



Faculty of Graduate Studies

Master Thesis in Water and Environmental Engineering

Prospects and Challenges of Implementing the New Palestinian Water Law

آفاق وتحديات تطبيق قانون المياه الفلسطيني الجديد

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Master's Thesis Submitted By

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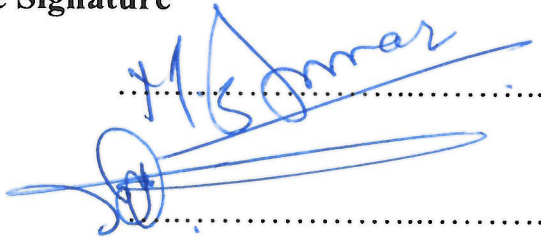
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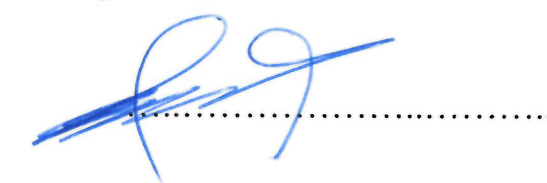
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Table of Contents

Abstract.....	1
الخلاصة.....	4
<i>Dedication</i>	7
<i>Acknowledgements</i>	8
Chapter One: Introduction	9
1.1. General Background	9
1.2. Problem Statement	10
1.3. Research Questions	12
1.4. Aim and Objectives	13
1.5. Thesis Outline	13
Chapter Two: Literature Review	14
2.1 Before the New Water Law	14
2.2 Legal Side in water sector in Palestine	23
2.3. Main relevant actors of the Palestinian water sector	24
2.3.1 Regulatory body	24
2.3.2 Water Distribution Supply - Service Providers	26
2.3.3 Bulk water supply - West Bank Water Department	27
2.3.4 Joint Water Committee	27
2.3.5 Other actors	27
2.4. Water laws in other countries	28
Chapter Three: Approach and Methodology	32
Chapter Four: Results and Discussion	35
4.1 Prospects of the New Water Law	35
4.1.1 Stakeholder Analysis	35
4.1.2 Stakeholder Participation in the Preparation of the Law	38
4.1.3 Responsibilities and Obligations of Institutions	39
4.2 Challenges of the New Water Law	40
4.2.1 Contribution to Monitoring the Implementation of the Law	40
4.2.2 Institutional Satisfaction on the Implementation of the New Law	40
4.2.3 Institutional Setup, Responsibilities, and Conflicting Interests	43
4.3 Special View on the Key Decision Makers in Water Sector	51
4.3.1 Head of Palestinian Water Authority	51
4.3.2 Palestinian Water Authority	52
4.3.3 Water Sector Regulatory Council	53

4.4	Impact of the New Law on the Sustainability and Performance of Water Service Providers	54
4.4.1	Impacts on the National Water Company	54
4.4.2	Impacts on the Regional Water Utilities	56
4.4.3	Impacts on the Water Users Associations	57
4.5	Impacts of the New Water Law on Secondary Decision Makers	58
4.5.1	Ministry of Agriculture	58
4.5.2	Private Sector	60
Chapter Five: Conclusions and Recommendations		62
References		67
Appendices		70
Appendix A – Questionnaire.....		70
Appendix B – Analysis of Questionnaire		75
Appendix C – New Palestinian Water Law 2014		88

List of Figures

Figure (1): Water Sector Framework According to 2002 water Law	19
Figure (2): General governance scheme	21
Figure (3): Intervention logic for the iterative implementation of the sector reform	25
Figure (4): Water Sector Reform	26
Figure (5): proposed ministries of legal level	35
Figure (6): Proposed Ministries of Legal Level	37
Figure (7): Functional Structure of the Water Sector	37
Figure (8): Institution Participation in the Preparation of the Law	38
Figure (9): Responsibilities and Obligations of Institutions of the Law	39
Figure (10): The Institutional Satisfaction of the Law	41
Figure (11): The Institutional Satisfaction of Implementation the Law	43
Figure (12): Institutional Contribution of Monitoring the Implementation of the Law	40

List of Tables

Table (1): Stakeholder Responsibilities and intersection institution	43
Table (2): Allocation of roles across ministries and public agencies	50
Table (3): Institutional mapping for quality standards and regulations	50

List of abbreviations

AFD	Agence Franaise de Developpement
ARIJ	Applied Research Institute – Jerusalem
CoM	Cabinet of Ministers
EQA	Environmental Quality Authority
IWRM	Integrated Water Resources Management
JSC	Joint Service Council
JWC	Joint Water Committee
JWU	Jerusalem Water Undertaking
LUs	Local Units
MoA	Ministry of Agricultural
MoF	Ministry of Finance
MoH	Ministry of Health
MoJ	Ministry of Justice
MoLG	Ministry of Local Governorate
MoPAD	Ministry Of Planning And Administrative Development
MoPWH	Ministry of Public Works and Housing
MWI	Ministry of Water and Irrigation
NGOs	Non-Government organizations
NWC	National Water Company
PA	Palestinian Authority
PLC	Palestinian Legislative Council
PMA	Palestinian Monetary Authority
PNA	Palestinian National Authority

PS	Private Sector
PSP	Private Sector Participation
PWA	Palestinian Water Authority
RU	Regional Utilities
RWUs	Regional Water Utilities
SIDA	Swedish International Development Cooperation Agency
SP	Service Provider
UPWSP	Union of Palestinian Water Service Providers
WA	Water Authority
WBWD	West Bank Water Department
WFD	Water Framework Directive
WSRC	Water Sector Regulatory Council
WSSA	Water Supply and Sewage Authority
WUAs	Water User Associations
WW	Wastewater

Abstract

The main purpose of endorsing laws and legislations in general is to preserve the rights and powers of their endorsers and users. This requires considerable institutional and social efforts to achieve the objectives, for which the laws were laid. This thesis studies the implementation of the new Palestinian Water Law 2014, which covers water sector reform regulations and procedures, specifies mandates of stakeholders and institutions, regulates relation between the stakeholders active in the water sector.

The main objective of this study is to assess the implementation of the new Palestinian water law issued by presidential decree (June, 2014), which was endorsed in 2014 by a decision of the Cabinet of Ministers. The Palestinian Water Authority played the main role in preparing the law in consultation with other stakeholders including the Ministry of Agriculture, Environmental Quality Authority ... etc. The study dealt with two main aspects related to the law. The first aspect deals with the prospects of implementing the law. The second is the challenges that might be faced during the implementation of the law. In view of two sides, it is necessary to build an organizational framework that includes all governmental, non-governmental and semi-governmental institutions based on the functions of each institution as determined by law.

Despite the difficulties faced during the accomplishment of the thesis, due to lack of information and cooperation from a number of the questioned and targeted institutions, the study was based mainly on information collected from stakeholders in the water sector, questionnaires, data from workshops were conducted during the period and before drafting of the law and the interviews as well as from individuals with a view of the past, present and future of the water sector. All information was then analyzed to obtain better overview for water sector in Palestine. The water sector in Palestine suffers from a clear and explicit

fragmentation at all levels conflict and contradiction of stakeholder responsibilities, including un-fair allocations of the quantities of water available to the population, uncontrolled withdrawals from the sources as well as the Israeli restrictions and the control of the water sources.

As a special view in the water sector, it is necessary to adopt bylaws and resolutions that define the framework of this sector, and clarify the functions, powers and responsibilities of each stakeholder and the participant in the work of the water sector either direct or indirect. In 2014, the new water law was adopted based on an international assessment of the water sector led by the World Bank, the law preparation and the overall reform process was a participatory approach based on all concerned parties involved in the water sector. However, this law may face many difficulties and challenges in the implementation, because of the reluctance of some parties to share the powers and responsibilities, and to the limited capacities of some stakeholders, for example municipalities.

The West Bank Water Department (WBWD) supplies water in bulk to the population through the municipalities and other service providers. Regardless of the water law, and due to limited understandings, and fear of changes, some service providers, mainly local authorities are still loyal and under the Local Authorities Law from Ministry of Local Government! There is also a conflict between the work of the Ministry of Agriculture - which has the largest share of the water amount for irrigation and the Water Authority especially in reuse of treated wastewater and the amount of extraction from agricultural wells, as the quantities of extraction from wells exceeded the specified amount. And the licenses are not respected, which will be clarified later. There is also overlap in the powers between the Water Authority and the Environmental Quality Authority on the overall management of wastewater and specifications and standard. Also, there is a conflict between the parties will be addressed in the analysis section of this thesis.

Recently, the Palestinian Water Authority was given by the new water law the powers to draft regulations and bylaws. In this period, the PWA faced a real problem because it is not a ministry. The absence of the water authority from the cabinet weekly meeting is in addition causing a big gap between the Water Authority and other ministries. It is believed that if PWA will have a representative in weekly meeting, will increase PWA ability to defend its position and to present them to other ministries.

From this perspective, the importance of the study would be obvious, and would highlight the challenges that may face the implementation and why in some cases, it was not yet applied. The last section of this thesis includes suggestions and recommendations to overcome all obstacles, which were explained in the analysis and overlapping power between all relevant authorities.

الخلاصة

ان الهدف من وضع القوانين والتشريعات بشكل عام هو حفظ الحقوق والصلاحيات لأصحابها، والقانون بحد ذاته هو وسيلة لتحقيق أهداف معينة وعلى رأسها ضمان احترام وحقوق الآخرين وتحقيق العدالة و تنظيم شؤون الأفراد في مجالات متعددة. وهذا يتطلب بذل جهود مؤسساتية ومجتمعية كبيرة لتحقيق الأهداف التي وضعت القوانين من أجلها. وموضوع هذه الرسالة يتناول القرار بقانون رقم 14 لسنة 2014 بشأن المياه وهو قانون جديد حل محل قانون المياه رقم 3 لسنة 2002 . وقد جاء تعديل قانون المياه كجزء من عملية إصلاح قطاع المياه والصرف الصحي في فلسطين التي قادتها سلطة المياه ، حيث شملت مراجعة الوضع المؤسسي والقانوني للقطاع، بهدف النهوض به وتوفير الخدمة بشكل أفضل للمواطن، بالإضافة لتلبية ما تقتضيه الحاجة المؤسسية لسلطة المياه من أدوات قانونية شاملة وواضحة لإدارة المصادر المائية . حيث تعمل سلطة المياه مع كافة الشركاء وضمن جهودها المستمرة على وضع الأسس الناظمة لقطاع المياه والصرف الصحي وعلى توفير البيئة القانونية والتنظيمية الملائمة لتنظيم وتطوير القطاع، وذلك من خلال اقتراح وإعداد القوانين والأنظمة الناظمة للقطاع، واقتراح تعديل تلك التي تحتاج إلى تعديل.

ان الهدف الأساسي من هذه الدراسة هو تسليط الضوء على أبعاد وتحديات تطبيق قانون المياه الجديد، الذي صدر في العام 2014 بعد المصادقة عليه من قبل رئيس دولة فلسطين واصبح نافذا من تاريخ نشره في جريدة الوقائع الرسمية. وقد تناولت هذه الدراسة جانبين مهمين في أبعاد إقرار القانون ، الجانب الاول يتناول الآفاق المرجوة من تطبيق القانون في ظل الأهداف التي حددها القانون وفرص وإمكانية تطبيق هذه الأهداف . أما الجانب الثاني فقد تناول التحديات المتعلقة بالجهات المعنية في تطبيق القانون لاسيما المجتمعات المختلفة ومزودي الخدمات وجميع الجهات الخاضعة لأحكام القانون.

وحتى تتمكن من دراسة هذين الجانبين لا بد من الإشارة بداية إلى هيكلية قطاع المياه التي حددها القرار بقانون رقم 14 لسنة 2014 بشأن المياه والجانب المؤسسي الوارد في القانون والذي حدد أدوار ومسؤوليات جميع الجهات العاملة في قطاع المياه لتطبيق الإدارة المتكاملة والمستدامة لقطاع المياه ولتحقيق مفهوم الحكم الرشيد في قطاع المياه من ناحية توزيع الأدوار والمسؤوليات بين مختلف الشركاء في قطاع المياه وإيجاد آليات التنسيق المطلوبة وتحقيق المشاركة المجتمعية وإعطاء دور لمؤسسات المجتمع المدني والقطاع الخاص حيث أهمل القانون القديم الجوانب المؤسسية والقانونية رغم أهميتها في تحديد مدى فعالية وكفاءة توزيع وإدارة المصادر المائية ، لذا ولضرورة زيادة فعالية المؤسسات التي تدير قطاع المياه ، كان التركيز في القانون الجديد على زيادة كفاءة هذه المؤسسات كونها تلعب دورا حاسما بتحسين إدارة قطاع المياه.

ولعل أبرز ما تم استحداثه من أجسام جديدة بموجب قانون المياه الجديد مجلس تنظيم قطاع المياه والذي أنشئ بموجب المادة 17 من قانون المياه وهو الجهة التي تقوم بمراقبة كل ما يتعلق بالنشاط التشغيلي لمقدمي خدمات المياه . وقد حدد قانون المياه إنشاء المجلس ومهامه وصلاحياته ولكن بدون اصدار لوائح وأنظمة تحكم سير عمله، والتي انصبت على جوانب تنظيمية لا سياساتية.

شركة المياه الوطنية: تناول قانون المياه الجديد موضوع الشركة، ونص على إنشائها وبحيث تكون كامل أسهم الشركة مملوكة لدولة فلسطين. وينسجم تأسيس الشركة مع المادة (21) من القانون الأساسي، والتي أجازت للسلطة الوطنية الفلسطينية إنشاء شركات مملوكة بالكامل للدولة ، على أن ينظم القانون تفاصيل الشركة.

وقد جاء هذا التوجه أي تحويل دائرة مياه الضفة الغربية إلى شركة مياه وطنية بسبب المشكلات الإدارية والمالية الخطيرة التي تعاني دائرة مياه الضفة الغربية ، بالإضافة إلى تبعيتها لسلطة المياه بناء على قرار من مجلس الوزراء و هو الأمر الذي يجعل من سلطة المياه مؤسسة سياساتية و مؤسسة تقديم خدمات أيضا . وعليه فإن تحويل الدائرة إلى شركة مياه وطنية وتشغيلها وفقاً للأسس التجارية و ان تعمل باستقلال مالي و اداري يمكنها من تغطية التكاليف التشغيلية،و بشكل قد يؤدي إلى تحقيقها للاستدامة الذاتية، والخروج من وحل الديون والعجز المالي.

مرافق المياه الإقليمية:جاء إنشاء هذه المرافق استكمالاً لخطة سلطة المياه الهادفة إلى إعادة هيكلة قطاع المياه والصرف الصحي، والتوجه لإنشاء مرافق مياه إقليمية على مستوى الوطن، والتي تنبع من مسؤولية سلطة المياه في التخطيط والإشراف على قطاع المياه، وتحقيقاً لمبدأ الحكم الرشيد الفعال في إدارة قطاع المياه وضمان نجاعة توزيع المياه بشكل عادل على جميع القطاعات ومحافظات الوطن.

من الجدير ذكره ان قطاع المياه في فلسطين يعاني من تشرذم واضح وصريح على كافة الأصعدة، يشمل كميات المياه المتوفرة للسكان وكميات السحب من المصادر المخصصة له والمعاناة التي يواجهها قطاع المياه في ظل سيطرة وهيمنة الجانب الإسرائيلي على مصادر المياه.

ومع التأكيد على ان اقرار قانون المياه الجديد جاء بعد جهود كبيرة بذلت من قبل سلطة المياه ،والذي يعتبر انجازاً على صعيد قطاع المياه حيث تم الأخذ بعين الاعتبار أدوار وصلاحيات الجهات العاملة في قطاع المياه واستحداث أجسام ومؤسسات جديدة إلا أن هذا القانون كاي قانون آخر لا بد من انه يحمل في طياته صعوبات وتحديات جمة خلال عملية التطبيق والتنفيذ فليس دائماً النصوص القانونية سهلة التطبيق على أرض الواقع فهناك العديد من الصعوبات التي تواجه سلطة المياه في تطبيق القانون : منها ما له علاقة بالجانب الإسرائيلي وتحكمه وسيطرته المطلقة على المصادر المائية

إذ يسيطر الاحتلال الاسرائيلي على اكثر من 85% من مصادر المياه، ومنها ما له علاقة بمزودي خدمات المياه والصرف الصحي حيث يوجد في فلسطين أكثر من 300 مؤسسة تعمل على تزويد خدمات المياه للمواطنين و تواجه الغالبية العظمى منها اشكاليات كبيرة ناتجة عن: عدم امتلاك القدرات المؤسسية اللازمة, عدم كفاءة البنية التحتية اللازمة بما يضمن إيصال الخدمة لكافة المواطنين الأمر الذي يؤدي الى ارتفاع الفاقد, عدم توفر كميات مياه كافية, عدم القدرة على الجباية في مناطق (ب-ج) بسبب عدم السيطرة الأمنية, مما يؤدي الى خدمات لا تلبى الحد الأدنى من احتياجات المواطنين بالإضافة إلى عدم التزامهم بدفع فواتيرهم وبالتالي انعدام الاستدامة لكلا الطرفين (تقديم الخدمة للمواطن- واستمرار مزود الخدمة بعمله).

ارتكزت هذه الدراسة بشكل أساسي على المعلومات التي تم جمعها من بعض الجهات العاملة في قطاع المياه و استبيانات تحتوي على اسئلة تتطرق حول الآفاق والتحديات لتطبيق قانون المياه 2014 تم توزيعها على أصحاب العلاقة من العاملين في قطاع المياه ، بالإضافة إلى بعض من مخرجات ورش العمل التي تم عملها في فترة إعداد القانون ومقابلات شخصية مع أشخاص ذوي خبرة في قطاع المياه وبعد ذلك تم تحليل هذه المعلومات في محاولة الوصول إلى نظرة شاملة لقطاع المياه في فلسطين. من هذا المنطلق نبعت أهمية دراسة قانون المياه الجديد 2014، و الأبعاد والتحديات التي تواجه تطبيقه ومعوقات تطبيقه حتى اللحظة.

في النهاية تم عرض واقتراح مجموعة من التوصيات التي ارتأينا انها من الممكن أن تكون سببا في تجاوز هذه العقبات التي تم توضيحها في قسم التحليل والتداخل في الصلاحيات بين الجهات ذات العلاقة في آخر قسم من الرسالة ومن أهمها العمل على تحويل سلطة المياه الفلسطينية الى وزارة لها هيمنة وسيطرة على المؤسسات العاملة في قطاع المياه والعمل على اصدار اللوائح والتنظيمات الخاصة بعمل المؤسسات العاملة في نفس القطاع كمجلس تنظيم قطاع المياه على سبيل المياه.

Dedication

*To the souls of my Father and Mother, who have
dedicated their precious lives for our success,*

To my Supervisor and Big Brother

Dr. Maher Abu-Madi

To my Stepmother, my Brothers and Sisters,

To my Friends and Colleagues....

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*Thanks first and foremost to **ALLAH** for his guidance that without I will not achieve what I have done up to this moment.*

*Special thanks to my supervisor **Dr. Maher Abu-Madi** whose support, and provide the technical and scientific assistance and advices were with almost important at the various stages of this Thesis.*

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*Special thanks to **Mr. Nae'm Badawi**, **Step Mother** and **Eng. Ayman Nasser** who gave great support to achieve my master program.*

*Finally, I would like to thank my **Family (Brothers and Sisters)** for their encouragement and support.*

Chapter One: Introduction

1.1. General Background

Since the establishment of the Palestinian Water Authority (PWA) in accordance to Law No. 1 of 1996, the PWA has taken the responsibility of the construction and development of water sector institutions as a regulatory body. In addition to building and rehabilitating the destroyed infrastructure through projects funded by different countries. Moreover, providing water and sanitation services to the Palestinian citizen who was deprived of them (PWA, 2012).

The water sector is an important sector of sustainable development at the national level. But the development of the water sector remained restricted as a result of the obstacles imposed by the occupation authorities even within the agreements signed between the Palestine Liberation Organization and Israel (PWA. 2009).

In spite of all the obstacles imposed by the occupation authorities, over the past years, PWA has been able to harness all efforts and financial resources to develop the water and sanitation infrastructure, develop the services provided to the citizens and try to increase the Palestinian water consumption per capita to match worldwide people in similar situation as well as neighboring countries (PWA.2015).

The importance of sustainable management of water resources and water sector institutions is very important to face the challenges in the current century. However, their unequal duty distribution at different scales can create multiple sources of tension between stakeholders and misunderstanding (Ellis, 2011).

Many problems in water management are more associated with governance failures than with the resource base and require major reforms in water governance taking into account the different and related sectors and factors (Pahl-Wostl et. al., 2010).

The main objective of water law legislation is to secure and provide adequate quantity of good quality water in equitable manner for all social, economic and environmental needs to insure the sustainability of the national water resources to cover the different water needs for the future generation (Mari et. al, 2003).

In Palestine, the condition of water sector infrastructure is increasingly deteriorating, and this is the derived force to the infrastructural, legislative and institutional development in the Palestinian water sector (Dweik, 2007).

Institutional management and participation of all stakeholders is essential to achieve the successful protection, use, development, conservation, management, and control of the national water resources (Junier, 2011).

1.2. Problem Statement

The Palestinian water sector suffers most from the control of the Israeli occupation over land and natural resources. Since the establishment of the Palestinian Authority (PA), upon the Oslo peace Accord, the Israeli occupation denies the Palestinians right in accessing the surface water resources in the Jordan River and the Tiberius Lake. Besides, the occupation authorities limit the access to the ground water and do not allow drilling new wells. Almost the existing wells are only those were constructed before 1996. Also, there are many issues between Palestine and Israel articulated in article 40 in annex 3 in Oslo agreement.

After the PA took over the regulation and administration of the water sector, the roles and responsibilities in the water sector were scattered and fragmented. In the year 1995, Presidential decree No.5 established the Palestinian Water Authority (PWA). In the year 1996, water law No.2 was endorsed and announced. The law defined the PWA objectives, functions and responsibilities (Selby, 2013).

PWA according to the law No.2 was given the mandate to manage water sector and develop it as well as manage the water resources and execute policies. The internal regulations of the PWA with roles and procedures were defined by Presidential Decree No.66 of the year 1997 (Mahmoud and Ghabayen, 2013).

In addition to PWA objectives and functions, law No.2 included the establishment of the National Water Council (NWC). The Council was to prepare Palestinian water policies to preserve political and natural Palestinian rights in water resources and to preserve and develop water resources amongst other responsibilities (Palestinian Agricultural Law, 2002). But NWC never met and left PWA the body to replace NWC and creation a huge conflict of interest.

In 2002, water law No.3 was endorsed. This law aimed to manage and develop the water resources, increasing its capacity, improving the quality and protecting them from depletion and pollution. This law included the eight items of the previous law and introduction. In addition, the head of PWA and his responsibilities, the financial resources of PWA, Regional Water Utilities (RWU), and protection of environment, monitoring and inspection of water resources and penalties and fines were included (Al-Hmaid, 2012).

In 2010, PWA represent plan to reform the sector, and cabinet of ministers approved. However, in the year 2014, Palestinian Government endorsed water law No.14, The water law No.14 aims to develop and manage the water resources in Palestine, improving their quality and reserving them from depletion and pollution (same as per law No.3). In addition, the new law aims to improve and enhance the water services in Palestine by applying integrated and sustainable water resources management.

The new water law separated the functions in the water sector between ministerial functions (PWA) and regulatory functions by the Water Sector Regulatory Council (WSRC). Also, it

excluded the National Water Council which was mentioned in the previous law, and introduced the Water Sector Regulatory Council (WSRC), National Water Company (NWC), Regional Water Utilities (RWU) and Water Uses Associations (WUA). The new law included also licensing systems for water resources and unified tariff for water and wastewater that to be regulated by WSRC. WSRC accordingly should introduce a unified tariff for bulk supply system and RWU should determine tariff system for the households.

It is foreseen that the implementation of the new water law of 2014 would face difficulties and constraints. These could be due to misinterpretation of some acts in the new law and possible conflicts over powers and responsibilities.

1.3. Research Questions

The main research question is “what are the challenges and prospects of implementing the new water law in Palestine?” Also, this research will answer other important and specific questions that are constantly repeated regarding the new law and the governance of the Palestinian water sector. These are:

1. What is the opinion of the different stakeholders on the new water law?
2. What would be the main constraints and challenges for implementing the new water law?
3. How would the new law impact the performance and efficiency of the service providers?
4. Would the new law contribute to sustainability of the service providers and improving the water services?
5. What would be needed to overcome the existing and expected challenges?
6. How would the new law encourage private sector participation in the water sector?

1.4. Aim and Objectives

The main aim of this research is to better understand the main challenges that face the implementation of the new Palestinian water law and to suggest possible solutions. The specific objectives are:

1. To study the perceptions of stakeholders on the different issues of the new water law.
2. To study the different constraints and challenges as well as the incentives for implementing the new law.
3. To study the impact of the new law on the sustainability and performance of water service providers.
4. To study the institutional setup, responsibilities, conflicting interests relating to the new water law.
5. To study the prospects of private sector participation in the water sector.

1.5. Thesis Outline

This thesis is subdivided in to five main chapters. Chapter One is the introduction, the main aim of the introduction is to show the importance and objectives of this thesis, overview for water sector in Palestine. Chapter Two presents the approach and methodology. Chapter Three reviews the available literature on the subject as well as the related Palestinian documents. Chapter Four, discusses the data collection, analysis and results. Chapter Four presents the conclusions and recommendations.

Chapter Two: Literature Review

For better understanding of the water sector history, condition and situation in Palestine, a full literature review was conducted. The main documents reviewed were the endorsed laws and legislations since the Ottoman mandate up to now. The below sections present these reviews.

2.1 Before the New Water Law

The first known and documented history of Palestine's water sector begins under the Ottoman control. That is then transitioned to the British Mandate, and finally Israel's occupation of the entire Palestinian territories by means of two wars (i.e. 1948 and 1967).

In 1948, Israel gained control of the upper Jordan River after occupying land outside both the green and truce lines. By 1950, the West Bank was under Jordanian control and the Gaza Strip was under Egyptian control. This control was accompanied by the establishment of administrative bodies for the water sector, such as the Jerusalem Water Undertaking (JWU) and the West Bank Water Department (WBWD) (PWA, 2011).

Following Israel's control of the Arab territories (West Bank, Gaza Strip, and Golan Heights) after the 1967 war, Israel assumed control of all water resources: surface and groundwater. Israel then issued military orders stated that all of the water resources in these territories are the property of the State of Israel. The access to these resources, from this point forward, requires a special permit that can only be issued by a military governor. Israel then restricted the work of the existing JWU and WBWD. Following another military order in 1972, Israel established the Bethlehem Water and Sewage Authority (WSSA) (PWA, 2010).

With the emergence of the Palestinian National Authority (PNA), the Palestinian Water Authority was established under a Presidential Decree No. 90 of 1995. Water Law No. 2 of

1996. This Decree stated that the PWA will have an independent legal stature. This would allow it to have an independent budget, report to the President of the PNA and would have a head of operations designated by the President of the PNA (PWA, 2011).

Many restrictions facing the Palestinian water sector are summarized (ARIJ, 1995):

1. Water authority institutional capacity.
2. Well drilling and efficiency of operation.
3. Limited access to piped water.
4. Intermittent water supply and quotas.
5. Deteriorated water quality.
6. Distribution networks.
7. High water prices.

In 2002, water law No. 3 was endorsed. This law included many regulation articles for water sector in Palestine, the law was subdivided into eleven main chapters and 44 Articles as follow:

Chapter one includes:

1. Article 1 Definitions and general provisions: include all word and expressions in water law texts. For Example, The Authority, The Council, The Head.....etc.
2. Article 2 is the main aim of endorsed law, the aim of endorsed law is to develop and manage the water resources.
3. Article 3 deals with water resources in Palestine and its provision. Also, the human right in water use and necessary steps to insure this right and to make the necessary plans for developing these services.

4. Article 4 about the extractions from resources and license. And discussed the prohibition of drilling or exploring or extracting or collecting or desalinating or treatment water for commercial purposes or to set up or operate a facility for water or wastewater without obtaining a license therefore.
5. Article 5 defined the need for water usage. Mainly the:
 1. The use of water shall be made for meeting the following needs:
 - a. Residential needs.
 - b. Agriculture and irrigation.
 - c. Industrial demand.
 - d. Commercial demand.
 - e. Tourism demand.
 - f. Any other public or private uses.
 2. An approval and a license are deemed necessary to be obtained before changing the right of usage from one to another.

Chapter Two includes:

1. Article 6 about the created of Water Authority (WA) and its subordination.
2. Article 7 is the tasks and responsibilities of WA by law.

Chapter three includes:

1. Article 8 is the composition of National Water Council (NWC).

The composition of NWC as follow:

The Chairman of the Palestinian Authority - Chairman.

2. The Minister of Agriculture - Member
3. The Minister of Finance - Member
4. The Minister of Health - Member
5. The Minister of Local Government - Member
6. The Minister of Planning and
International Cooperation - Member
7. The Head of Environment Authority - Member
8. The Head of the Water Authority - Member
9. The Lord Mayor of the Capital - Member
10. A Representative for Chairman of the Union of Local Authorities. - Member.
11. A Representative for the Palestinian Universities - Member
12. A Representative for the Water Union and Societies - Member
13. A Representative for the Regional Utilities - Member

2. Article 9 is the tasks and responsibilities of NWC. That focus in general water policy, Sanction the policy for development and utilization of water resources and the different usage.... etc.
3. Article 10 is the coordination between NWC and other actors.
4. Article 11 defined the main partner in NWC.
5. Article 12 and 13 are the main members of NWC. As law “The Council may form, from among its members, one or more committees, and permanent or temporary, to which it shall delegate some of its tasks or responsibilities, or assign to such committee a specific task and report about it.”

Chapter four includes:

1. Article 14 is the degree of employment level of NWC.
2. Article 15 is the tasks and responsibilities of NWC head. Also, the delegation of NWC members
3. Article 16 includes a clear view in advisors of NWC
4. Article 17 is the security of document and instructions of NWC

Chapter five includes the main issues in licensing and tariffs system. Also, chapter six discuss the issues related to financial resources in water sector. In addition, chapter seven is the establishment, work and duties of Regional Water Utilities (RWUs) and its responsibilities.

Chapter eight is the protection and conservation of environment. Also, chapter nine sets the control and inspection of water resources. In penultimate chapter is set the role and its violations and sanctions. Finally, chapter eleven is the final provision of water sector in Palestine.

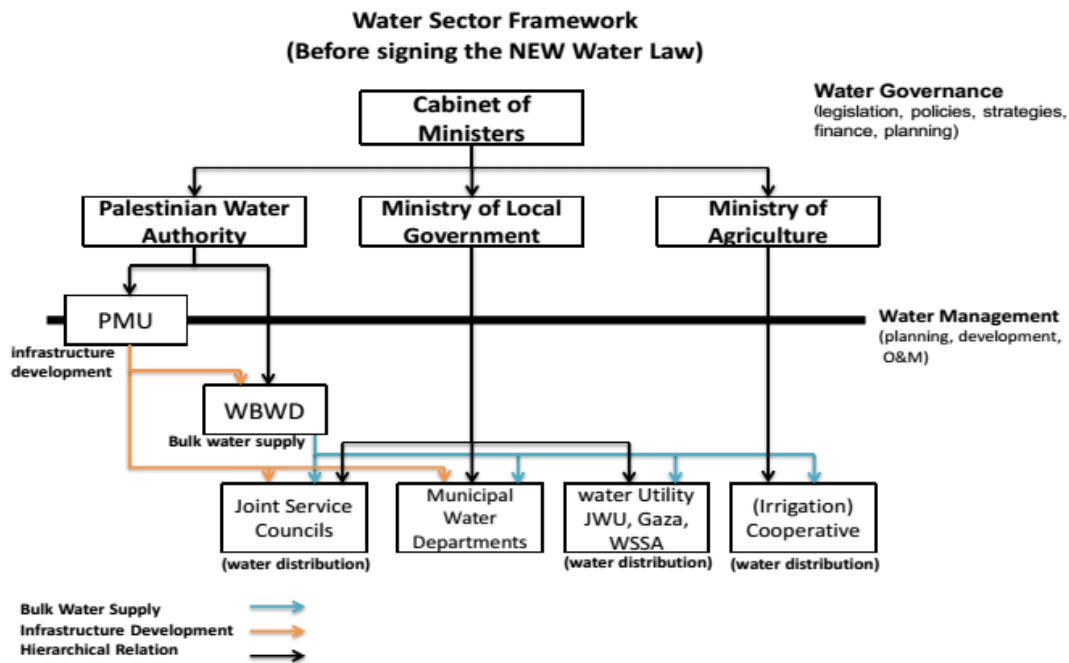


Figure (1): Water Sector Framework According to 2002 Water Law
Source: (PWA, 2015)

The Water Law entrusted the PWA with the role of regulator and supervisor, by means of establishing regional water utilities, but without granting them the operational tools. This in turn left the establishment of these facilities in the hands of the PWA and a certain amount of responsibility to Local Authorities. It should be noted that the relationship between the organization of the sector and the establishment of its infrastructure was not clarified. This left the inception of regional utilities distributed between various entities that include civil societies (Mahmoud and Ghabayen, 2013).

The Palestinian water sector needs a comprehensive reform in all areas. The needed reforms must be carried out as soon as possible. The current institutional arrangement for the water sector is generally made up of four primary levels (Mahmoud and Ghabayen, 2013):

- Policy, Planning, Development and Regulation water resources and wastewater managed by PWA and relevant ministries like MOA.
- Water Supply is utilized by PWA, through the National Water Company, and local water service providers.
- The National Water Company purchases and distributes bulk water to all the main water service providers.
- Water Distribution- which is carried out by the water service providers.
- Currently there exist over 300 water service providers in Palestine (WSRC, 2016).

The lack of clear institutional setup has contributed to a situation of ineffective management and weak capacity in the Palestinian water sector, combined with occupation-related restricting factors. The Sector Reform will establish strong and sustainable institutions. New water law has proposed the separation of PWA into different organizations, i.e. PWA, the Water Sector Regulatory Council, and the National Water Company. The implementation of the National Water Policy and Strategy requires the various implementing agencies to improve the level of efforts by all stakeholders; e.g. Cabinet of Ministers, PWA, WSRC, MoA, MOLG, (Ministry of Health) MoH, MoF, Administrative and Financial Control Court, MoPW, Standards and Metrological institution, Energy Authority, WUA, and service providers (Final Reform Plan 2014-16 PWA). The new water governance is presented in Figure 2 below.

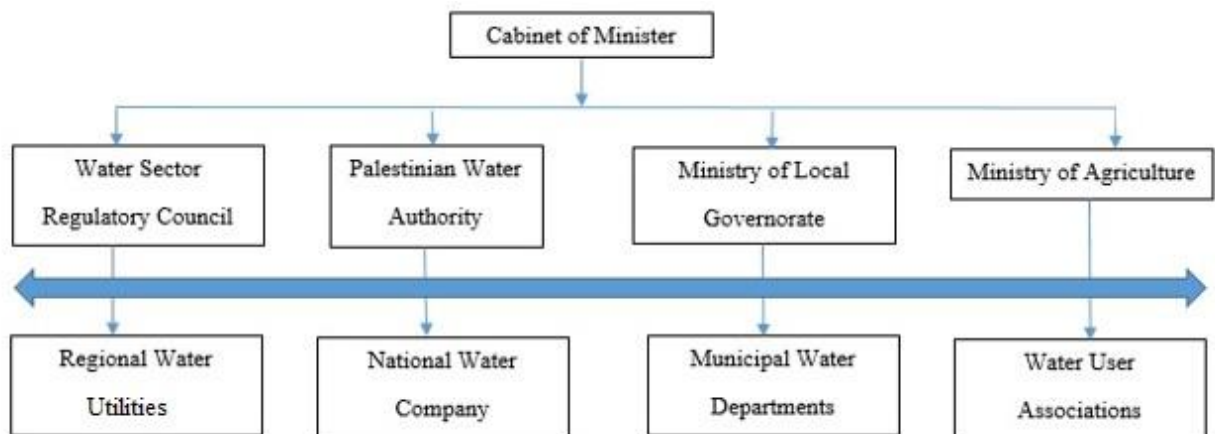


Figure (2): General governance scheme of the Water Sector in Palestine (PWA, 2014)

Through unremitting and in-depth reading in the field of water resources management in Palestine, and many publications issued by authorities in the field of water, there are interdependent relationships among them.

Partnership with the private sector may be one of the most important tools to face challenges of the Palestinian water sector. The private sector has the financial, technical and administrative capacity that exceeds the capabilities of public institutions. Private sector participation is facing the challenges and the development of the water sector needs to find a legal and regulatory frameworks and contractual guarantees delivering of services to all citizens with quantity, quality and prices that emulate international standards, taking into account the principles of integrity, transparency and good governance, including preservation of the environment from any exploitation or depletion of resources through any party. Partnership must be permanently for the sake of serving the citizen and to maintain their health and the secure of the environment in which they live (PWA, 2014).

National Water Strategy for Water and Wastewater for Palestine put the guideline to reinforce the Palestinian Authority's approach to sustainable water resources management by

ensuring that all arms of government work together in the pursuit of shared water resources management goals. In addition, establish a framework for the coordinated development, regulation and financial sustainability of water supply and wastewater services to ensure concentrated efforts towards improved water systems management, rehabilitation and maintenance (Husseini, 2004).

According to chapter eight in water law “Regional Water Utilities and Water Users Associations” Article 45, the responsibilities, powers and procedures pertaining to the licensing, structure, management, financial resources, dissolution, and all other matters related to the work of Regional Water Utilities shall be regulated pursuant to a regulation issued by the Cabinet of Ministers (Water Law, 2014).

The National Water Policy and Strategy will also act as a platform for ensuring close collaboration and cooperation among all water-related agencies and stakeholders at the national, governorate, municipal and local levels. As such, the National Water Policy and Strategy should be treated as a living document to accommodate changes that will further strengthen the national framework and reflect water management at all levels (PWA, 2012)

According to Article (3) Ownership of Water Resources all Water Resources in Palestine shall be considered public property. The Authority has the power to manage these resources in a manner that ensures justice and efficiency in distribution (Water Law, 2014).

Regarding the potential of the private sector participation, PWA have to invite/allow the private sector to be involved. In this regard questions need to be answered:

- Private sector involvement, in which capacity?
- Is it the trend towards privatization? Through reverse integration?

It is the right of the private sector to decide according to their own interest to respond positively or negatively to such invitation. The current situation is not encouraging for the

private sector involvement. From the current information, available, one cannot advise what is more appropriate. Unless the above discouraging factors are removed, the private sector shall remain apart from participating.

One of the major impediments to developing the Palestinian water policy has been Israeli control over the water resources in Palestine, which has affected adversely the development of a consistent supply, quality maintenance and improvement of the water system (ARIJ, 1995)

2.2 Legal Side in Water Sector in Palestine

The main laws related to water sector are: Water Law, Environmental Law, Agricultural Law, and Public Health Law.

The main articles that are directly related to the water and wastewater sectors in each of the four laws will be presented and reviewed. It also aims to highlight the articles in each law that stated the duties and responsibilities for each side and the relation between the competent agencies.

Based on the laws, the objective is also to clarify the principle actors in the Palestinian water and waste-water sector management and their duties and responsibilities.

To reach full water governance, it should be including many aspects. Firstly, the principles such as equity and efficiency in water resources and services allocation and distribution. Secondly, put the policies and legislation for institutions. Finally, clarification of the roles of government, civil society and the private sector and their responsibilities regarding ownership, management and administration of water resources and services.

2.3.Main Relevant Actors of the Palestinian Water Sector

2.3.1 Regulatory Body

The main regulatory and policy making body for legislation, monitoring and human resource development in the water sector as well as for water resources management and development in the West Bank and Gaza is the Palestinian Water Authority (PWA). The PWA is also partly responsible for irrigation (jointly with the Ministry of Agriculture) and for environmental protection (with Environment Quality Authority).

PWA published the reform plan 2016-2018 in April 2016. It aims to develop in a participatory process with national and international stakeholders of the sector reform is to agree on the way forward in the water sector and its reform in the next three years, i.e. 2016-18. Also, aims to lay out activities within the framework of the 2014 Water Law to move towards accomplishing these objectives Water Sector Regulatory Council.

As defined by the Law, is to “monitor all matters related to the operation of water Service Providers including production, transportation, distribution, consumption and wastewater management, with the aim of ensuring water and waste water service quality and efficiency to consumers in Palestine at affordable prices.”

The Intervention logic for the iterative implementation of the sector reform summarize in the chart below

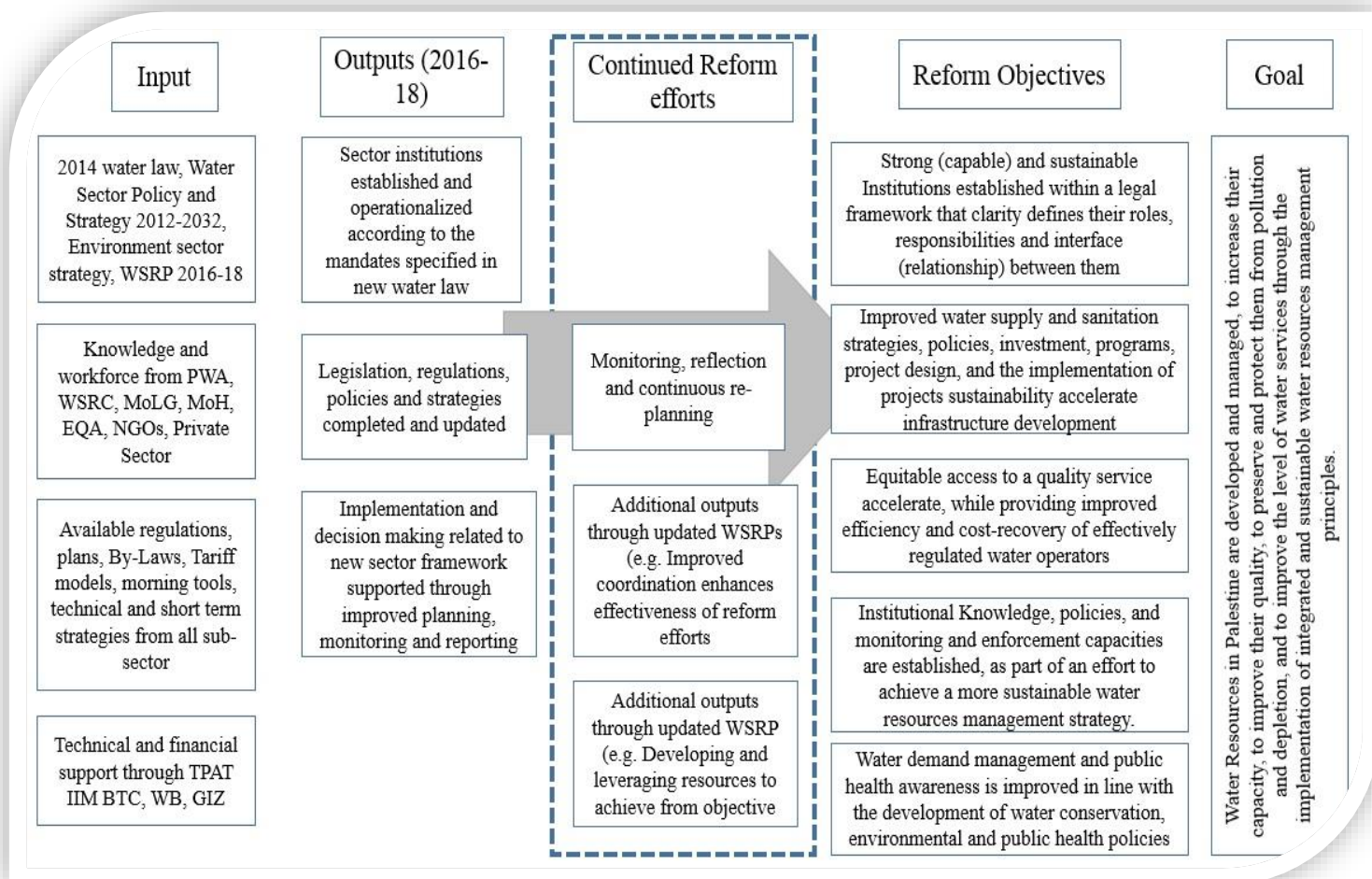


Figure (3): Intervention logic for the iterative implementation of the sector reform Source (PWA, 2014)

As a result, from reform plan and water laws, the institutional set up as water law 2014 as follow:

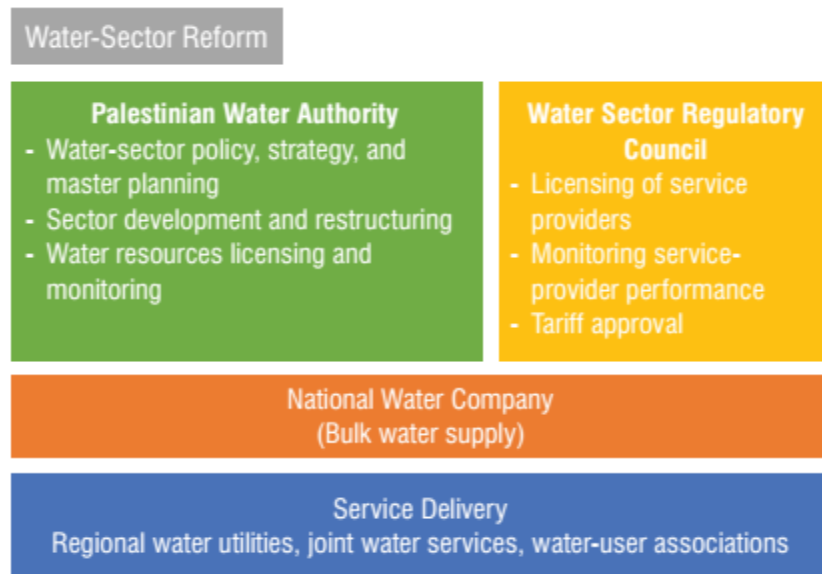


Figure (4): Water Sector Reform

Source: (WSRC, 2014)

2.3.2 Water Distribution Supply - Service Providers

Water supply services in West Bank are mainly provided by local operators (municipalities and joint service councils, JSC) or Regional Water Utilities (RWU) which are serving multiple municipalities. The largest RWUs are the JWU and the Water Supply and Sanitation Authority (WSSA) in Bethlehem area.

According to the Palestinian water law the RWUs are responsible for the provision of water and wastewater services within their specified administrative and geographical scopes. With the objectives:

1. The provision of water and wastewater services to consumers for various uses in line with sustainable economic, social and environment principles.
2. Meeting the needs for water of suitable quality and wastewater services through implementation of the required and appropriate measures and the development of the necessary plans and programs to develop these services.

2.3.3 Bulk Water Supply - West Bank Water Department

The West Bank Water Department was formed during the Jordanian administration of the West Bank, but came under Israeli control after 1967. The WBWD is responsible for the operation and maintenance of all bulk water distribution systems and hence for the trans-regional distribution of water re-sources.

Currently the WBWD is facilitating the handing-over of water resources from Israeli Civil Administration to Palestinian water service providers as well as produced water from its own resources. Due to the difficult policy framework and as protest against Oslo II water regulations, PWA it has limited its duties to providing assistance and coordination. Most of Palestinian water resources are purchased via WBWD from Mekerot.

According to PWA the lack of leadership due to the limited role of WBWD has led to the fragmentation and dispersion of Palestinian water service providers, lacking a clear vision, legal reference and targeted strategic initiatives.

2.3.4 Joint Water Committee

The Joint Water Committee (JWC) is an interim Israeli–Palestinian committee, created under Oslo II regulation. Its purpose is to manage water and sewage related infrastructure in the West Bank, particularly to take decisions on maintenance of existing infrastructure and approval of new projects for both Palestinian territory and settlements in West Bank. (Ellis, 2011)

2.3.5 Other Actors

The involvement of numerous Non-Governmental-Organizations (NGOs) to the Palestinian water sector is almost high.

Furthermore, it has to be mentioned, that the sector is still highly dependent on outside financial assistance through donors. The involvement of the private companies into the water sector is very low.

In the end, the water sector is a large sector with many sub-sectors in any country. The successful work in the sector depend on many factors including (PWA, 2014):

1. Strong and responsible sector leadership.
2. Coordinate, cooperate between institutional framework.
3. Harmonization and alignment of donors and financial institutions.
4. An agreed and transparent reform process and related decision taking
5. The participation and awareness of the stakeholders, including end-users and customers.

2.4. Water Laws in Other Countries

In Jordan, the main crosscutting issues for water sector summarize in (NWS, 2016)

- Economic and social sustainability.
- Donor alignment and aid coordination.
- Building partnerships for water sector.
- Development water sector capacities.
- Gender mainstreaming in the water sector.
- The Water-Food-Energy nexus.

Also, Ministry of Water and Irrigation (MWI) takes many regulations in water sector, summarize as follow: MWI will continue its campaign to stop all illegal uses and close illegal wells, Adoption of the comprehensive water legislations that recognizes the human right to water and sanitation and explicitly prioritizes the allocation of water for personal and domestic use over other uses. In addition, rationalizes the pricing structure for water and

wastewater services to provide strong incentives for economy of use above the threshold of a minimum daily requirement. MWI will continue implementing the Action Plan No. 2008 to Reduce Water Sector Losses and develop similar plan of actions for irrigation water. MWI will adopt a policy of water and sanitation service costs for both domestic and non-domestic use that balances economic, social and environmental sustainability. Finally, in order to gain public confidence in the water and sanitation services, the Government will utilize various media channels.

In South Africa's, as summary, the law and policy framework for water established after the apartheid era in South Africa is noteworthy particularly because the main thrust of the reforms undertaken was to entrench the right to water at the constitutional level. This reflects the international recognition of the right which was subsequently well-established by the Committee on Economic, Social and Cultural Rights in its General Comment 15. This constitutional right of access to water for all has constituted the grounding for the legislation on water adopted in the late 1990^s, in terms both of the management of water resources at the national level and the management of water and sanitation services at the local one. The water framework based on the fundamental right to water has more recently translated through the government's Free Basic Water policy into an entitlement for every individual to a basic amount of water that is to be provided free of charge.

Also, the recognition of water as a necessary and basic resource, and indeed a right for each person, has to date however not ensured access of every individual to basic water needs. Particularly under pressure from international donors including the international financial institutions, the government has applied conservative fiscal policies which require that public services such as water pay for themselves. Full cost-recovery policies, as well as corporatization and privatization measures, have resulted in increased commodification of the resource and have contributed in effect to posing significant challenges to the realization of

the constitutional right of access to water especially for the poorer segments of the population. Despite the recognition that the cost associated with providing free basic water to poor households is not large for a country of our economic and size, there remain persistent inequalities in the face of access to water services and infrastructure, and the implementation of the government's Free Basic Water policy has met with serious obstacles in addressing problems of accessibility and affordability of water. Local governments are increasingly resorting to disconnection of water services for non-payment and to the installation of pre-paid water meters which allow people to access water only if they pay for it. These measures have dramatic health consequences as people are forced to resort to polluted rivers, streams and even open pits to draw water for daily survival.

In Armenia, for example, there are two statutes dealing with water issues in Armenia, one of which was still in draft form when this study was completed. Those statutes are:

- Water Code of the Republic of Armenia, adopted by the National Assembly of the Republic of Armenia on June 4, 2002 (Water Code); and
- Law of the Republic of Armenia on Water Users' Associations and Unions of Water Users' Associations (WUA Law). This law was still in draft form when the research for this study was completed. The WUA Law states that the activities of Water Users' Associations (WUA) and Unions of WUA are regulated by the WUA Law, the Water Code, the Civil Code of Armenia, and the charters of WUA and their associations.

The study of regulatory frame work for water resources in deeds several aspects include the regulation of water used, protection of water, regulation of water infrastructure, institutional arrangement, financial arrangement, enforcement of regulations and dispute settlement (Bradlow, 2012).

In Germany, there are a number of statutes that regulate water in Germany. The most significant is the Act on the Regulation of Matters Pertaining to Water (Federal Water Act) of 19 August 2002,135 which implements Directive 2000/60/EC of the European Parliament and of the European Council of 23 October 2000 (Bradlow, 2012).

This Directive establishes a framework for Community action in the field of water policy. The Federal Water Act also refers to a number of other statutes and ordinances that are relevant to the regulation of water, which include (Bradlow, 2012):

- Act Amending the Environmental Audit Act of 16 August 2002.
- Federal Nature Conservation.
- Environmental Impact Assessment.
- Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, and
- Ordinance of 10 February 1945 on the Simplification of Water Legislation and Legislation Relating to Water Associations

In India, Water law is made of a number of formal and informal laws, rules and principles. It has evolved over time in a relatively uncoordinated and ad hoc manner. This started to change with the progressive realization that existing laws were inappropriate to ensure access to water to all for domestic purposes and inappropriate because of the fast increasing use of a finite resource. Over the past couple of decades, a more coordinated effort at changing water law has been put in place. This is based on a relatively specific set of principles that are meant to guide the overall development of water law. This is meant to make water law suitable to face the challenges of the water sector in the 21st century (Cullet, 2010).

Chapter Three: Approach and Methodology

To achieve the main goals of this study, an integrated approach was followed. The main steps are:

1. Review and analyze the current situation of Palestinian laws related to water sector and the bases of these laws.
2. Studying and analyzing the current structure of the Palestinian water sector.
3. Full literature review that included the previous water laws, related reports from PWA, WSRC and other institutions and any other previous studied done on that regard. Reviewing regional and international water laws to be a guideline during formulating solutions/ answers for research questions.
4. Preparing a questionnaire, which included questions related to the current situation of the water sector, and the proposed responsibilities/powers of the water sector institutions in light of the new law. During the distribution of questionnaires, interviews with the institutions were done aiming to reveal their thoughts and ideas about the new water law. The interviewed institutions were either mentioned namely in the new and old laws or have direct or indirect link with the water sector (e.g. Ministry of Local Government is responsible for the current water service providers, Ministry of Agriculture is responsible for the Water Users Associations, etc.). After listing the stakeholders, representatives from each institution were interviewed. The representatives could be one person, section or department or more (e.g. water and wastewater departments in municipalities). The listed stakeholders are:
 1. Palestinian Water Authority
 2. Water Sector Regulatory Council
 3. Ministry of Agriculture
 4. Ministry of Local Government

5. Union of Palestinian Water Service Providers
6. Jerusalem Water Undertaking
7. West Bank Water Department
8. Nablus Municipality – Water and Sanitation Department
9. Hebron Municipality – Water and Sanitation Department
10. Tulkarm Municipality – Water and Sanitation Department
11. Private Sector and Experts working in Water Field (e.g. Consulting Companies)
12. Donors (e.g. JICA)
13. NGOs (e.g. Palestinian hydrology Group)
14. Universities

Since more than one person in some institutions was interviewed or given a questionnaire, these questionnaires and the outcomes of their interviews were compiled as one for analysis purposes. It is to mention that around 95 questionnaires were distributed. 91 filled questionnaires were collected and four institutions/ persons did not fill in. 15 amongst the 91 were neglected due to incomplete information or their answers were not direct. That is believed is due to the lack of knowledge about the new law.

Questions in the created questionnaire were clustered in five groups. Each group targeted one issue as follows:

1. Questions group 1 is to measure the level of the institution participation in the preparation of the new law
2. Questions group 2 is to highlight the stakeholder responsibilities and obligations according to the water law and their ability to fulfil these responsibilities and obligations
3. Questions group 3 is to generally analysis the institutional satisfaction of each stakeholder in the new law roles and articles
4. Questions group 4 is to measure the stakeholders' degree of satisfaction in the implementation of the new law.

5. Questions group 5 is to identify the gaps in the law as well as to highlight the possible intersections and conflicts amongst the different stakeholders' responsibilities. These gaps and conflicts, if exist, may affect the performance of the stakeholders and law implementation

The above groups were also maintained during the analysis so that each group of questions was studied separately for all stakeholders.

It is foreseen that the final results of analyzing the questionnaires should be used as guidance for the stakeholders (mainly the major actors such as PWA and WSRC) in determining how, when and where they should intervene or act in light of their responsibilities under the new law umbrella. That is believed to enhance their participation in a more effective and active way for the benefit of the Palestinian population.

Then, the results of the analysis for each stakeholder were compared with the law articles. That will give a clear idea about the stakeholders understanding of the law articles and the knowledge about their mandates, responsibilities and duties according to the law.

Moreover, the analysis would show areas of possible conflicts in responsibilities between the different stakeholders.

At the end, the possible challenges that may face implementing the new law will be identified in light of the current water sector situation and condition as well as understanding of the law. These findings will be then compared with the questionnaires outcomes.

Conclusions and recommendations will be at the end formulated depending on all the above.

Chapter Four: Results and Discussion

4.1 Prospects of the New Water Law

4.1.1 Stakeholder Analysis

For better understanding of the division of responsibilities among stakeholders, and mandates specified for each in the law, stakeholders were put in two groups; those who are directly involved in the implementation of law articles, and those who are indirectly related. Directly involved institutions and stakeholders include PWA, WSRC, RWU, ... etc), others were listed as indirect relation stakeholder that were not mentioned by name in the law but it is believed that have a kind of link such as MoLG and MoA. This chapter aims to shed some light on directly related stakeholders with the law, Responsibilities of each stakeholder was as mentioned in law. In addition, all cross-cutting relations were identified. The chart below summarizes these relations:

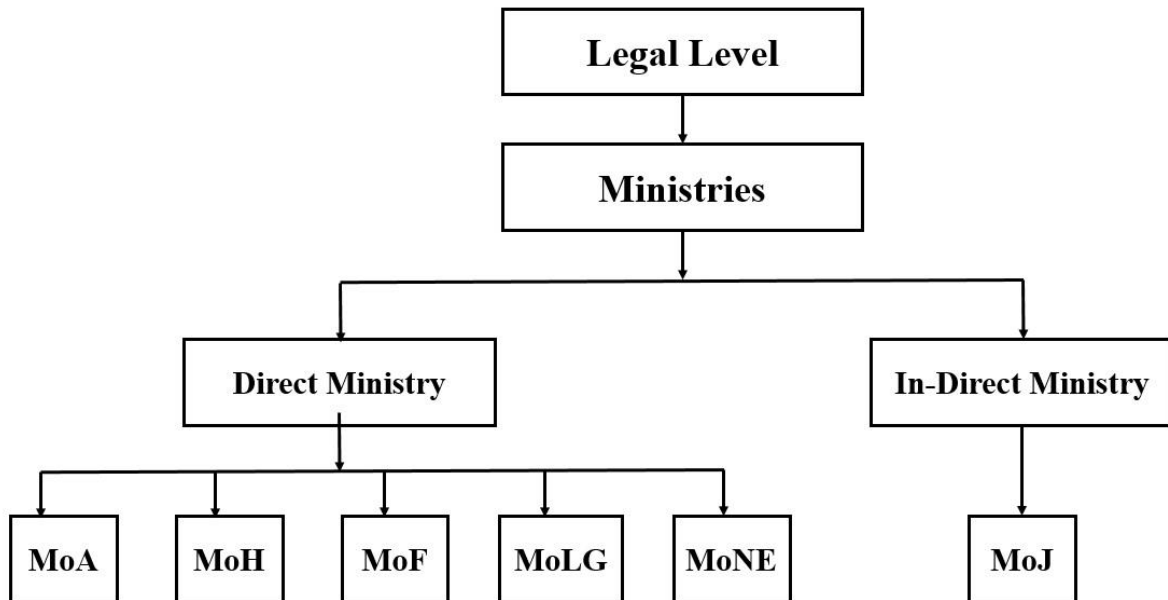


Figure (5): Proposed Ministries of Legal Level (Ghabayen, 2013).

Mandates were clear as set forward in the chart below, but the following points are to be considered:

1. There is some misinterpretation of some articles in the law and its relation with other ministries and institution laws, for example, which institution is responsible for the creation of the water utilities MoLG or PWA or both? The law mentioned in article 45 PWA is responsible for it, but in reality and in operation view is MoLG and WSRC. Also, who is responsible for the monitoring of the reuse of treated wastewater is it PWA or MoA or the WSRC as well who is responsible to establish and manage water associations. The water law in article 48 determine whose is responsible for establishment the water associations but without endorsement any regulation to determine the role of work for it.
2. WSRC regulates the operation of water service providers, does this covers the non-governmental organizations operating in the water sector?
3. PWA doesn't admit new bodies/institutions to be its partner in managing the whole water sector or part of it.
4. There are conflicting interests in the responsibilities between the competent authorities, as PWA is a service provider (managing WBWD) and a regulator (regulating water resources) and a legislator as well as an implementer for water projects.
5. There is un-clarity and overlap in the powers of the PWA and the WSRC, for example in terms of supervision and licensing responsibility especially on bulk water, water supply agreements and handling of complaints.
6. The work of PWA intersects with many institutions, particularly the MoA, with respect to the agricultural wells. And the WSRC, as the body responsible for monitoring all service provisions related to the operations of water service providers and the licensing of Regional Water Utilities. As well as, the EQA for the protection

of water resources from pollution and the Palestinian Standards Institution (PSI) for technical specifications.

7. Ownership of water resources and ownership of municipal wells.
8. Procedures and mandates to convert the WBWD to a National Water Company.

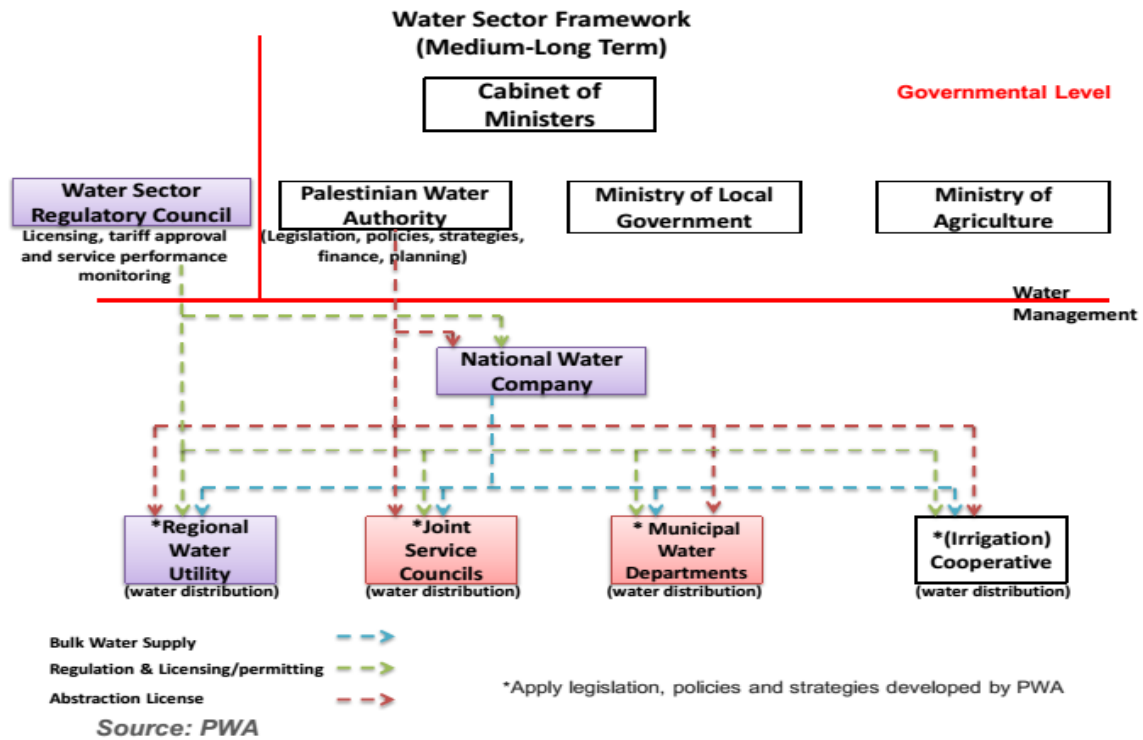


Figure (6): Proposed Ministries of Legal Level

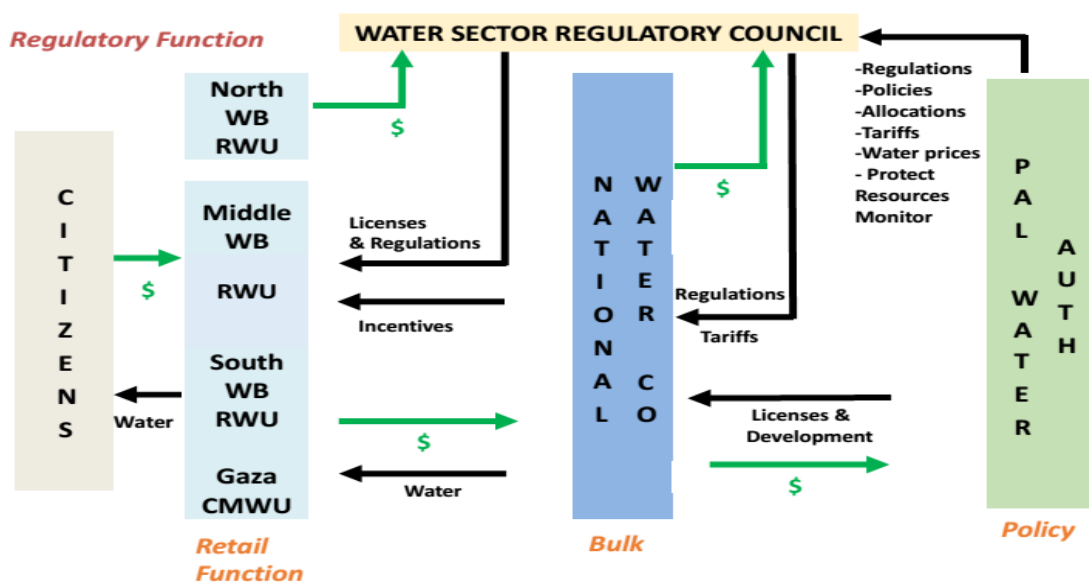


Figure (7): Functional Structure of the Water Sector (PWA, 2015)

4.1.2 Stakeholder Participation in the Preparation of the Law

To prepare a comprehensive law at all levels, all participants involved in the law were consulted. From the chart below (figure 8), it is clear that there is insufficient participation from all stakeholders. PWA has the highest score, as it is the main legal body in making laws. Donors were active, but not directly and their participation is negligible (50%), on the other hand, WSRC answered that the participation in the preparation of the law equal 75%, but as individuals as the council was not created yet.! All the stakeholder percent participation shows in the chart below:

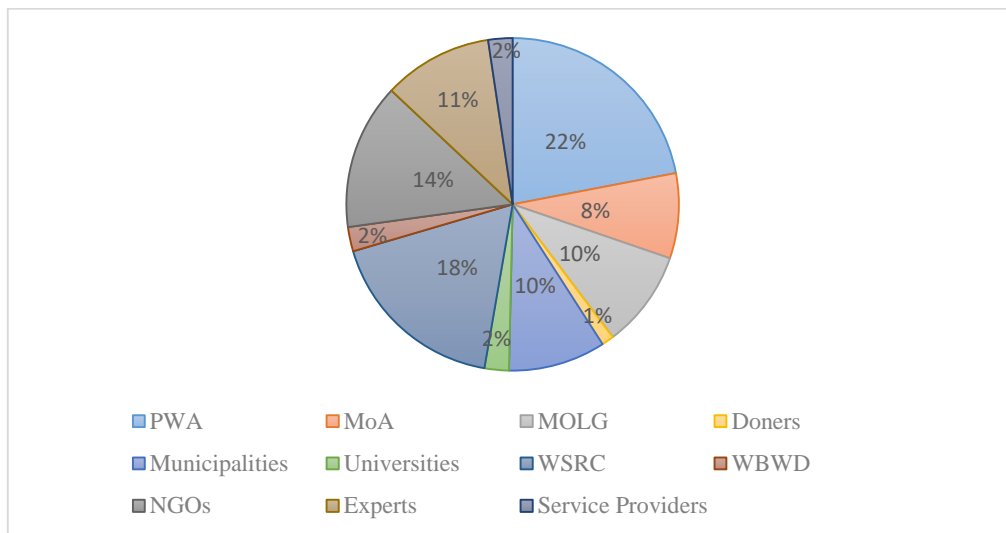


Figure (8): Stakeholder Participation in the Preparation of the Law

Note on Donors involvement on water law preparation:

The new water law is the outcome of the reform process that PWA carried out as responding to the government endorsement of it. It should be noted that reform was financed by International Donors Agencies in particular AFD, SIDA and WB. It should be also noted that other agencies have participated on financing certain tasks and programs under the reform process like GIZ and UNDP. The reform and law preparation and follow up were also regulatory discussed at the Donor Liason Committee with PWA chaired PWA and GIZ. I

note also the MOU on reform process and engagement was also signed between Donors involvement in water sector and both (PWA and Prime Minister).

4.1.3 Responsibilities and Obligations of Institutions

There are many secondary legislations, in the law that shows and highlight the responsibilities and mandate of some stakeholders, such as PWA, National Water Company and WSRC ... etc.

According to questionnaire answers, only PWA, WSRC and service providers mentioned that the law clearly determined their responsibilities and mandates. The noticeable point is that the water law is fully identifying the role of PWA work, however, PWA said that the law is shows only 80% of the responsibilities. That indicates some intersection between the law and other laws.

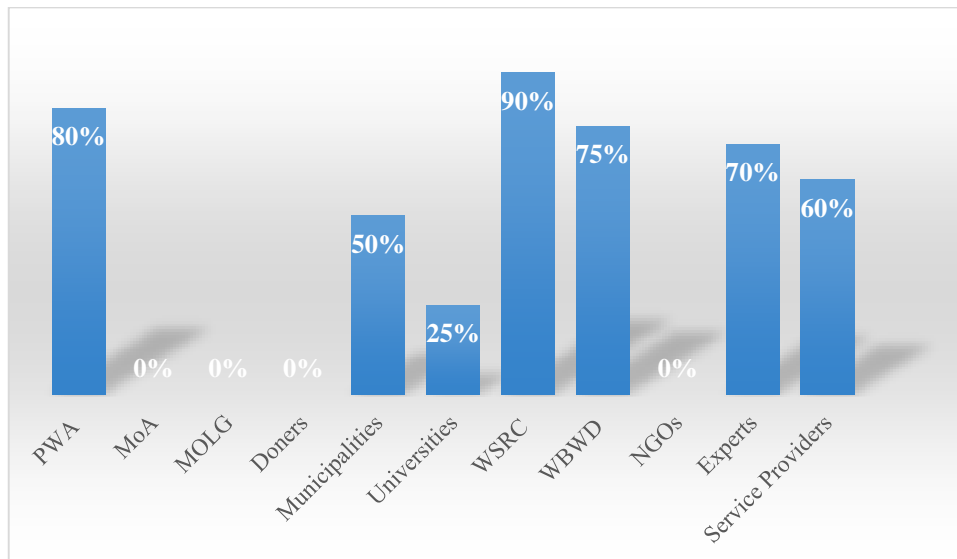


Figure (9): Responsibilities and Obligations of Institutions of the Law

4.2 Challenges of the New Water Law

4.2.1 Contribution to Monitoring the Implementation of the Law

To assure sustainable and accurate and successful implementation of any endorsed law, monitoring is a key element. An independent body/bodies therefore should be assigned to monitor implementation by the different stakeholder and that all is understanding their roles, obligations and responsibilities as well as implementing the law in the right way.

The monitoring body/bodies will as well make sure that intersections and conflicts are resolved and will not negatively affect the implementation. From the chart below and collected data it is clear that the intersections between main actors in water sector concerning in PWA, MoA, MoLG and NGOs.

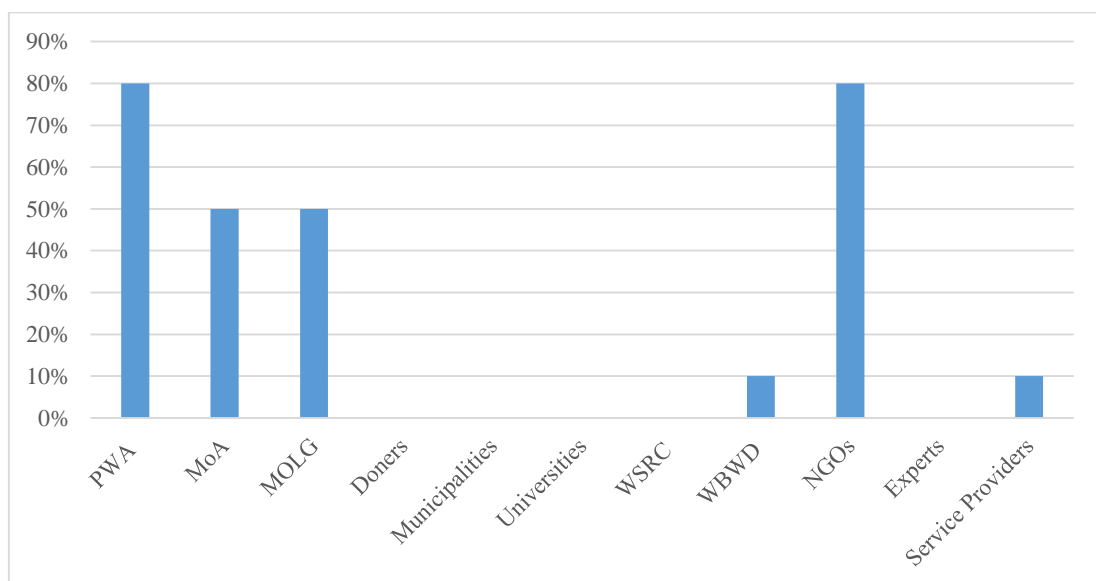


Figure (12): Institutional Contribution of Monitoring the Implementation of the Law

4.2.2 Institutional Satisfaction on the Implementation of the New Law

In any field, the satisfaction of all stakeholders from any law is very important, because satisfaction is the base of acceptance and successful implementation. The chart below reflects consensus and shows a relatively high score of satisfaction of the water law.

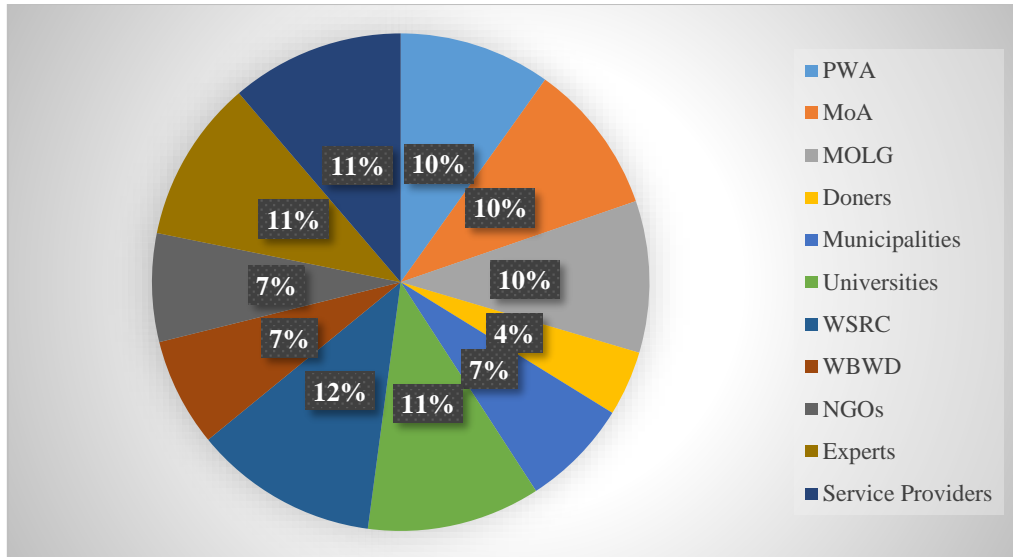


Figure (10): The Institutional Satisfaction of the Law

But there are main comments and weaknesses on the law from stakeholders are summarized as follows:

From PWA Side:

1. From collected data and investigation, the water law is not implemented as it should be at the local level.
2. There are still bylaws, procedures and instructions to be developed for smooth implementation of the water law.
3. There are some articles within the law that might intersect with other articles in other endorsed laws, such as (MOLG law, Law of environment, law of agriculture)
4. The lack of coverage in violations on water sources.
5. The need to tighten in some sanctions.
6. The lack of monitoring law implementation at local Authorities level.

From MoA Side:

7. The existence of the occupation and the water agreement (Oslo Article 40)
8. Lack of control over water resources

9. The multiple of penalties and the applicable terms of references
10. The sanctions system needs to be re-examined
11. Need a detailed incentive schemes
12. Lack of clear provisions for private sector participation in water projects. Because of the MoA associated the private sector in many projects.

From WSRC view, the main issue is the in-clarity related to the relation between PWA and WSRC. Also, some vagueness in explaining some terms related to WSRC work.

In WBWD view:

1. Lack of detailed, realistic and logical study of the water situation
2. No enough consultations with other stakeholders
3. Civil society organizations that are working in water sector were not involved.
4. Water resources are considered public ownership as Article 3 of the law, and it does not clarify ownership of wells, networks, reservoirs...etc.
5. There are wells run by the municipalities, and it is a public ownership, and there are well managed by the WBWD and PWA and are also public ownership!

From MoLG view, there are many weak points in the water law, mainly no independent water sources for the communities and most communities are depending on Mekorot for water. Also, lack and imbalance in determining the water and wastewater tariff system between all communities as article 34. So, all water wells and springs should be of governmental ownership. The institutional satisfaction and satisfaction of implementation of the new Palestinian water law is presented in the graph below:

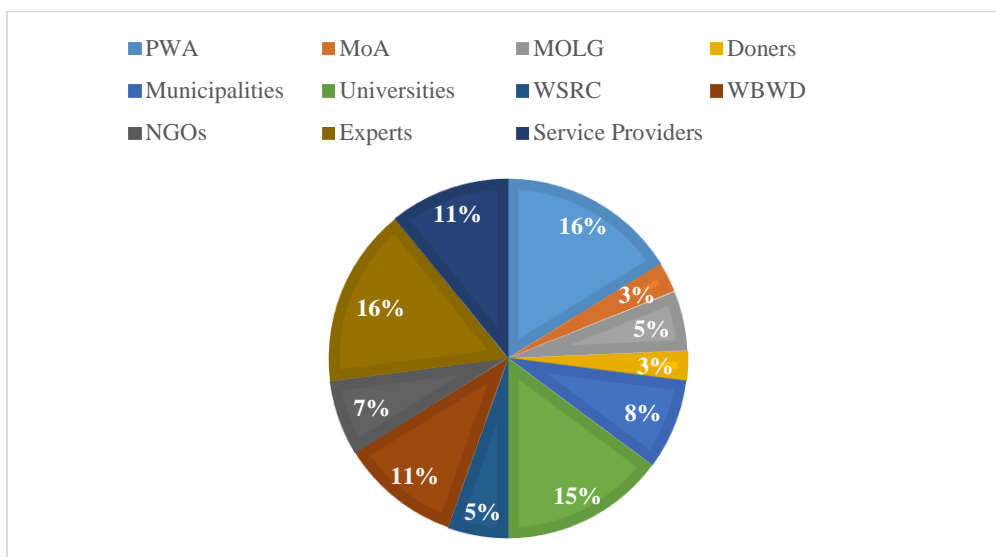


Figure (11): The Institutional Satisfaction of Implementation the Law

4.2.3 Institutional Setup, Responsibilities, and Conflicting Interests

For more details, the responsibilities of stakeholders must be analysis and must be clear.

From the reading and analysis of water law No.4 for year 2014 the main stakeholder and its responsibilities show in the table below:

Table (1): Stakeholder Responsibilities and intersection institution. (PWA,2014)

Stakeholder	Responsibilities per Law	Intersect in Responsibilities with
Palestinian Water Authority (PWA)	<ol style="list-style-type: none"> 1. The full responsibility for managing Water Resources in Palestine, applying principles of integrated and sustainable management of water resources. 2. Preparing general water policies, strategies and plans, seeking their approval, and ensuring their implementation in coordination and cooperation with relevant parties, as well as submitting periodic status reports on water to the Cabinet of Ministers. 3. Surveying the available Water Resources, proposing water allocations for various sectors, and their utilization priorities on the basis of integrated and sustainable management 	MoA, MoLG, WSRC

Stakeholder	Responsibilities per Law	Intersect in Responsibilities with
<p style="text-align: center;">Palestinian Water Authority (PWA)</p>	<p>principles, ensuring effective water demand management.</p> <p>4. Protection of Water Resources and their surrounding environment through the establishment of protection zones to prevent pollution, in cooperation and coordination with relevant authorities.</p> <p>5. Licensing and development of Water Resources utilization, in cooperation and coordination with the relevant authorities.</p> <p>6. Setting a general policy for the planning and evaluation of water and wastewater projects in terms of their economic and social feasibility, setting design and quality control standards, technical specifications, and monitoring their implementation.</p> <p>7. Taking measures and developing plans as may be required for the establishment and development of the National Water Company and the Regional Water Utilities, in coordination with the relevant authorities.</p> <p>8. Supervising the organization of awareness raising campaigns in the sphere of water and wastewater and promoting the use of water saving fixtures, in coordination and cooperation with the relevant authorities.</p> <p>9. The development of plans and programs for capacity building, training and qualification of technical staff working in the water sector and supervising their implementation with the aim of improving the management of water resources, in cooperation and coordination with the relevant authorities.</p> <p>10. Endeavoring to achieve an equitable distribution and optimal use of water to ensure the sustainability of ground and surface Water Resources, in cooperation and coordination with the relevant parties. In</p>	<p style="text-align: center;">EQA</p> <p style="text-align: center;">WSRC</p> <p style="text-align: center;">WSRC</p> <p style="text-align: center;">WSRC, Private Sector</p>

Stakeholder	Responsibilities per Law	Intersect in Responsibilities with
<p>Palestinian Water Authority (PWA)</p>	<p>addition to developing solutions and suitable alternatives in cases of emergency and contingency to ensure the continuity of water provision services, in coordination with Service Providers and relevant parties.</p> <p>11. Coordinate and supervise scientific research and studies related to water and wastewater and directing such research towards finding creative and innovative solutions to existing problems and following up on their recommendations with the specialized and relevant authorities.</p> <p>12. Partake in the development of approved standards of water quality for various uses, in coordination and cooperation with the competent authorities, and ensure their implementation.</p> <p>13. Development and coordination of effective participation in technical cooperation programs at the international, regional, bilateral and local levels, in the sphere of integrated and sustainable management of water resources, including through the organization of conferences, workshops, seminars and the representation of Palestine in international and regional fora and meetings in this sphere.</p> <p>14. Proposing draft laws and draft regulations related to water, and submitting them to the competent authorities for their duly issuance.</p> <p>15. Issuing and implementing directives and instructions related to Water Resources, and providing technical expert opinions in disputes related to Water Resources.</p> <p>16. Cooperate with the relevant authorities in creating a climate that is stable and conducive to investments with the aim of encouraging private sector investment in the water sector, and implement required institutional, regulatory and economic reforms to encourage partnership with the private</p>	<p>Private Sector, NGOs, Universities</p> <p>EQA</p> <p>Donors, Private Sector</p> <p>Donors, NGOs, Private Sector</p>

Stakeholder	Responsibilities per Law	Intersect in Responsibilities with
<p>Palestinian Water Authority (PWA)</p>	<p>sector in accordance with a regulation issued for that purpose</p> <p>17. The establishment of advanced monitoring systems to monitor precipitation, surface flows, groundwater levels, utilization quantities, and water quality, as well as analysis of data to determine the safe and sustainable yield of Water Resources and improve water resources planning.</p> <p>18. Develop principles and frameworks of water demand management with the aim of improving the efficiency of water supply, usage, conservation, recycling and reuse.</p> <p>19. Build institutional capacities for the management of shared water resource and deepen regional and international cooperation.</p>	<p>WSRC, MoA, EQA</p>
<p>Water Sector Regulatory Council (WSRC)</p>	<p>1. Approval of water prices, costs of supply networks and other services required for the delivery of water and waste water services, as well as review and monitoring of these costs to ensure compliance with the policy adopted by the Authority.</p> <p>2. The issuance of licenses to Regional Water Utilities and any operator that establishes or manages the operation of a facility for the supply, desalination, or treatment of water or the collection and treatment of waste water, and the levying of license fees, in accordance with the provisions of this law and a regulation issued by the Cabinet of Ministers.</p> <p>3. The Monitoring and inspection of compliance with the terms, requirements and indicators stipulated in licenses and permits.</p> <p>4. The development of performance incentives programs for Service Providers, in accordance with a regulation issued by the Cabinet of Ministers for this purpose.</p>	<p>PWA, NWC,</p>

Stakeholder	Responsibilities per Law	Intersect in Responsibilities with
Water Sector Regulatory Council (WSRC)	<p>5. The approval of internal bylaws, the financial and administrative regulations and organizational structure of the Council and their submission to the Cabinet of Ministers duly issuance.</p> <p>6. The approval of the annual budget for the Council and its submission to the Cabinet of Ministries.</p> <p>7. Monitoring operation processes related to the production, transport, and distribution of water and operational processes of wastewater management.</p> <p>8. Monitoring water supply agreements.</p> <p>9. Ensuring that production, transport, distribution and wastewater treatment costs take into consideration the interests of all concerned parties.</p> <p>10. Setting quality assurance standards for the provision of technical and administrative services by Service Providers to consumers, in line with relevant laws and regulations, and their dissemination to the public.</p> <p>11. Monitoring the compliance of the National Water Company and Service Providers with the adopted standards for the provision of water and Sanitation services.</p> <p>12. The establishment of a database for technical, financial and statistical information and the publication of this information periodically.</p> <p>13. Addressing complaints of consumers against Service Providers.</p> <p>14. Conducting a general review for the performance of the Council and its departments as well as a review of staff performance development plans, at least once per annum.</p>	<p>PWA, Private Sector</p> <p>PWA, MoF</p> <p>PWA</p> <p>PWA, EQA</p> <p>PWA, MoF</p>

Stakeholder	Responsibilities per Law	Intersect in Responsibilities with
Water Sector Regulatory Council (WSRC)	<p>15. Contracting experiences and competent experts, advisors, and technicians to implement tasks to be entrusted to them.</p> <p>16. Setting the basis for regulating the extent and percentage of local authorities' participation in the general assemblies of water utilities and ensuring implementation, in accordance with the provisions of the law and the applicable regulations.</p>	<p>Private Sector</p> <p>PWA</p>
National Water Company (NWC)	<p>1. The supply and sale of bulk water to water undertakings, local authorities, joint water councils and associations.</p> <p>2. The extraction of water from Water Resources, desalination of water, and bulk water transmission in accordance with a license issued by the Authority for this purpose.</p> <p>3. The management, upgrade and development of any assets received from the Authority.</p> <p>4. Ensuring and guaranteeing smooth commercial relations with customers and suppliers.</p> <p>5. The provision of all the means necessary for the development of all activities and infrastructure works related to the supply of bulk water.</p> <p>6. The preparation of proposals for water supply tariff and related services and their submission to the Council for approval.</p> <p>7. Any other related tasks assigned by the Authority.</p>	<p>MOLG, WSRC</p> <p>MoF, Private Sector</p> <p>PWA, MoF, WSRC</p>
Regional Water Utilities (RWU)	<p>1. The provision of water and wastewater services to consumers for various uses in line with sustainable economic, social and environment principles.</p>	<p>MoA, EQA</p>

Stakeholder	Responsibilities per Law	Intersect in Responsibilities with
	2. Meeting the needs for water of suitable quality and wastewater services through implementation of the required and appropriate measures and the development of the necessary plans and programs to develop these services.	EQA, PWA
Water Users Associations (WUA)	Managing the service of supplying irrigation water at the local level in a sustainable manner	(MoA)

The law mentions many institutions in the law text and articles, mainly the:

- Palestinian Water Authority.
- Water Sector Regulatory Council.
- National Water Company
- Regional Water Utilities
- Water Users Associations

Accountability of the water sector necessities full communications, cooperation, credibility, neutrality, transparency and justice between all stakeholders, it must include a direct article related to:

- Ministry of Agricultural
- Ministry of Local Governorate
- Service Providers
- Municipalities
- Private Sector
- Ministry of Health
- Ministry of Finance
- Environmental Quality Authority

- Key persons (experts) in water sector.
- Donors
- NGOs

The new Palestinian water law endorsed after reviewing all the previous laws that are:

1. Basic Law for the year 2003 and its amendments in particular Article (21), (43), (69).
2. Palestinian Local Government Law of 1997 No (1) and its amendments.
3. Environmental Law No (7) and its amendments.
4. Water Law No (3) of 2002.
5. Agricultural Law No (2) of 2003.

Institutional mapping of roles and responsibilities in the water sector at central government level according to the new water law is show in the below table:

Table (2): Allocation of roles across ministries and public agencies

AREA	WATER RESOURCES	WATER SUPPLY			Wastewater Treatment
		Domestic	Agriculture	Industry	
Strategy	PWA	PWA	PWA	PWA	PWA, MOH, EQA
Policy Making	PWA	PWA	PWA	PWA	PWA, EQA, MOH
Information, monitoring and evaluation	PWA EQA, MOH	WSRC EQA MOH	WSRC EQA MOH	WSRC EQA MOH	PWA, EQA WSRC, MOH
Stakeholders engagement, citizen's awareness	PWA EQA MOLG MOH	PWA MOLG MOH	PWA MOA MOH	PWA MOH	PWA EQA MOH

Source: (PWA, 2014)

Table (3): Institutional mapping for quality standards and regulations

AREA	WATER RESOURCES	WATER SUPPLY			Wastewater Treatment
		Domestic	Industry	Agriculture	
Allocation of uses	PWA	PWA	PWA	PWA, MOA	PWA
Quality standards	PWA, MOH	PWA, MOH	PWA, MOH,	PWA, MOH MOA	PWA, EQA, MOH, MOA
Compliance of service delivery	WSRC	WSRC	WSRC	WSRC	WSRC

Economic regulations (tariffs)	PWA	PWA	PWA	PWA	PWA
Environmental regulation	PWA, EQA	PWA, EQA	PWA, EQA, MOA	PWA, EQA	PWA, EQA

4.3 Special View on the Key Decision Makers in Water Sector

4.3.1 Head of Palestinian Water Authority

As per chapter three of the law and article 15, the main tasks and responsibilities of the head of Palestinian water authority are (PWA, 2014):

1. Organization and management of the Authority and supervision of all of its employees and directorates.
2. Preparation of the budget and financial reports and submitting them to the Cabinet of Ministers for approval.
3. Signing national and international water agreements on behalf of the Government upon prior authorization from the competent and relevant authorities.
4. Participation in activities aimed at improving regional and international cooperation in the fields of water and wastewater.
5. Preparation of periodic reports to the Cabinet of Ministers concerning the activities of the Authority and quality of performance, and proposals for solutions for overcome obstacles that hinder the progress of work.
6. Any responsibilities and tasks assigned to him by the Cabinet of Ministers.

The head depending on the above tasks should have at least master degree in water engineering/ management with experience in water field. The head shall have enough experience to manage large scale institution. Also, he shall have excellent command in English and good presentation abilities as well as excellent negotiator.

If PWA is not change to a ministry, the head of PWA shall not be appointed but employed depending on his abilities and experience and shall be questioned on quarterly or 6 month bases by the Cabinet of Minister.

4.3.2 Palestinian Water Authority

The Palestinian Water Authority is the main body in water sector in Palestine. All the regulations and bylaws are prepared by them. According to the water law, article 8/14, PWA is a public institution and enjoys a legal personality. Its budget is a part of the general budget of the state of Palestine. PWA is committed to secure environmentally sound and sustainable development of water resources through the efficient and equitable strategic water management plans in all levels from the resources to end users.

According to Article 8 in the law regarding authority responsibilities, point 2 is to prepare the water policies and strategies Planes to submit to the Cabinet of Minister, this mainly intersected with WSRC as a regulator body of water sector, MoA and MoLG. These institutions must be consulted in preparing plans. Also, Point 4 and point 12 to prevent the pollution crossing in EQA and must be consulted.

For licensing and general policies in point 5 and 6, there is no explicit text for the WSRC role about the service provider, and this may lead to misunderstanding of each institution responsibilities, and this is what is happening to some extent.

For a good responsibilities distribution, all the relevant actors should be consulted. The role of private sector is very important in point 9 for technical qualifications and management of water resources. Also, the coordination between donors, NGOs, private sector and universities to conduct the scientific research related to water sector and following up on their recommendations that stated in point 11 and 15.

Point 17 about the monitoring of water sector, this point suffers of requires clarification about the role of WSRC, also quality is the responsibly of EQA. In addition, MoA should be responsible for water reuse.

4.3.3 Water Sector Regulatory Council

WSRC is non governorate institutions. The Council enjoys a legal personality and is financially and administratively independent. The budget of the council from donors and fees. The main problem that may be facing WSRC is existence of quid lines and even bylaws to determine and identify its tasks.

The work of WSRC mainly related to Service providers. The definition of a service provider according to Article (1) of the Water law emphasizes the issue of granting Local Units a license as it states the service providers are:

- 1) National Water Company,
- 2) Regional Water Utilities,
- 3) Local Units

As per chapter four, article 24 in the law, all the responsibilities of the council are intersecting with other ministries and Authorities. Point 1 in article 18 crossing with PWA and NWC about the policy and prices of water. Also, point 2 does not contain an explicit article stating that the WSRC is authorized to grant a license for the local units. However, the articles related to the Council's authorities imply that the Local Units shall obtain a license from the Council for water and sanitation services provision. The main problem concerning the license that will be granted to the local body that provides water and sanitation services. Will that license be granted to the Water Department in the municipality or to service provision?

The most important issue that has not been explicitly stated in the Water law is whether the Local Units are obliged to join the regional water utilities or not? The Water law does not

contain a law that obliges the Local Units of being a member of the regional water utilities. If this is left optional, all Local Units or at least most of them may not agree to join the regional water utilities. Thus, what impact will this have on the restructuring and reform of the water sector?

In Addition, the work of WSRC contribute with many institutions mainly PWA, MoF, Private Sector, Service Provider. As article 24 in law point 7 that states “Monitoring operation processes related to the production, transport, and distribution of water and operational processes of wastewater management”, what is the role of PWA in monitoring of water resources? What is about the private well? Also, bylaws of agricultural wells abstractions.

Point 11 states “Monitoring the compliance of the NWC and Service Providers with the adopted standards for the provision of water and Sanitation services”. What is the role of PWA and EQA in this point? Also, point 12 financial database should be conducted with MoF.

4.4 Impact of the New Law on the Sustainability and Performance of Water Service Providers

4.4.1 Impacts on the National Water Company

By revising the water law, it stipulates the separation of current PWA responsibilities as a legislator, service provider and Authority to new institutions including WSRC and NWC. The establishment and strengthening of these institutions will require significant efforts to enable and empower these organizations to implement their mandates in an effective and efficient manner.

In accordance with the provisions of the law, a company named “The National Water Company” shall be established, and the company may not alter its legal status except by a law.

Existing (WBWD) will initially undergo a transitional period of financial and management upgrade to be followed by the establishment of a publically owned water company to cover the Gaza Strip and the West Bank.

The new company will be called the National Water Company (NWC). But when the WBWD undergo, Is the company subjected to corporate law or not? What is the fate to the employees of WBWD? What about the debit of WBWD? These three point must be determined and clear in law and relevant as PWA said, all the bylaws to transfer WBWD to NWC are ready but without approval from Cabinet of Minister approval.

In addition, the water law does not explicitly states that the NWC shall obtain a license from the PWA or from the WSRC, but shall be monitored by the council. Moreover, all the articles in law implicit text that the NWC shall obtain a license from the WSRC as an operator that provides bulk water and does not exclude it from obtaining a license. Accordingly, it shall obtain a license based on the principle of "No jurisprudence when text exists".

Article 39 in law determine all the company responsibilities, first of all supply and sale of bulk water to service providers, but here what is the role of WSRC? The municipalities follow MOLG law. What about the subordination of municipalities now to MOLG or NWC in providing the water?

However, MoF and private sector are very important institution in point 4 in the same article, mainly, most of small communities supplied water from private wells, and the MoF has a general and detailed information about the income of families’ and it ability to pay the water cost.

All the proposal documents related to water sector should be through PWA, point 2 in the same article contributes with the role of PWA mainly. Also the tariff system should be determining and responsible through WSRC.

4.4.2 Impacts on the Regional Water Utilities

As water law and article 45 “The Authority shall establish, in coordination and cooperation with the relevant competent authorities, and in line with the public interest pursuant to the provisions of this law. Regional Water Utilities for the provision of water and wastewater services. The responsibilities, powers, and procedures pertaining to the licensing, structure, management, financial resources, dissolution, and all other matters related to the work of Regional Water Utilities shall be regulated pursuant to a regulation issued by the Cabinet of Ministers”. From previous, RWU is a service provider as determined in law, and it follow to WSRC, there is no explicit items determine the role of WSRC in the working of RWUs.

Under chapter eight, article 45, the law defines the RWU as the institutions and undertakings that provide water and sanitation services directly to the customer. However, there is no legislation stating that any of the undertakings or institutions, which provides water and sanitation services, are excluded from the implementation of its provisions. Therefore, the provisions of the law applied for RWU. In case of conflict, the provisions of the water law are applied under the provisions of Article (66).

It is worth mentioning that the existence of the Water Undertaking is legally taken into account. However, Article (45) of the Water Decree does not mean to re- establish it because it already exists.

Refer to water law and article 47, RWU has two main responsibilities. Firstly, the provision of water and wastewater services to consumers for various uses in line with sustainable economic, social and environment principles. In this item the role of WSRC is very important

and the article doesn't have any explicit text about his role. Also, where is the role of MoF, EQA in sustainable economic and environment principles respectively. This article should be precise and clear between mentioned institutions to avoid any conflict especially the WSRC is the main body responsible in all service providers.

Secondly, "meeting the needs for water of suitable quality and wastewater services through implementation of the required and appropriate measures and the development of the necessary plans and programs to develop these services". The point specific for RWU but this point crossing the role of PWA and EQA. EQA should be also responsible for monitoring suitable quality, PWA also to determine the appropriate plans and programs for services. In addition, this point should be including and determining the role of WSRC as a general director for monitoring the water sector in Palestine.

4.4.3 Impacts on the Water Users Associations

WUA shall be established with the aim of managing the service of supplying irrigation water mainly treated wastewater at the local level in a sustainable manner, in accordance with a regulation issued by the Cabinet of Ministers upon a joint recommendation of the Minister of Agriculture and the Head of the Water Authority. The regulation shall stipulate the licensing procedures, responsibilities, powers, management, financial resources, dissolution and all other matters related to the work of Water Users Associations.

Recent years have seen the development of local community organizations and Water Users Associations (WUA) in a number of countries including Palestine with varying objectives, constituencies and influence in the decision making. WUAs in Palestine are active bodies established to organize the distribution of irrigation water (fresh and treated WW) among the users.

The PWA regards WUAs as “very important institutional partners” due to the potential role they can play in the reuse management of irrigation water. Such entities have been successful in Jordan for example, as they have contributed to a more transparent and self-regulating process and also towards conflict resolution (UNDP, 2013). Unfortunately, a similar set up does not exist at the domestic water level.

As for irrigation water, the model is to provide the services through Water Users Associations (WUA) that are to be established according to a regulation that could be proposed jointly between the PWA and the Ministry of Agriculture (MoA).

After reviewing the law particularly article 48 and 49, the law doesn't have any clear and explicit article that determines the nature of the work of WUA, basically the field work of WUA crossing with PWA WSRC and MoA, in the other side, there are bylaws determined this challenges for implementation, but all the bylaws up till now is not approved.

4.5 Impacts of the New Water Law on Secondary Decision Makers

4.5.1 Ministry of Agriculture

First of all, it should be stressed that when we talk about the Ministry of Agriculture, we talk about irrigation water. The MoA is the responsible for guiding and overseeing the agricultural sector, which represents a major Palestinian water user. Agriculture accounts for approximately 70% of total water used in the Palestine.

MoA has the 2003 Agriculture Law no. (2), and it states that: "The Ministry of Agriculture develops water plans and policies for the agricultural sector in cooperation and coordination with the Water Authority and other competent authorities based on the following principles:

- Making the best use of water as well as applying modern irrigation systems.
- Identifying the uses of water resources for agricultural purposes.

- Conservation and purification of water resources.
- Conducting periodic tests of agricultural water to see if they are suitable for agriculture.
- Making use of non-potable and treated water.
- Establishing small dams and ponds for collecting rain water for agricultural use.
- Encouraging investment in water projects and conservation.
- Digging wells for agricultural purposes.

From the above and through reviewing the provisions of water law, there are many intersections between MoA and other institutions related in water sector, mainly, PWA, WSRC, WUAs as detailed below.

First of all, the subject of licenses between MoA, WSRC and WUAs raised some questions on the contribution and crossing of the coordination between the parties under the regulation and provisions of law. The expected questions about the crossing that the regulation must investigate are:

- About WUAs, who shall grant these associations the licenses and who shall be responsible for receiving license applications? What role does the Ministry of Agriculture have in this aspect? Of course MoA. The water law should be containing explicit article about these questions and answers. In the other hand, what is the role of MoH in reuse categories?
- Approval of the proposed prices of agricultural water by the associations. What is the role of PWA, WSRC, MoA in pricing?
- The law didn't mention any explicit article about the crossing monitoring and follow-up of the WUA, is it MoA or WSRC?

About water tariff, article 24 of water law determine tasks and powers of the WSRC, first point is “endorsement of water prices, connection fees, other services, water and sanitation services costs as well as reviewing and supervising the services to ensure compliance with the policy approved by the authority”. And under article (36) of the water law: “the service providers shall identify the water prices for the various uses in accordance with the tariff system. The water prices shall be endorsed by the Water Sector Regulatory Council”. Also, refer to the 2003 Agriculture Law no. (2) and what states above, there are complex crossing for determine the final price. However, the competent Authority that is entitled for the endorsement of the final price in light of the tariff methodology and the role of the PWA, MoA and the WSRC according to the Water law, the role of the PWA is restricted to setting the general policies for identifying the tariff and submitting it to the Cabinet for endorsement. However, the role of WSRC is restricted to endorsing the price in accordance with the tariff system. Nevertheless, the Water LAW does not state the role of the MoA.

4.5.2 Private Sector

The enrollment of Private Sector Participation (PSP) is very important in water sector for more institutional framework. But reducing the bureaucracy and a clear legislative framework significantly facilitate private sector.

The private sector is qualified and has excellent qualifications to presence in the field work of water sector, mainly in:

- Infrastructure (technological innovation, leaks deduction and reduction,....etc)
- Financial (investment, efficient revenue collection,....etc)
- Environment and health (environment conservation, public health needs,....etc)
- Socio-political (affordability, accountability,...etc)
- Managerial (improving efficiency and productivity, capacity building,.....etc)

Through review the water law, many articles point's related to the role of the private sector, for example, under article 8 and point 9, PWA is responsible for development of plans and programs for capacity building, training and qualification of technical staff working in the water sector and supervising their implementation with the aim of improving the management of water resources, what is the role of private sector in this point? The water law didn't have any explicit text for the responsibilities of private sector and intersection between relevant institutions. Any point and article talk about effective participation in technical cooperation and scientific research, the private sector should be a part of the main team to complete the work.

Also, under article 24 of law, the responsibilities for WSRC determined, but its responsibilities intersect with the role of private sector work as determined in the previous table in chapter four. Mainly in the operation, production, transport, operational process.

The vast majority of wells that providing water to communities is a private well, what is the role of the owner of these wells if the law said all the resources is public, what is about the tariff system of water for the private wells? Also, in point 15 of WSRC "Contracting experiences and competent experts, advisors, and technicians to implement tasks to be entrusted to them", what is the role of private sector and NGOs to introduce their experience in the water sector.

Good governance, highlighted by solid regulatory mechanisms, attracts private investments. Should the right governance conditions be in place, (PSP) could play an important role in bridging the financing gap of Palestine's water sector. From the above points, private sector relates with different ministries and Authorities, and the water law didn't have any explicit articles related to the role of private sector (Ernst & Young, 2014).

Chapter Five: Conclusions and Recommendations

All the cross cutting and contradicting articles in responsibilities and weak points in the law that are facing the implementation of the new Palestinian water law are discussed in previous chapters. However, this chapter presents the recommendations to improve and promote the water sector in all levels.

As a conclusion, the new Palestinian water law is not implemented completely yet. Also, through filling the questionnaire, many of institutions that are working in the water sector are not full and clear understanding and not comprehending the water law. So, in the name of law, it must be interested in hegemony and dominance on all the institution working in water sector. The water law like any other law is subject to many questions mainly concerning the intersections between responsibilities of different institutions.

To overcome these intersections, many of the below recommendations should be submitted to Convergence of views between institutions and stakeholders in water sector. All the following recommendations should be considered in implementing the new water law and/or updating or endorsing amendment to the law:

1. Transforming the PWA to Ministry, the main aim of this point to become PWA more dominant in front of all institutions operating in water sector. Also to allow the minister of PWA to attend in the cabinet on minister session. In addition, put the PWA in the power position of delegation of bylaws to different institution in water sector.
2. Main issue is capable and strong, sustainable institution to implement the law. So, introducing the law without capable staff and institution is not the right approach and is not sustainable. From this point, it is necessary to strengthen newly established institution.

3. For full implementation of the water laws, other bylaws to clarify it for proper implementation are to be prepared.
4. PWA has to work on the clarification of a number of issues, like Private wells ownership...etc.
5. Start the formal activation of bylaws, policies and other secondary legislations that are mentioned in the law, because the law and bylaws are not implemented completely yet. For proper activation, coordination meetings of stakeholders should be held to discuss the implementation of law.
6. Activate the institutions mentioned in the law, taking into account all the expected results of the activation. For example, transfer WBWD to NWC.
7. There are many institutions working in water sector, from this point it is necessary to consolidate all water institutions likes WSRC, NWC, WUAs, RWUs. And put the bylaws that separate the responsibilities for each stakeholder or institution.
8. The autonomy in water sector is very important for sustainability, many of institutions fully depend on donor contributions especially WSRC. Article 26 in law about financing not enough to autonomy the institution mainly the very important institution like WSRC.
9. Raise awareness at all levels,
10. Since most of the Palestinian water resources are still under Israeli control, an additional provision in the law to handle this issue is required.
11. Address intra-sector relationships. By identify roles and responsibilities as explicit articles for each stakeholder mentioned in previous chapter.
12. For smooth implementation of the law, the following institutions must be consulted and contribute in the preparation of the bylaws; these are: PWA, MOA, WSRC that represent all SP mentioned in law and discussed in previous chapters, NWC (now

WBWD), EQA, MoA, MoLG, MoH, MoF, MoJ, NGOs, Palestinian Central Bureau of Statistics (PCBS), Donors, Private Sector, experts.

13. Align the roles and responsibilities of other stakeholders from outside the sector. At the short term, establish platforms for stakeholders (committee) from outside the water sector. The main purpose for committee is promoting the representation of a wider part of relevant institutions that have a direct and indirect relationships for water sector. For example, MOH, EQA...etc.
14. Initiate a private sector participation and capacity building in PPP contracts. Main goal is to employ their technical expertise in water sector mainly NGOs, private consultation companies, Association of Banks, Trade and Commerce, Engineers Association, Contractors Association, Development Entities, Development Companies, investors ...etc. the law should be having explicit article determine the responsibilities of private institution that are working in water sector.
15. Establishment of accountability system for all institutions operating in the water sector, that the law lacks clear and explicit texts or articles in the penalties system.
16. Review the tariff regulations and tariff policy by considering the implications of having a unified tariff for bulk supply while cost based tariff is applied for retail. Also, develop mechanisms to identify true cost of water in bulk and set up the process for the utilities to follow a uniform accounting system, conduct an affordability and willingness to pay study through public and multi stakeholders' consultations, developing a dynamic customer data base with a clear grievance mechanism.
17. It is suggested that the role of the Environment Quality Authority in the Water law executive regulations such as standard and specifications should be identified as explicit Article.

18. To avoid the misunderstanding and intersection, the local units must be obliged to join the RWUs by proposal submitted to amend the water law article in RWU responsibilities.
19. Review and interpret the agreements between the relevant institutions have direct and indirect relations with water law and institutions working in water sector.
20. There are some articles within the law that might intersect with other articles in other endorsed laws, this have to be clarified to this end others laws (MOLG law, Law of environment, law of agriculture) have to be reviewed.
21. Water law partially excludes the role of non-governmental organizations and their responsibilities, it must contain a clear article to determine their responsibilities. Also, it didn't clear the role of the private sector in the development and operation of water resources.
22. Key issues such as irrigation water ownership must be determined by bylaws, water prices and public-private partnership were not addressed explicit article in water law, and this is intersection between PWA, MoA and WUA.
23. The lack of comprehensiveness of the law for some violations and infringements on water sources, the need to tighten some of the penalties in explicit article.
24. The ownership of water resources is considered as Article 3 of the law should be clarified. It does not clarify ownership of water sources, networks, reservoirs and water installations. There are wells managed by the municipalities and it is a public property. There are wells managed by the Water Authority and Water Utilities.
25. The law should be protecting the private owners by explicit text, i.e. major percent of municipalities purchase water from private well to provide water to communities. but the law didn't protect the private owners for wells. It must protect them by endorsement bylaws.

26. It is necessary to formation of joint technical committees for licenses, mainly licenses of Sources, this committee include main institutions and key experts (PWA, WSRC, NWC, MoA)
27. It is preferable to have less number of levels in the institutional framework of water sector management with viewer number of competent agencies. This will decrease the discrepancies between these agencies and will enhance the development of sector with more clear duties for these agencies.

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Appendices

Appendix A – Questionnaire



معهد الدراسات البيئية والمائية
Institute of Environmental and Water Studies (IEWS)



2016/11/29

لمن يهمه الأمر

إن الباحث تميم محمد بدوي يعمل على رسالة الماجستير في هندسة المياه والبيئة في جامعة بيرزيت بعنوان " آفاق وتحديات تطبيق قانون المياه الفلسطيني الجديد" وبحاجة إلى تعبئة وتوزيع استمارة لأغراض البحث العلمي.

الرجاء تقديم المساعدة المطلوبة ليتمكن من تحقيق أهداف الرسالة وتحقيق متطلبات التخرج.

واقبلوا فائق الشكر والتقدير،،


د. راشد الساعد
مدير معهد الدراسات البيئية والمائية

تعهد

أتعهد انا الباحث تميم محمد بدوي باستخدام جميع المعلومات المزودة بهذا الاستبيان لأغراض البحث العلمي فقط، وان لا يتم تداولها بين المؤسسات والجهات التي لها العلاقة في موضع البحث وستعامل بسرية تامة.

تميم محمد بدوي


Name أسم معبئ الاستبيان	
Position المسمى الوظيفي	
Institution المؤسسة	
Date تاريخ تعبئة الاستبيان	
e-mail البريد الالكتروني	
Telephone الهاتف	
Mobile Phone رقم الجهاز الخليوي	

1. Did your institution participate in the preparation of the new Palestinian Water Law?
هل شاركت مؤسستكم بأعداد قانون المياه الفلسطيني الجديد؟
Yes No

If yes, what is the extent of your participation?
إذا كانت الإجابة نعم، ماهي درجة المشاركة؟

1. Very poor (Low)
2. Satisfactory
3. Good
4. Very good
5. Excellent (Effective)

2. Does the law regulate the responsibilities and obligations of your institution?
هل ينظم القانون مسؤوليات ومهام مؤسستكم؟
Yes No

If yes, to what level?
إذا كانت الإجابة نعم، ماهي درجة التنظيم؟

1. Very low
2. Low
3. Medium
4. High
5. Very high

3. What is the level of your satisfaction with the new Palestinian water law (2014)?
ما هو مستوى رضاكم عن قانون المياه الفلسطيني الجديد (2014)؟

1. Unsatisfied
2. Poorly satisfied
3. Fairly satisfied
4. Satisfied
5. Highly satisfied

4. In your opinion, what are the weaknesses in the new water law?
برأيك ماهي نقاط الضعف في قانون المياه الفلسطيني الجديد (2014)؟

5. What are your recommendations to overcome the above weaknesses and to improve the law?
ماهي توصياتكم لتجاوز نقاط الضعف المذكورة من اجل تحسين قانون المياه؟

6. Do you recommend any additional amendments to the law (except the points mentioned in point 5)?
هل توصون باي تعديلات اخرى على القانون بالإضافة لما ذكر سابقا في نقطة 5؟

7. Are you generally satisfied with the implementation of new Palestinian water law (2014)?
هل انت راض بشكل عام عن تطبيق قانون المياه الفلسطيني الجديد؟

1. Unsatisfied
2. Poorly satisfied
3. Fairly satisfied
4. Satisfied
5. Highly satisfied

Explain your answer?

8. Does your institution contribute to monitoring the implementation of the new water law (2014)?
هل تشارك مؤسستكم بمراقبة تطبيق قانون المياه الفلسطيني الجديد؟

Yes No

If yes, to what degree?

إذا كانت الإجابة نعم، ماهي درجة المشاركة؟

1. Very low
2. Low
3. Medium
4. High
5. Highly high

9. Do you think the law has intersecting/conflicting responsibilities between the different stakeholders? Please, Explain.

هل تعتقد ان القانون يحتوي على تقاطع او تضارب في المسؤوليات بين المؤسسات المختلفة؟ يرجى ذكرها؟

10. Are there any intersecting/conflicting responsibilities between your institution and others relating the new water law? Please mention them (institution and responsibility)?

هل هنالك مسؤوليات متقاطعة او متضاربة بين مؤسساتكم والمؤسسات الأخرى فيما يخص قانون المياه الفلسطيني الجديد (2014)،
يرجى سردها؟

11. Which stakeholders must be consulted for a better water law (preparation and implementation)?

ماهي المؤسسات/ الجهات الواجب استشارتها في اعداد وتطبيق قانون مياه فعال؟

12. Does the law recognize the importance and the rule of NGOs working in the water sector? If yes, in which way?

هل تعتقد ان القانون تطرق للمؤسسات غير الحكومية والعاملة في قطاع المياه؟ وفي أي مجالات؟

13. Does the law recognize the importance and the rule of private sector? If yes, in which way?

هل تعتقد ان القانون تطرق لمؤسسات القطاع الخاص والعاملة في قطاع المياه؟ وفي أي مجالات؟

If you would have any further comments, please add.

اذا كان لديكم أي ملاحظات اضافية، يرجى سردها

شكرا لحسن تعاونكم

Appendix B – Analysis of Questionnaire

No.	Question
1	Did your institution participate in the preparation of the new Palestinian Water Law?
2	Does the law regulate the responsibilities and obligations of your institution?
3	What is the level of your satisfaction with the new Palestinian water law (2014)?
4	In your opinion, what are the weaknesses in the new water law?
5	What are your recommendations to overcome the above weaknesses and to improve the law?
6	Do you recommend any additional amendments to the law (except the points mentioned in point 5)?
7	Are you generally satisfied with the implementation of new Palestinian water law (2014)?
8	Does your institution contribute to monitoring the implementation of the new water law (2014)?
9	Do you think the law has intersecting/conflicting responsibilities between the different stakeholders? Please, Explain.
10	Are there any intersecting/conflicting responsibilities between your institution and others relating the new water law? Please mention them (institution and responsibility)?
11	Which stakeholders must be consulted for a better water law (preparation and implementation)?
12	Does the law recognize the importance and the rule of NGOs working in the water sector? If yes, in which way?
13	Does the law recognize the importance and the rule of private sector? If yes, in which way?
14	If you would have any further comments, please add

(As mentioned in methodology, the questionnaire separated in one institutions Trimmed to suitable number of questionnaire after that presented as one questionnaire for each stakeholder).

Question 1:

Institution/ Question	Did your institution participate in the preparation of the new Palestinian Water Law?		
	Answers	Percent	Average
Institution			
PWA	Yes	95%	93%
PWA	Yes	95%	
PWA	Yes	95%	
PWA	Yes	85%	
MoA	Yes	35%	35%
MOLG	Yes	35%	40%
JICA	No	0%	0%
Municipality	No	0%	40%
Municipality	No	65%	
University	No	0%	10%
University	Yes	10%	
WSRC	Yes	75%	75%
WSRC	No	0%	
WSRC	No	0%	
WBWD	No	0%	5%
WBWD	No	0%	
WBWD	Yes	5%	
NGO	Yes	65%	60%
NGO	No	0%	
Expert	Yes	95%	45%
Expert	Yes	30%	
Expert	No	0%	

Question 2:

Institution/ Question	Does the law regulate the responsibilities and obligations of your institution?		
	Answers	Percent	Average
Institution			
PWA	Yes	85%	80%
PWA	Yes	95%	
PWA	Yes	95%	
PWA	Yes	40%	
MoA	No	0%	0%
MOLG	No	0%	0%
JICA	No	0%	0%
Municipality	No	0%	50%

Municipality	Yes	60%	
University	Yes	15%	55%
University	Yes	90%	
WSRC	Institution	90%	90%
WSRC	Yes	90%	
WSRC	Yes	90%	
WBWD	Yes	90%	75%
WBWD	Yes	80%	
WBWD	Yes	60%	
NGO	No	0%	0%
NGO	No	0%	
Expert	Yes	95%	80%
Expert	Yes	60%	
Expert	No	0%	

Question 3:

Institution/ Question	What is the level of your satisfaction with the new Palestinian water law (2014)?		
Institution	Answers	Percent	Average
PWA	Satisfied	70%	70%
PWA	Satisfied	70%	
PWA	Fairly Satisfied	50%	
PWA	Satisfied	70%	
MoA	Satisfied	70%	70%
MOLG	Satisfied	70%	70%
JICA	Poorly Satisfied	30%	30%
Municipality	Fairly Satisfied	50%	50%
Municipality	Fairly Satisfied	50%	
University	Satisfied	70%	80%
University	Highly Satisfied	90%	
WSRC	Highly Satisfied	90%	85%
WSRC	Highly Satisfied	90%	
WSRC	Satisfied	70%	
WBWD	Fairly Satisfied	50%	50%
WBWD	Fairly Satisfied	50%	
WBWD	Fairly Satisfied	50%	
NGO	Un Satisfied	10%	50%
NGO	Satisfied	70%	
Expert	Highly Satisfied	90%	75%
Expert	Satisfied	70%	
Expert	Fairly Satisfied	50%	

Question 4:

Institution/ Question	In your opinion, what are the weaknesses in the new water law?
Institution	Answers
PWA	لم يتم تطبيق القانون كما هو يجب على الصعيد المحلي ما زالت هناك دراسات وندوات ومحاضرات بخصوص تطوير القانون
PWA	there are some articles within the law that might intersect with other articles in other endorsed laws , this have to be clarified to this end others laws (MOLG law, Law of environment, law of agriculture) have to be reviewed.
PWA	التداخل في الصلاحيات لا سيما فيما يتعلق بإنشاء وترخيص بعض الأجسام الواردة في القانون عدم شموليته لبعض المخالفات والتعديات الواقعة على مصادر المياه الحاجة لتشديد بعض العقوبات ضعف آليات الرقابة وتوضيح الأدوار الرقابية
PWA	عدم وجود مراقبة على الهيئات المحلية ومجالس الخدمات المشتركة في تطبيق القانون بالإضافة الى فرض القانون عليهم وكذلك تحسين خدمات تزويد المياه للأفراد
MoA	وجود الأحتلال و اتفاقية المياه (اوسلو بند 40) عدم السيطرة على مصادر المياه تعدد العقوبات والمرجعيات المعمول فيها نظام العقوبات بحاجة الى اعادة دراسة بحاجة الى نظام حوافز تفصيلي عدم وجود بنود واضحة لمشاركة القطاع الخاص في مشاريع المياه
MOLG	
JICA	1. Enforcement to apply law statements. 2. PWA should be structured and equipped properly as to the law items, 3. PWA to establish all relevant bodies/institutions in line with this law.
Municipality	من النواحي الماليه وقدراتها المؤسساتية-سحب صلاحيات البلديات وعمل مرافق مياه دون النظر الى المخاطر ومستويات القرى *عدم وجود مصادر مياه مستقلة بالتجمعات ومعظمها تعتمد على مياه ميكروت * عدم التوازن في عملية الجبايه وكذلك التعرفه بين مختلف التجمعات الفلسطينية
Municipality	عد الوضوح بما يخص تحديد تعرفه المياه والصرف الصحي من قبل مقدمي خدمات المياه بمرجعية نظام التعرفه والية التباين في هذه التعرفه وأساسه لكافة محافظات الوطن (المادة 34) وجود عدم وضوح وتداخل في صلاحيات السلطة ومجلس تنظيم قطاع المياه من حيث الرقابة ومسؤولية منح التراخيص ضعف البنود والتشليعات الخاصة بمياه الصرف الصحي
University	
University	In Genral, I feel that it is a good law but may be the main weakness is the in-clarity related to the relation PWA with the WSRC
WSRC	بعض الغموص في تفسير بعض المصطلحات
WSRC	
WSRC	بعض الغموص في تفسير بعض المصطلحات والصلاحيات والمنطقة
WBWD	عدم التشاور مع اصحاب الاختصاص في هذا الموضوع بالشكل المطلوب عدم أخذ دور الأحتلال بشكل كبير عدم وجود دراسة تفصيلية وواقعية ومنطقية للوضع المائي
WBWD	انشاء شركة مياه وطنية لم يتم اشراك مؤسسات المجتمع المدني العاملة في مجال المياه
WBWD	ملكية مصادر المياه اعتبارها القانون بمادة رقم 3 ملكا عاما ولم يوضح عن الملكية بشأن مصادر المياه والشبكات والخزانات والمنشآت الخاصة بالمياه ، ان هناك آبار تدار من قبل البلديات وهي ممتلكات عامة وهناك آبار تدار

	من قبل سلطة المياه ودارئرة المياه وتعتبر ملكا عام أيضا
NGO	لم يعالج القانون القضايا الرئيسية مثل ملكية مياه الري ، اسعار المياه والشراكة بين القطاع العام والخاص
NGO	اهمال القانون لاليات تنظيم العلاقة بين المؤسسات الحكومية وبين القطاع الخاص والأهلي فيما يتعلق بحماية وإدارة مصادر المياه
Expert	الاستمرار في تنفيذ خطة الإصلاح وبناء المؤسسات واعداد اللوائح والانظمة والاستراتيجيات الكفيلة بتطبيق القانون
Expert	استبعاد دور المؤسسات غير الحكومية وعدم تحديد مسؤولياتها عدم وضوح دور القطاع الخاص في تطوير وتشغيل مصادر المياه نظام العقوبات غير رادعة
Expert	Does not include the required regulations and executive laws to achieve its objectives Does not protect the private owners

Question 5:

Institution/ Question	What are your recommendations to overcome the above weaknesses and to improve the law?
Institution	Answers
PWA	البدء في تفعيل الأنظمة والتشريعات بشكل رسمي تحديد صلاحيات كل طرف حتى لا يحصل تضارب في الصلاحيات
PWA	at this stage no, but after reaching a comprehensive and final agreement with Israel the law has to reflect the outcome of final agreement concerning the trans-boundary water resources (Protection, Monitoring and Management).
PWA	قراءة مهنية واضحة لنصوص القانون وتحدد من خلالها الأدوار والمسؤوليات الحاجة الى تعديل بعض المواد في المستقبل لتنسجم ورسالة سلطة المياه الفلسطينية و صلاحياتها شمولية القانون للادوات المنظمة لعمل سلطة المياه
PWA	عدم وجود سلطة لسلطة المياه على الهيئات المحلية والمجالس ومصالح المياه عدم قدرتها على التدخل وتغيير أي قانون من قوانينهم أو التدخل في التعرفة
MoA	انفاذ القانون من قبل المؤسسات التنفيذية تجاوز الاتفاقيات المنشأة مع الأحتلال توحيد المرجعيات من خلال جمع المؤسسات العاملة في قطاع المياه من خلال لجان وضع تصور تخطيطي يتجاوز ادارة العرض والطلب تفعيل الأجسام التي ينص عليها القانون
MOLG	
JICA	PWA has to correct all existing situation on water issues wich mainly they cause, like Private wells water property...etc. Such that in too many cases they issues many private well licenses. Reform did not applied, money, time and effort should be utilized properly.
Municipality	اهم نقطة هو ايجاد مصادر مياه مستقلة عن الاسرائيليين خاصة بالتجمعات الفلسطينية (الاستقلالية). توحيد التعرفة ضمن دراسات منطقية وواضحة وعدم اللجوء الى مرافق المياه قبل حل مشكلة المصادر خاصة البلديات التي تعتمد التزويد من خلال مكروت من خلال دائرة المياه.
Municipality	مراجعة القوانين والتشريعات والبنود الواردة في القانون واشراك جهات ومؤسسات أخرى في هذا الشأن.
University	
University	A continous coordination with all entities Work quickly to establish the NWC and the RWUs
WSRC	اعادة النظر في المصطلحات وتفسيرها بالتراضي بين المؤسسات ذات العلاقة.
WSRC	

WSRC	is to issue may bylaws that explain the water law
WBWD	وضع دراسة جيدة تأخذ ملاحظات وتحفظات جميع الأطراف أخذ مشكلة وجود الأحتلال على انها العائق الأكبر لمشكلة المياه في المنطقة
WBWD	تعديل البند بانشاء شركة المياه الوطنية وانشاء مصلحة بقانون ونظام اداري خاص تتبع الى الحكومة
WBWD	توحيد ملكية مصادر المياه وادارتها من قبل جهة فقط بما يضمن عدالة توزيع المياه استقلال الأبار الزراعية التي قلت انتاجيتها بفعل النشاط العمراني وانخفاض الأري المزروعة تعديل قانون الهقوبات فيما يتعلق بسرقة المياه من قبل الأفراد او الهيئات المحلية
NGO	الغاء الكليات الخاصة في البنابيع التنظيم المؤسساتي يحتاج الى وضوح
NGO	عمل مراجعة عامة للقانون لتغطية نقاط الضعف في النظام
Expert	اعتبار خطة الاصلاح كعملية مستمرة
Expert	وضع بنود تحدد دور ومهام المؤسسات الغير حكومية والقطاع الخاص وخاصة فيما يتعلق بعلاقتها في قطاع المياه اعادة النظر في موضوع انشاء شركة المياه الوطنية لتجنب ما يمكن ان يحصل من تضارب في ادارة وتشغيل مصادر المياه التي يملكها كل طرف حتى الآن.
Expert	Involvement all participants and issues the required executive laws.

Question 6:

Institution/ Question	Do you recommend any additional amendments to the law (except the points mentioned in point 5)?
Institution	Answers
PWA	
PWA	
PWA	
PWA	توحيد تعرفه المياه في كل فلسطين سواء كانت من ابار السلطة أو الهيئات المحلية
MoA	حل اشكالية مجلس تنظيم قطاع المياه تشكيل لجان فنية للتراخيص (المصادر) مشتركة التمائل مع ملكية المصادر بما ينص عليه القانون
MOLG	
JICA	
Municipality	
Municipality	
University	
University	
WSRC	
WSRC	
WSRC	
WBWD	التشاور مع جميع الأطراف من سلطة المياه ودائرة مياه وكذلك بلديات وهيئات محلية من أجل الحصول على رؤية واضحة
WBWD	
WBWD	تعديل القانون بما يتعلق بالتعرفه اذا ان الشركة تقدم مقترح للتعرفه والسلطة والسياسات العامة لتحديد تعرفه المياه والصرف الصحي
NGO	
NGO	بما ان مصادر المياه الفلسطينية لا تزال تحت السيطرة الاسرائيلية ، اعتقد اضافة جزئية تتعلق بتنظيم التفاوض مع الاسرائيليين في المواضيع المتعلقة بالمياه
Expert	

Expert	
Expert	

Question 7:

Institution/ Question	Are you generally satisfied with the implementation of new Palestinian water law (2014)?	
Institution	Answers (Percent)	Average
PWA	55%	60%
PWA	10%	
PWA	75%	
PWA	75%	
MoA	10%	10%
MOLG	20%	20%
JICA	10%	10%
Municipality	30%	30%
Municipality	30%	
University	55%	55%
University	30%	
WSRC	30%	20%
WSRC	10%	
WSRC	10%	
WBWD	55%	40%
WBWD	55%	
WBWD	10%	
NGO	10%	25%
NGO	30%	
Expert	10%	60%
Expert	75%	
Expert	55%	

Question 8:

Institution/ Question	Does your institution contribute to monitoring the implementation of the new water law (2014)?		
Institution	Answers	Percent	Average
PWA	No	0%	80%
PWA	Yes	80%	
PWA	Yes	80%	
PWA	Yes	80%	
MoA	Yes	50%	50%
MOLG	Yes	50%	50%
JICA	No	0%	0%

Municipality	No	0%	0%
Municipality	No	0%	
University	No	0%	0%
University	No	0%	
WSRC	Yes	0%	0%
WSRC	Yes	80%	
WSRC	Yes	80%	
WBWD	Yes	20%	10%
WBWD	No	0%	
WBWD	No	0%	
NGO	Yes	95%	80%
NGO	No	0%	
Expert	No	0%	0%
Expert	No	0%	
Expert	No	0%	

Question 9:

Institution/ Question	Do you think the law has intersecting/conflicting responsibilities between the different stakeholders? Please, Explain.
Institution	Answers
PWA	لا يوجد المام بهذا الموضوع
PWA	there are some misunderstanding on the interpretation of some articles the law with other monostries and institution laws (as for example (how is the reponsible institution to help on the creation of water utilities (is it MOLG OE PWA) and for the reuse of treated wastewater is it the responsibility of PWA to create and help in establishing water associations or MOA.
PWA	نعم يوجد والتوضيح في نقطة 10
PWA	
MoA	نعم، صلاحيات سلطة المياه تنظيم قطاع المياه بناء على رؤيا المؤسسات العاملة ولش ترخيص للمؤسسات غير الحكومية العاملة في قطاع المياه
MOLG	
JICA	No, But PWA still doesn't admit new bodies/institutions to be their partners in managing water sector.
Municipality	نعم يوجد وتعارض مصالح في المسؤوليات بين الجهات المختصة وكل جهة تعتبر نفسها مسؤول بيئي وفني ووضعنا في حيرة وذلك اخر عملية قبل البدء في التنفيذ
Municipality	وجود عدم وضوح وتداخل في صلاحيات السلطة ومجلس تنظيم قطاع المياه من حيث الرقابة ومسؤولية منح التراخيص
University	
University	there is no intersecting but neet to be more clear , so people who reads it with a black eye could ex[lain things dofferently
WSRC	نعم ، مراقبة الاتفاقيات، الرقابة على المؤسسات، التراخيص
WSRC	نعم
WSRC	نعم
WBWD	نعم، ملكية مصادر المياه وملكية آبار البلديات ولا تفضل تسليم مسؤوليتها لسلطة المياه
WBWD	لا

WBWD	نعم، قضية التراخيص ومشكلة انشاء مرافق مياه اقليمية والنصوصو غير واضحة ادارة مياه الشرب والصرف الصحي والري الاجسام التي تدير قطاع المياه وهي سلطة المياه وشركة المياه وجعية مقدمي خدمات المياه
NGO	نعم، عدم وضوح في صلاحيات البلديات لمزودي الخدمات
NGO	لا اعتقد، ولكن عدم فهم المؤسسات للقانون وضعف في بعض المؤسسات ادى الى وجود تضارب كبير
Expert	قطعا لا
Expert	هناك تضارب في المسؤوليات بين شركة المياه الوطنية و مصالح المياه الاقليمية في ظل الاوضاع الخالية فيما يتعلق باستخراج المياه من مصادرها، حيث انه وحتى الان لا تزال ملكية المصادر المائية بين البلديات
Expert	نعم يوجد

Question 10:

Institution/ Question	Are there any intersecting/conflicting responsibilities between your institution and others relating the new water law? Please mention them (institution and responsibility)?
Institution	Answers
PWA	اعتقد بأنه لا يوجد اي تضارب وفي حالة وجود اي تضارب لا يمكن لكل طرف العمل بالشكل المطلوب
PWA	there are some misunderstanding on the interpretation of some articles the law with other monstries and institution laws (as for example (how is the reponsible institution to help on the creation of water utilities (is it MOLG OE PWA) and for the reuse of treated wastewater is it the responsibility of PWA to create and help in establishing water associations or MOA.
PWA	يتقاطع عمل سلطة المياه مع العديد من الجهات والمؤسسات ولا سيما وزارة الزراعة فيما يتعلق بالآبار الزراعية ومجلس تنظيم قطاع المياه باعتباره الجهة المسؤولة عن مراقبة كل ما يتعلق بالنشاط التشغيلي لمقدمي خدمات المياه واصدار التراخيص لمرافق المياه الاقليمية وكذلك سلطة جودة البيئة فيما يتعلق بحماية المصادر المائية من التلوث ، مؤسسة المواصفات والمقاييس فيما يتعلق بالمواصفات الفنية ووزارة الحكم المحلي مسؤولة عن تحديد اسعار المياه وفق نظام التعرفة المقر
PWA	
MoA	نعم ، تحديد كميات الاستهلاك بكل قطاع وانشاء جمعيات المستخدمين
MOLG	
JICA	
Municipality	
Municipality	لا
University	
University	لا
WSRC	نعم ، مراقبة الاتفاقيات، الرقابة على المؤسسات، التراخيص
WSRC	
WSRC	Project Implementation and monitoring
WBWD	يوجد تداخل في العمل بين سلطة المياه ووزارة الحكم المحلي ومؤسسات NGOs
WBWD	
WBWD	نعم، موضوع التعرفة وموضوع التراخيص وانشاء مرافق المياه الاقليمية
NGO	لا
NGO	لا
Expert	لا
Expert	لا

Question 11:

Institution/ Question	Which stakeholders must be consulted for a better water law (preparation and implementation)?
Institution	Answers
PWA	الحكم المحلي ، سلطة المياه، وزارة الزراعة
PWA	WSRC, MOLG, MOA, WSP, NGOS, Water Expert, Community Representative
PWA	مجلس الوزراء، وزارة الزراعة، وزارة الحكم المحلي ، وزارة المالية، سلطة جودة البيئة، مجلس تنظيم قطاع المياه.
PWA	سلطة المياه، دائرة المياه، وزارة الزراعة
MoA	الجهات التنفيذية، اصدار الانظمة وملامتها للواقع
MOLG	
JICA	All Public and Private, Water Expert, Open for Public hearings from People.
Municipality	مقدمي خدمات المياه بكافة قطاعاتهم والوزارات المعنية مثل الحكم المحلي والزراعة وجودة البيئة والاقتصاد و القطاع الخاص ومؤسسات المجتمع المدني الخاصة بقطاع المياه
Municipality	الجامعات ومؤسسات البحث العلمي وجميع الوزارات ذات العلاقة ومقدمي خدمات المياه
University	
University	I don't think we need to prepare a new law, we just need to better implement the law, PWA, WSRC, Municipalities and MoLG, MoA are to be consulted for better implementation of the law.
WSRC	سلطة المياه، مجلس تنظيم قطاع المياه، وزارة الزراعة، وزارة الحكم المحلي، وزارة الصحة
WSRC	
WSRC	PWA, WSRC, WBWD, Donors, Privat sector
WBWD	سلطة المياه، دائرة المياه، البلديات، وزارة الزراعة
WBWD	مؤسسات المجتمع المدني، الهيئات القانونية، الخبراء، الهيئات الرقابية
WBWD	المؤسسات العاملة في قطاع المياه، وزارة الزراعة، مجلس تنظيم قطاع المياه، الجامعات، الحكم المحلي، جمعية الهيدرولوجيين، سلطة المياه، دائرة المياه، جمعية مشرطي المياه، حقوقين، بلديات ، ممولين
NGO	المزارعين والمواطنين
NGO	مؤسسات حكومية ذات علاقة ، مجموعة من الخبراء من مؤسسات المجتمع المدني (الخاص والأهلي)
Expert	
Expert	وزارة الزراعة، العدل، الحكم المحلي، المنظمات الغير حكومية، الجامعات ، ممثلو مجالس الخدمات المشتركة، ممثلون من القطاع الخاص (المستثمرون)
Expert	service provider and legislative council

Question 12:

Institution/ Question	Does the law recognize the importance and the rule of NGOs working in the water sector? If yes, in which way?
Institution	Answers

PWA	نعم صحيح، وخصوصا المجالس (مجالس الخدمات المشتركة) في تنظيم دور المجالس في مجلس تنظيم قطاع المياه
PWA	Doesn't mentioned directly but some articles mentioned the need to cooperate with all stakeholders including NGOs and community representatives
PWA	مجلس تنظيم قطاع المياه نشأ بقرار من مجلس الوزراء ونظم وفق احكام القرار بقانون نشأة المياه ويتمتع بالشخصية الاعتبارية والاستقلال المالي والاداري
PWA	
MoA	الموافقة على تنفيذ المشاريع ، متابعة المشاريع، تنسيق الاهتمامات
MOLG	
JICA	No
Municipality	لا اعلم
Municipality	نعم من خلال تشكيل جمعيات مستخدمي المياه . مادة 49 و 48
University	
University	Yes
WSRC	نعم ، واوصى بتوفير القيمة المناسبة لمشاركة القطاع الخاص
WSRC	Yes, especially investment and development of the sector
WSRC	Yes, in water distributions
WBWD	لا
WBWD	لا
WBWD	نعم، ضمن مهام سلطة المياه المادة بند 11 التنسيق والاشراف على البحوث الدراسية العلمية المتعلقة بشؤون المياه، المادة رقم 13 مهام سلطة المياه
NGO	لا
NGO	لا
Expert	اعتقد بان السياسة والاستراتيجية اشارت الى ذلك بالتفصيل، وان القانون استند على مبادئ الادارة المتكاملة لمصادر المياه في مواده
Expert	لا ، لم يتطرق
Expert	لا

Question 13:

Institution/ Question	Does the law recognize the importance and the rule of private sector ? If yes, in which way?
Institution	Answers
PWA	نعم ، تطرقت بحيث يتم التعامل معها حسب القانون وخصوصا في مجال تنظيم دور كل مؤسسة
PWA	the law in some article gave the private sector specific role (has to be defined later)
PWA	اشارت المادة 8 من قانون رقم 14 لسنة 2014 بشأن المهام وفي الفقرة 16 ومن ضمن المهام مهام سلطة المياه في العمل مع الجهات ذات العلاقة على خلق بيئة استثمارية مستقرة ومناسبة لتحفيز القطاع الخاص على الاستثمار في قطاع المياه واجراء التعديلات المؤسسية والتنظيمية والاقتصادية اللازمة لتشجيع الشراكة مع القطاع الخاص وفقا لنظام يصدر لهذه الغاية
PWA	
MoA	الشراكة مع القطاع الخاص(عدم وجود انظمة للعمل) ، تنفيذ المشاريع، ترخيص ومتابعة الجهات العاملة في قطاع المياه
MOLG	
JICA	No

Municipality	لا اعلم
Municipality	المادة رقم 8 والخاصة بتشجيع مؤسسات القطاع الخاص على الاستثمار في المياه ضمن مهام سلطة المياه
University	
University	Yes
WSRC	لا
WSRC	نعم
WSRC	نعم
WBWD	لا
WBWD	نعم ، من خلال انشاء مصالح مياه اقليمية
WBWD	نعم، ضمن مهام سلطة المياه بند رقم 16 المتعلقة بخلق بيئة استثمارية لتحفيز القطاع الخاص هلى الاستثمار في قطاع المياه
NGO	لا
NGO	لا
Expert	نعم ، في مجال الاستثمار والشراكة
Expert	لا
Expert	لا

Question 14 (any further comment):

Institution/ Question	If you would have any further comments, please add
Institution	Answers
PWA	
PWA	
PWA	
PWA	
MoA	وضع رؤيا واضحة لمستقبل قطاع المياه، توحيد القوانين والمرجعيات القانونية والتعامل معها في قطاع المياه، تطبيق قانون المياه في التعامل مع ملكية مصادر المياه، وضع خطة لمشاركة مع القطاع الخاص، تنسيق مشاريع المياه من خلال جسم مشترك مع الوزارات والمؤسسات الأخرى ، ربط مشاريع المياه بالمشاريع التطويرية الأخرى
MOLG	
JICA	<p>Main issue is capable institution to introduce and apply law. So, introducing the law without capable staff and institution is useless.</p> <p>PWA should be ready and properly equipped with qualified staff, systems and tools. So, it should start real reform internally, and then introduce and apply water laws.</p> <p>PWA should be equipped with real and experienced local/national staff to sustain and develop, then apply water law.</p>
Municipality	للاسف انه لم يتم استشارتنا في القانون وعندما حدث ذلك لم نقم بتفحص القانون بشكل تفصيلي كونه اصيح قانون وسيكون تفحصه او اعطاء ملاحظات عليه غير مجدي وغير لازم
Municipality	
University	عمل ورشة تجمع بها المؤسسات ذات الصلة وتحصل على استمارات معبأة بدل مراسلة اشخاص ربما ليس لديهم الوقت لمراجعة القانون
University	
WSRC	
WSRC	

WSRC	
WBWD	
WBWD	
WBWD	القانون لم يجيب على الاسئلة فيما يتعلق بشركة المياه الوطنية ، لم يحدد مصادر التمويل ، تنظيم الشؤون المالية ، مصير الموظفين العاملين في دائرة المياه (الرواتب والمحفزات والعلاوات والبدائل) ديون دائرة المياه والهيئات والأفراد ، القوانين التي تتبع لها مثل قانون الموازنة العامة وقانون الخدمة المدنية.
NGO	
NGO	
Expert	
Expert	انه يتم تطبيق القانون الحالي بصورة فعالة لمدة 5-7 سنوات لكي يتم اكتشاف المزيد من نقاط الضعف او التضارب في المسؤوليات بين المؤسسات لكي يتم التعديل او الاضافات مرة واحدة
Expert	We have too many new laws that needs another laws to clarify them and to be able to implement them

Appendix C – New Palestinian Water Law 2014



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Decree No. () for the year 2014 Relating to the Water Law

The President of the State of Palestine
Chairman of the Executive Committee of the Palestine Liberation Organization
After reviewing the amended Basic Law for the year 2003 and its amendments in particular Article (43),

And the Palestinian Local Government Law of 1997 No (1) and its amendments,
And the Environmental Law No (7) and its amendments,
And the Water Law No (3) of 2002,
And the Agricultural Law No (2) of 2003,

And upon the recommendation of the Cabinet of Ministers on (13/05/2014),
And based on the powers granted to us under the law,
And in pursuit of the public interest, and in the name of the Arab Palestinian People

We issued the following decree by a law:

Chapter One - Definitions & General Provisions

Article (1) Definitions

The following terms and expressions shall have the meanings specified herein, unless the context indicates otherwise:

:

The Authority: The Palestinian Water Authority.

The Head: The Head of Palestinian Water Authority.

The Council: The Water Sector Regulatory Council established in accordance with provision of this Law.

Board of Directors: The Board of Directors of the Water Sector Regulatory Council.

Chairman of the Board of Directors: Chairman of the Board of Directors of the Water Sector Regulatory Council.

Water Resources: All water resources located within the territorial and maritime boundary of the State of Palestine, whether conventional (surface or ground waters) or non- conventional.

Integrated Water Resources Management: The development, improvement and



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

protection of water resources, and planning their utilization in an integrated and sustainable manner.

General Water Policy: The Policy set by the Authority and adopted by the Cabinet of Ministers for the preservation of natural, political, and sovereign rights in the Water Resources, their utilization and projects in Palestine.

License: Written authorization issued by the competent authority for specific purposes or for specific works related to water or waste water, in accordance with the regulations issued for this purpose.

Permit: An approval issued by the competent authority for a limited period of time and for a specific activity to carry out the various tasks and activities as set forth by the Authority.

Harvesting: Harvesting of rainwater from any surface and directing it by appropriate methods for collection in a suitable place either for direct use or for storage and later use for various purposes.

Facility: Any facilities or works intended for water utilization, whether by extraction, collection, storage, treatment, or redistribution.

Water Recharge: Directing water to the lower layers (ground layers) of any Water Resource, including flood waters or wastewater treated in accordance to approved standards, whether directly by natural recharge or by artificial recharge.

Sanitation: A system for collecting, disposing and treating Wastewater.

Reuse: Use of treated wastewater and water produced from treatment plants in accordance with the approved standards, either directly or through reclaim from underground reservoirs.

Ground Water Aquifer: Formation or geological layers composed of materials which permit the infiltration of water and its storage and underground flow, and which are exploitable.

Well: Any facility aimed to reach ground waters.

Spring: The place of exit of ground water from underground in a natural manner.

Ground Waters: Waters situated in a groundwater aquifer.

Surface Waters: Any running or static waters above the ground surface, including streams, rivers, valleys, springs, channels, or any aggregation of waste water, lakes, and seas.

Right of management: The Authority's right to manage, supervise, plan, and regulate all Water Resources in accordance with the approved water policies and strategies, and taking into consideration existing rights of others,

Service Providers: The National Water Company, Regional Water Utilities, local authorities, Joint Councils, and Associations that provide water or wastewater



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

service.

The Company: The National Water Company established pursuant to the provisions of this law, which is responsible for the production and supply of bulk water at a national level.

Company's Board of Directors: Board of Directors of the National Water Company.

Regional Water Utilities: Institutions and utilities which provide water and wastewater services directly to the consumer.

Local Authority: Local Government Unit (LGU), established in accordance with the Local Government Law within a certain geographical and administrative scope.

Water Users Associations: Non-profit organizations that are established to manage the supply of irrigation water.

Pollution: Any change that occurs to the characteristics and components of water and which causes harm to human health and the environment.

Pollutant: Any material that could result in a change to the characteristics and components of water which may cause harm to human health and to the environment.

Water Quality Standards: Standards which the Authority shall participate in setting in co-operation with the relevant official bodies, that are aimed at maintaining optimum water quality.

Water Tariff Regulation: A Regulation based on detailed, clear and adopted criteria aimed at setting the price of water service provision for various uses.

Full Cost Recovery: The recovery of full real costs for all operation and maintenance expenses, capital expenditures and debt service.

Nonconventional Water Systems: Any facilities or infrastructure required for the provision of desalinated water or treated wastewater or other non conventional water resources.

Network: The set of pipelines branched from the main pipeline to the end user.

Environment: The space that includes living resources, air, water, soil, built structures, and interactions between them.

The Water Zone: A specified area surrounding a water resource or a water facility aimed at their protection from any external activity or impact or any kind of pollution.

Exploration: All operations related to searching for, and investigating water resources, including drilling, testing, conducting analysis, and any other detailed studies.

Water Budget: The amount of water available from all Water Resources and its division among the various sectors and regions.



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Quota: The share of a water using sector from the available water. .

Article (2) Objective of the Law

This law aims to develop and manage the Water Resources in Palestine, to increase their capacity, to improve their quality, to preserve and protect them from pollution and depletion, and to improve the level of water services through the implementation of integrated and sustainable water resources management principles. .

Article (3) Ownership of Water Resources

All Water Resources in Palestine shall be considered public property, and the Authority has the power to manage these resources in a manner that ensures justice and efficiency in distribution.

Article (4) Determining the Zone of Water Resources, and of Water and Wastewater Facilities

The zone of Water Resource, water and waste water facilities shall be determined in accordance with specific criteria pursuant to a regulation issued by the Cabinet of Ministers.

Article (5) The Right to Water Access

1. Every person has the right to obtain his needs of suitable quality drinking water for utilization at specific prices set in accordance with the Tariff Regulation issued by the Cabinet of Ministers.
2. Water Service Providers shall take the necessary measures to ensure this right and prepare the plans required for the development of services in this regard, in accordance with the General Water Policy.

Article (6) Water Uses

1. Water shall be used for the following purposes: :



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

- A. Domestic and residential
 - B. Agriculture and irrigation
 - C. Industrial
 - D. Tourism
 - E. Trade and commerce
 - F. Conservation of water-dependent ecosystems and aquatic habitats
2. The required license shall be obtained prior to shifting the right of use from one purpose to another.
 3. The Authority shall determine, in cooperation with other official and relevant authorities, and within the framework of the annual water budget, the amounts and means of water utilization for the various sectors and regions, provided that domestic uses shall have absolute priority over all other uses in determining the allocation of available water resources.

Chapter Two - The Water Authority

Article (7) Legal Personality

1. The Water Authority is a public institution and enjoys a Legal personality. Its budget is part of the General Budget of the State of Palestine.
2. The Authority reports to the Cabinet of Ministries.
3. The main headquarter for the Authority shall be in Jerusalem, and its temporary headquarter shall be in any other place that is determined by the Authority. The Authority may open branches in any other location in Palestine.

Article (8) Responsibilities of the Authority

In fulfillment of the objectives of this law, the Authority shall exercise the following responsibilities:

1. The full responsibility for managing Water Resources in Palestine, applying principles of integrated and sustainable management of water resources.
2. Preparing general water policies, strategies and plans, seeking their approval, and ensuring their implementation in coordination and cooperation with relevant parties, as well as submitting periodic status reports on water to the Cabinet of Ministers.
3. Surveying the available Water Resources, proposing water allocations for various sectors, and their utilization priorities on the basis of integrated and sustainable management principles, ensuring effective water demand



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

- management.
4. Protection of Water Resources and their surrounding environment through the establishment of protection zones to prevent pollution, in cooperation and coordination with relevant authorities.
 5. Licensing and development of Water Resources utilization, in cooperation and coordination with the relevant authorities.
 6. Setting a general policy for the planning and evaluation of water and wastewater projects in terms of their economic and social feasibility, setting design and quality control standards, technical specifications, and monitoring their implementation.
 7. Taking measures and developing plans as may be required for the establishment and development of the National Water Company and the Regional Water Utilities, in coordination with the relevant authorities.
 8. Supervising the organization of awareness raising campaigns in the sphere of water and wastewater and promoting the use of water saving fixtures, in coordination and cooperation with the relevant authorities.
 9. The development of plans and programs for capacity building, training and qualification of technical staff working in the water sector and supervising their implementation with the aim of improving the management of water resources, in cooperation and coordination with the relevant authorities.
 10. Endeavouring to achieve an equitable distribution and optimal use of water to ensure the sustainability of ground and surface Water Resources, in cooperation and coordination with the relevant parties. In addition to developing solutions and suitable alternatives in cases of emergency and contingency to ensure the continuity of water provision services, in coordination with Service Providers and relevant parties.
 11. Coordinate and supervise scientific research and studies related to water and wastewater and directing such research towards finding creative and innovative solutions to existing problems and following up on their recommendations with the specialized and relevant authorities.
 12. Partake in the development of approved standards of water quality for various uses, in coordination and cooperation with the competent authorities, and ensure their implementation.
 13. Development and coordination of effective participation in technical cooperation programs at the international, regional, bilateral and local levels, in the sphere of integrated and sustainable management of water resources, including through the organization of conferences, workshops, seminars and the representation of Palestine in international and regional fora and meetings in



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

this sphere.

14. Proposing draft laws and draft regulations related to water, and submitting them to the competent authorities for their duly issuance.
15. Issuing and implementing directives and instructions related to Water Resources, and providing technical expert opinions in disputes related to Water Resources.
16. Cooperate with the relevant authorities in creating a climate that is stable and conducive to investments with the aim of encouraging private sector investment in the water sector, and implement required institutional, regulatory and economic reforms to encourage partnership with the private sector in accordance with a regulation issued for that purpose.
17. The establishment of advanced monitoring systems to monitor precipitation, surface flows, groundwater levels, utilization quantities, and water quality, as well as analysis of data to determine the safe and sustainable yield of Water Resources and improve water resources planning.
18. Develop principles and frameworks of water demand management with the aim of improving the efficiency of water supply, usage, conservation, recycling and reuse.
19. Build institutional capacities for the management of shared water resource and deepen regional and international cooperation.

Article (9) Recruitment of Experts

1. The Authority may enlist the assistance of advisors and experts from various sectors as it deems it appropriate and necessary for carrying out its responsibilities.
2. Any such expert or advisor, or their relatives up to a second degree, are prohibited from having an interest in any matter presented to them for the provision of their expert opinion.

Article (10) Maintaining Confidentiality of Information

The employees and advisors of the Authority shall maintain the confidentiality of information and are prevented from disclosing any information in the sphere of water, or any other sphere under their responsibility, in any manner contradicting the provision of this law.



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Article (11) Conflict of Interests

1. An employee of the Authority shall not be a party to any contract, including procurement of supplies or work bids, which is concluded by the Authority.
2. An employee of the Authority shall not be employed in any of the projects or works implemented by the Authority and shall not receive any direct or indirect payment or material benefit from such projects and works, except for the salaries and bonuses received from his employment with the Authority or in consideration for carrying out responsibilities under the provisions of this Law and the regulations issued pursuant thereto.
3. A violation of the provisions of Paragraphs 1 and 2 of this Article by an employee of the Authority shall be subject to prosecution and penalties as stipulated under the applicable law.

Article (12) Financial Resources of the Authority

1. The Financial resources of the Authority shall consist of:
 - A. The amounts allocated to it in the general national budget of the State of Palestine
 - B. Grants, donations, assistance, loans and any other resources which are made available to the Authority in accordance with the relevant laws and regulations.
 - C. Fees collected in consideration to the issuance, amendment and renewal of licences and permits issued pursuant to this law, in addition to fines levied under this law and the regulations issued pursuant thereto.
2. The financial resources as per Paragraph 1(b) of this Article shall be placed in a dedicated account for the benefit of the Authority, in accordance with internal regulations.
3. The Authority's funds are public funds and shall be collected in accordance with the Law on the Collection of Public Monies in force.

Article (13) Revenues and Accounts of the Authority

1. All revenues collected by the Authority shall be deposited in the account of the Public Treasury.
2. The accounts of the Authority and its records and all its financial affairs shall be regulated and audited by the Ministry of Finance, in accordance with the



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

applicable laws and regulations.

3. The Authority shall enjoy the exemptions and easing measures available for government departments and ministries.

Article (14) Prohibition on Exemption from Fees and Charges

No government department, official institution, civil society organization, or any natural or legal person shall be exempted from the fees, charges, and utilization fees which are levied in consideration for services provided by the Authority in accordance with the provisions of this Law, unless otherwise provided in a legal document pursuant to applicable laws.

Chapter Three- Head of the Authority and His Responsibilities

Article (15) Appointment of the Head of the Authority and His Deputy

1. The Head shall be appointed by a Presidential Decree upon the recommendation of the Cabinet of Ministers. The Head shall be experienced, competent and proficient in this field. The decree shall determine his employment rank..
2. The Deputy shall be appointed by a decision of the Cabinet of Ministers upon a recommendation from the Head of the Authority.
3. The Deputy Head shall carry out the tasks and responsibilities delegated to the Head during his absence or in case of vacancy in office until the appointment of a new Head.

Article (16) Responsibilities of the Head of the Authority

The Head of Authority shall have the following responsibilities:

1. Organization and management of the Authority and supervision of all of its employees and directorates.
2. Preparation of the budget and financial reports and their submission to the Cabinet of Ministers for approval.
3. Signing local and international water agreements on behalf of the Government upon prior authorization from the competent and relevant authorities.
4. Participation in activities aimed at improving regional and international cooperation in the sphere of water and wastewater.



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

5. Preparation of periodic reports to the Cabinet of Ministers concerning the activities of the Authority and quality of performance, and the proposal of solutions for overcoming obstacles that hinder the progress of work.
6. Any responsibilities and tasks assigned to him by the Cabinet of Ministers.

Chapter Four – The Water Sector Regulatory Council

Article (17) Establishment of the Council

1. A Council named "The Water Sector Regulatory Council" shall be established by a decision of the Cabinet of Ministers and shall be regulated pursuant to this law. The Council enjoys a legal personality and is financially and administratively independent.
2. The main headquarter of the Council shall be in Jerusalem, and its temporary headquarter in any other place in Palestine; The Council's Board of Directors may decide to open branches in all governorates.

Article (18) Objective of the Council

The objective of the Council is to monitor all matters related to the operation of water Service Providers including production, transportation, distribution, consumption and wastewater management, with the aim of ensuring water and waste water service quality and efficiency to consumers in Palestine at affordable prices.

Article (19) Exemptions and Privileges of the Council

The Council shall enjoy the same exemptions and privileges applicable to ministries and governmental departments.

Article (20) Reports by the Council

The Council shall submit the following reports to the Cabinet of Ministers:

1. A semi-annual report with respect to the management performance of water and wastewater services.



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

2. A semi-annual report on its activities and the quality of its performance.

Article (21) The Council's Board of Directors

1. The Board of Directors consists of a Chairperson and six competent, integrant and specialized members representing the public, private, and civil society sectors whom shall be appointed by a decree of the President of the State of Palestine upon the recommendation of the Cabinet of Ministers.
2. Members of the Board of Directors shall elect a Deputy Chairperson from among them.
3. Any members of the Board of Directors shall be:
 - A. A Palestinian national or of Palestinian origin.
 - B. Enjoy full legal capacity.
 - C. Not convicted of a felony, or misdemeanour breaching honor and integrity.
4. Benefits and financial rights of the Chairperson and members of the Board of Directors shall be determined in a regulation issued by the Cabinet of Ministers.
5. Chairperson and Members of the Board are appointed for a term of four years, renewable only once. Membership shall be terminated due to the following:
 - A. The membership term has ended.
 - B. Resignation or death.
 - C. Dismissal by a decision of the Cabinet of Ministers.
 - D. Destitution of legal capacity.

Article (22) Conflict of Interests

1. The Chairperson and members of the Board of Directors, and their relatives up to a second degree, shall not be a party to any contracts, including the procurement of supplies or works bids, which are concluded by the Council.
2. The Chairperson and members of the Board of Directors, and their relatives up to a second degree shall not work in such projects or works or earn any direct or indirect profit or benefit, excluding salaries and bonuses received from employment in the Council or in consideration for responsibilities entrusted to them under the provisions of this law and regulations issued pursuant thereto.
3. The Chairperson or members of the Board of Directors shall be subject to prosecution and penalties under the law for violations of the provisions of Paragraphs 1 and 2 of this Article. .



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Article (23) Meetings of the Council

1. The Board of Directors shall hold a regular meeting at least once every month.
2. The Board of Directors shall hold emergency meetings upon the invitation of the Chairperson or two of its members.
3. The quorum for the Board of Directors meetings is a minimum of five of its members including the Chairperson or his Deputy.
4. Decisions of the Board of Directors are taken by a vote of the majority of members present in the meeting. In case of equal vote the Chairperson shall have a casting vote.
5. The Deputy Chairperson of the Board of Directors shall have the powers of the Chairman during his absence.
6. A member of the Board of Directors who fails to attend three Board meetings within a year, without a reasonable cause, shall be deemed as resigned from membership in the Board of Directors.

Article (24) Responsibilities of the Council

The Council shall have the following responsibilities and powers:

1. Approval of water prices, costs of supply networks and other services required for the delivery of water and waste water services, as well as review and monitoring of these costs to ensure compliance with the policy adopted by the Authority.
2. The issuance of licenses to Regional Water Utilities and any operator that establishes or manages the operation of a facility for the supply, desalination, or treatment of water or the collection and treatment of waste water, and the levying of license fees, in accordance with the provisions of this law and a regulation issued by the Cabinet of Ministers.
3. The Monitoring and inspection of compliance with the terms, requirements and indicators stipulated in licenses and permits.
4. The development of performance incentives programs for Service Providers, in accordance with a regulation issued by the Cabinet of Ministers for this purpose.
5. The approval of internal bylaws, the financial and administrative regulations and organizational structure of the Council and their submission to the Cabinet of Ministers duly issuance.
6. The approval of the annual budget for the Council and its submission to the Cabinet of Ministries.



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

7. Monitoring operation processes related to the production, transport, and distribution of water and operational processes of wastewater management.
8. Monitoring water supply agreements.
9. Ensuring that production, transport, distribution and wastewater treatment costs take into consideration the interests of all concerned parties.
10. Setting quality assurance standards for the provision of technical and administrative services by Service Providers to consumers, in line with relevant laws and regulations, and their dissemination to the public.
11. Monitoring the compliance of the National Water Company and Service Providers with the adopted standards for the provision of water and Sanitation services.
12. The establishment of a database for technical, financial and statistical information and the publication of this information periodically.
13. Addressing complaints of consumers against Service Providers.
14. Conducting a general review for the performance of the Council and its departments as well as a review of staff performance development plans, at least once per annum. .
15. Contracting experiences and competent experts, advisors, and technicians to implement tasks to be entrusted to them.
16. Setting the basis for regulating the extent and percentage of local authorities' participation in the general assemblies of water utilities and ensuring implementation, in accordance with the provisions of the law and the applicable regulations.

Article (25) Financial Resources of the Council

1. The Financial resources of the Council shall consist of:
 - A. Fees for licenses and services granted by the Council in accordance with the provisions of this law
 - B. Grants, aids and any other resources approved by the Cabinet of Ministers.
2. All revenues of the Council shall be deposited in an account specific to the Council.

Article (26) Finances of the Council

1. The Council shall be responsible for its expenditures and for the preparation of annual financial reports, which shall be audited by an external and duly



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

authorized auditing firm. The audited financial reports shall be submitted to the relevant authorities.

2. The Council shall enter into a contract with an external and duly authorized auditing firm for the preparation of annual financial reports.
3. All Council finances shall be subject to audit and review by the official monitoring authorities.

Article (27) Executive Body of the Council

1. The Board of Directors shall appoint a Chief Executive for the Council and determine his salary, financial and other employment rights.
2. The Chief Executive is directly responsible for the Executive Body of the Council and has the following responsibilities:
 - A. Management of the daily work of the Council.
 - B. Preparation of the general budget of the Council and its submission it to the Board of Directors.
 - C. Preparation of the internal bylaw, the administrative and financial regulation, and the organizational structure of the Council and their submission to the Board of Directors.
 - D. The participation in the Council meetings without the right to vote.
 - E. Reporting to the Council on operations and activities.
 - F. Participating in activities related to the work of the Council in Palestine and abroad.
3. The staff of the Council shall be regulated by a specific administrative regulation which determines the salary scale, salary increases, promotions and all allowances. This regulation shall be issued by the Cabinet of Ministers upon the recommendation of the Board of Directors.

Article (28) Conflict of Interests

1. The Chief Executive or any of the employees of the Council shall not be a party to any contracts, including the procurement of supplies or works bids, which are concluded by the Council.
2. The Chief Executive or any of the employees of the Council shall not work in such projects or works or earn any direct or indirect profit or benefit, excluding salaries and bonuses received from employment in the Council or in consideration for responsibilities entrusted under the provisions of this law and



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

regulations issued pursuant thereto.

3. The Chief Executive or any of the employees of the Council shall be subject to prosecution and penalties under the law for violations of the provisions of Paragraphs 1 and 2 of this Article.

Chapter Five – Licensing of Water Resources

Article (29) Licensing

1. The following activities and works shall be subject to the issuance of a license and license fees from the Authority in accordance with a regulation issued by the Cabinet of Ministers:
 - A. Drilling, exploration, extraction or collection of groundwater.
 - B. The construction or expansion of a well or the drilling a substitute well.
 - C. Utilizing surface water for non-personal purposes.
2. Prior approvals shall be obtained from the competent authorities as stipulated in the terms of the license.

Article (30) Harvesting Rainwater

With the exception of what has been stipulated above, a person has the right to harvest rainwater falling on his private land or private household, and utilize it for domestic purposes, in accordance with public health and environmental standards as set by the relevant official authorities.

Article (31) Issuance of Licensing Regulations

In accordance with the provisions of this law, taking into considering the designation of water as a public property, the Authority shall prepare the following regulations and submits them to the Cabinet of Ministers for issuance:

- A. Fees per water quantity licensed for extraction from all wells or exploitation from springs.
- B. Prior use rights from springs or licensed quantity of water extracted from wells.

Article (32) Amendment or Revocation of Licenses

1. All licenses issued by the Authority shall be of limited duration and the



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Authority has the power to amend, suspend or revoke the license in the following cases:

- A. The licensee did not commence the project's construction within the period specified in the license
 - B. It becomes apparent to the Authority that false information has been provided
 - C. The project is not being implemented as stipulated in the license terms and in accordance with the relevant regulations in this regard.
 - D. Any other reasons in accordance with the provisions of the law
2. A facility or project that violates any of the terms of the license shall not be permitted to resume its activities under the license unless the causes of violation have been removed or remedied. In the event that violations are not remedied, the competent authority shall remedy them at the offender's expense.

Article (33) Registry of Licenses

1. The Authority shall establish and maintain a registry for all types of licenses and permits related to any kind of water-related projects or works..
2. The public has the freedom to access information and the registry in so far as they are not classified as confidential due to a public or commercial interest.
3. The public has the right to obtain copies of all non-confidential information contained in the registry in consideration for the payment of fees determined by the Authority in accordance with a regulation to be issued for this purpose.

Chapter Six - The Tariff

Article (34) The Unified Tariff Regulation for Water and Wastewater

The Authority shall set the general policies for determining the water and wastewater tariff, in accordance with a regulation issued by the Cabinet of Ministers.

Article (35) Unified Price



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

The Council shall set, in line with the government policy, a unified price for the provision of bulk water supply to Service Providers in all areas of Palestine, pursuant to a regulation issued by the Cabinet of Ministers.

Article (36) Pricing

Service Providers shall set water prices, subject to the approval of the Council, for various uses, in accordance with the tariff regulation. .

Chapter Seven – The National Water Company

Article (37) Establishment of the National Water Company

1. A company named “The National Water Company” shall be established in accordance with the provisions of this law, and shall be fully owned by the State of Palestine.
2. The Company may not alter its legal status except by a law.

Article (38) Capital of the Company

1. The capital of the Company shall be set by a decision of the Cabinet of Ministers.
2. The Company’s financial affairs shall be regulated pursuant to a regulation issued by the Cabinet of Ministers upon the recommendation of the Ministry of Finance and the Authority.

Article (39) Responsibilities of the Company

The Company shall exercise the following responsibilities:

1. The supply and sale of bulk water to water undertakings, local authorities, joint water councils and associations.
2. The extraction of water from Water Resources, desalination of water, and bulk water transmission in accordance with a license issued by the Authority for this purpose.
3. The management, upgrade and development of any assets received from the



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Authority.

4. Ensuring and guaranteeing smooth commercial relations with customers and suppliers.
5. The provision of all the means necessary for the development of all activities and infrastructure works related to the supply of bulk water.
6. The preparation of proposals for water supply tariff and related services and their submission to the Council for approval.
7. Any other related tasks assigned by the Authority.

Article (40) The Company's Board of Directors

1. A Board of Directors shall oversee the management of the Company. The Board of Directors shall be composed of a Chairperson and four members, all of whom are experienced, competent and proficient Palestinian nationals to be appointed by a decision of the Cabinet of Ministers upon the recommendation of the Authority.
2. All members of the Company's Board of Directors shall be of integrity and high proficiency in water and financial matters.
3. The Membership term in the Company's Board of Directors is four years, renewable only once.
4. Membership shall end for any of the following reasons:
 - A. Resignation or death.
 - B. Dismissal by a decision of the Cabinet of Ministers.
 - C. Loss of legal capacity.
5. The Chairperson and members of the Company's Board of Directors, and their relatives up to a second degree, are prohibited from being a party in any of the contracts concluded by the Company or from earning any material benefit from such contracts.

Article (41) Responsibility of the Company's Board of Directors

The Company's Board of Directors is the supreme authority for the adoption of decisions in the company, and it is entrusted with the implementation of the Company's policies and overseeing the management of its operations for the advancement of the policy approved by the Authority. The Company's Board of Directors enjoys the full powers necessary for the achievement of the Company's responsibilities pursuant to this law.



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Article (42) Executive Body of the Company

1. The Company's management is the responsibility of a Chief Executive appointed by a decision of the Company's Board of Directors.
2. The Company's Board of Directors shall appoint a staff upon the recommendation of the Company's Chief Executive. All financial and administrative matters related to the staff, as well as their responsibilities, shall be regulated pursuant to a regulation issued by the Cabinet of Ministers upon the recommendation of the Company's Board of Directors.

Article (43) Financial Auditors

The Company's Board of Directors shall enter into a contract with a certified auditor to audit the Company's finances and the submission of annual reports to the Company's Board of Directors

Article (44) Company's Reports

The Company's Board of Directors shall submit quarterly reports to the Cabinet of Ministers and the Council on the financial and legal affairs and activities of the Company, in addition to an annual report annexed to the auditor's report.

Chapter Eight - Regional Water Utilities and Water Users Associations

Article (45) Establishment of Regional Water Utilities

The Authority shall establish, in coordination and cooperation with the relevant competent authorities, and in line with the public interest pursuant to the provisions of this law, Regional Water Utilities for the provision of water and wastewater services. The responsibilities, powers, and procedures pertaining to the licensing, structure, management, financial resources, dissolution, and all other matters related to the work of Regional Water Utilities shall be regulated pursuant to a regulation issued by the Cabinet of Ministers.

Article (46) Legal Personality



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Regional Water Utilities enjoy a legal personality, are financially independent, and have the right to own, use and dispose of movable and immovable assets, with the aim of achieving their objectives. They also enjoy the full legal capacity to carry out their activities and responsibilities, including the conclusion of contract, the right to sue or be sued, or delegate and authorize a person of its choosing to act on their behalf in judicial proceedings with the aim of achieving their responsibilities and mandate.

Article (47) Responsibilities of Regional Water Utilities

Regional Water Utilities are responsible for the provision of water and wastewater services each within its specified administrative and geographical scope, in accordance with a regulation issued by the Cabinet of Ministers in this regard. Accordingly, the objectives of Regional Water Utilities are:

1. The provision of water and wastewater services to consumers for various uses in line with sustainable economic, social and environment principles.
2. Meeting the needs for water of suitable quality and wastewater services through implementation of the required and appropriate measures and the development of the necessary plans and programs to develop these services.

Article (48) Establishment of Water Users Associations

Water Users Associations shall be established with the aim of managing the service of supplying irrigation water at the local level in a sustainable manner, in accordance with a regulation issued by the Cabinet of Ministers upon a joint recommendation of the Minister of Agriculture and the Head of the Water Authority. The regulation shall stipulate the licensing procedures, responsibilities, powers, management, financial resources, dissolution and all other matters related to the work of Water Users Associations

Article (49) Legal Personality of Water Users Associations

Water Users Associations enjoy a legal personality, are financially independent, and have the right to own, use and dispose of movable and immovable assets with the aim of achieving their objectives. They also enjoy the full legal capacity to carry out their activities and responsibilities, including the conclusion of contract, the right to sue or



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

be sued, or delegate and authorize a person of its choosing to act on their behalf in judicial proceedings with the aim of achieving their responsibilities and mandate

Chapter Nine - Protection of Water Environment

Article (50) Protection of Water Resources from Pollution

With due regard to the provisions of the Environmental Law, and in coordination and cooperation with the authorities specialized in the protection of water resources and the prevention of their pollution, the Authority shall carry out the following:

1. Partake in regulating the use of industrial and agricultural materials that may cause the contamination of water resources or water supply systems.
2. Partake in the committees responsible for conducting environmental impact assessments with regards to any activity related to water resources or water supply systems.
3. Partake in the development of special mechanisms for crisis management in the event of drought, floods, epidemics that spread through water, or general pollution.
4. Partake in the preparation of a list of pollutants, which require licensing, and compensation for damages resulting from them.
5. Recommend a regulation to be issued by the Cabinet of Ministers for the protection of Water Resources and facilities.

Article (51) Suspension of Water Extraction or Supply in the Case of Pollution

The Authority shall order the suspension of water extraction or water supply in cases of a water source or supply system pollution, and may order the closure of the source or supply system if the pollution persists. The Authority shall notify the concerned authorities and dispose of contaminants as a matter of urgency.

Article (52) Declaration of Protected Water Zones

1. The Authority, in coordination with other relevant parties, may consider any area that contains a Water Resource a protected Zone, in accordance with a regulation issued by the Cabinet of Ministers in this regard, in cases where water quality or quantity is under risk of contamination or depletion, or in cases where the implementation of the water policy requires so, provided that alternative water resources are provided as may be available.
2. In coordination with the competent authorities, a notice shall be published, in



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

the local newspapers thirty days prior to declaring an area a protected zone. The notice shall include the restrictions imposed on water use. The Authority may, by means of a subsequent notice, annul or amend the original notice as may be required.

Article (53) Removal of Pollution

Any natural or legal person that causes pollution to any Water Resource or water supply system shall remove the pollution affecting the Water Resource or water supply system. In case of refusal or failure to do so, the Authority shall remove the pollution and carry out the required cleansing operations at the expense of the party causing the pollution following written notification to that end, irrespective of the costs, which shall be collected from him in accordance with the Collection of Public Monies Law.

Chapter Ten – Monitoring and Inspection

Article (54) The Monitoring of Water Resources

The Authority is responsible for the monitoring of water resources, including:

1. Maintaining records that contain detailed information about water usage, licenses, violations and infringements on water resources.
2. The Authority has the power to inspect water resources and facilities and the power to enter any private or public property or building for this purpose in accordance with due process and the law.

Article (55) Judicial Police

1. Authority inspectors, appointed by a decision of the Head of the Authority, shall have the status and powers of the judicial police to apprehend crimes and violations prohibited under the Law.
2. Records of the judicial police officers, and all facts and evidence contained therein, shall be considered evidence for proof before the investigative and judicial authorities, unless proven otherwise.



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Article (56) Acquisition of Lands and Properties for the Public Good

1. The Authority may request the acquisition of any land, property or water facility for the public good, provided the owners of such are compensated for their property in accordance with the applicable laws.
2. The Authority may, in accordance with the provisions of this law, enter lands or properties as required for the implementation of its activities. The owner of the land or the property, who suffers from damage resulting from such entry by the employees of the Authority to his property or resulting from the conduct of works in it for the public good, or resulting from depriving access to the Water Resource, has the right to receive adequate compensation for such damage, in accordance with the applicable laws and regulations.

Chapter Eleven – Penalties

Article (57) Application of Penalties Stipulated Under This Law

Without derogating from more severe penalties stipulated under other laws, the penalties stipulated hereunder shall be applied.

Article (58) The Penalty for infringement on a Water Resource

A prison sentence of minimum six months and maximum one year, and a fine of minimum one thousand dinars and maximum five thousand dinars, or the equivalent thereof in other circulated currency, shall be imposed on a person who commits any of the following offences:

1. Polluting any water resource or supply system, or causing such pollution through his actions without remedying it within the period set for him by the Authority.
2. Drilling groundwater wells or substitute wells, or extracting water without obtaining a licence.
3. Infringement on any water resource or water and wastewater system, resulting in damage thereto or breakdown thereof.
4. The supply of water, or permitting the supply of water, to oneself or to others without a permit to do so.
5. Disposal of waste water without obtaining a license



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Article (59) Penalty for Unlawful Conduct in Water Resources

A prison sentence of minimum one month and maximum six months, and a fine of minimum one hundred dinars and maximum one thousand dinars, or the equivalent thereof in other circulated currency, shall be imposed on any person that:

1. Carries out any activities or works which are only permitted for the Authority under this law, without the prior written approval of the Authority.
2. Engages in conduct with respect to water resources, water, water related projects, or waste water, which violates the provisions of this Law.

Article (60) Fine for Violation of License Terms

The following acts are punishable by a fine of minimum ten thousand Jordanian dinars, or the equivalent in circulated currency, or by an amount equivalent to the value of the damage caused as a result of the act, whichever is the higher, :

1. Violation of the Tariff Regulation issued pursuant to this law or any of the directives and instructions issued pursuant to the regulation.;
2. The conduct, without a license, any of the works that require obtaining a license under the provisions of this law.
3. A violation of any of the terms or conditions of the license or permit issued by the Council.

Article (61) Repetition of Offences

In case of repetition of the offences mentioned above in Articles 60, 61, or 62, the stipulated penalties shall be doubled.

Article (62) Restitution and Compensation

Any person convicted of committing any of the offenses set forth in this chapter, shall be obliged to compensate the value of damages resulting from the offence, and shall remedy its causes and effects and restore the *status quo ante* that existed prior to the offence within the period set by the court. In case of failure to do so, the



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

competent authorities shall order the implementation of the required works and shall charge all costs to the offender.

Chapter Twelve – Transitional and Final Provisions

Article (63) Continuity of Licenses Validity and Conformity with the Law

Licenses issued under the applicable Laws and regulations, prior to the entry into force of this law, shall remain valid until its expiration period. Thereafter it shall be brought into conformity with the provisions of this Law.

Article (64) Transitional Provisions

1. Without derogating from the provisions of this Law, the relevant governmental authorities, official institutions, civil society organizations, and local authorities shall continue to exercise their responsibilities and powers under the applicable laws and regulations until the establishment of the National Water Company and the Regional Water Utilities in accordance with the provisions of this law.
2. The Authority shall rehabilitate and develop the West Bank Water Department with the aim of providing bulk water supply at the national level to all governorates, based on a sustainable basis, and in accordance with temporary provisional regulation issued to that end. The provisional regulation shall determine its responsibilities, tasks, the required transition period, and the mechanism to transfer all of its movable and immovable assets to the Authority and its powers and responsibilities to the National Water Company.
3. All assets currently managed by the West Bank Water Department, including movable and immovable assets, as well as all rights and obligations, shall be transferred to the National Water Company.

Article (65) Issuance of Regulations

The Cabinet of Ministers, upon the recommendation of the Authority, may issue any regulations as it deems it appropriate for the implementation of this Law.

Article (66) Annulment



فلسطين
دولة

Presidential Office
Date : 14/06/2014
No. 1664

Anything that contradicts the provisions of this law is hereby annulled.

Article (67) Approval by the Legislative Council

This decree by a law shall be submitted for endorsement by the Legislative Council in its first session. .

Article (68) Validity and Implementation

All relevant authorities, within their respective spheres, shall implement this decree by a law, which shall enter into force upon its publication in the Official Gazette.

Issued in the city of Ramallah on 02/06/2014

Mahmoud Abbas
President of the State of Palestine
Chairman of the Executive Committee of
the Palestine Liberation Organization