, permits and concessions.

u) To appoint auditors.

v) To prevent and adopt the necessary measures to prevent practices aimed at restricting competition in the drinking water and sewerage services sector.

w) To supervise the activities relating to the formulation, construction, operation and administration of projects for the development of the drinking water and sewerage sector. INAA is in charge of planning, designing, building, operating, maintaining, marketing and managing the aqueducts and sewers of the country, as well as to meet the needs of drinking water and sanitation of the population.

ACRONYMS

AAA	Water Management Authorities
ALA	Local Water Administrations
ALBA	Bolivarian Alliance for the Peoples of Our America
ANA	National Water Authority
CAPS	Drinkable Water and Sanitation Committees
CAPRE	Regional Committee for Water Quality
CELAC	Community of Latin American and Caribbean States
CEPAL	UN Economic Commission for Latin America
CHRC	Basin Water Resources Councils
CNRH	National Council of Water Resources
CONAPAS	National Commission for Drinking Water and Sanitary Sewerage
CRRH	Regional Hydraulic Resources Committee
ENACAL	Nicaraguan Water and Sewerage Company
FISE	Fondo de Inversión Social de Emergencia
HRWS	Human Rights to Water and Sanitation
IDB	Inter-American Development Bank
INAA	Nicaraguan Institute of Aqueducts and Sewers
INDH	National Institution of Human Rights
INETER	Nicaraguan Institute of Territorial Studies
MAGFOR	Ministry of Agriculture and Forestry
MARENA	Ministry for the Environment
MINAGRI	Ministry of Agriculture and Irrigation
MINSA	Ministry of Health
OEA	Organization of American States
PARLACEN	Central American Parliament
RASNIC	Water and Sanitation Network of Nicaragua
SELA	Latin American and Caribbean Economic System
SICA	Central American Integration System