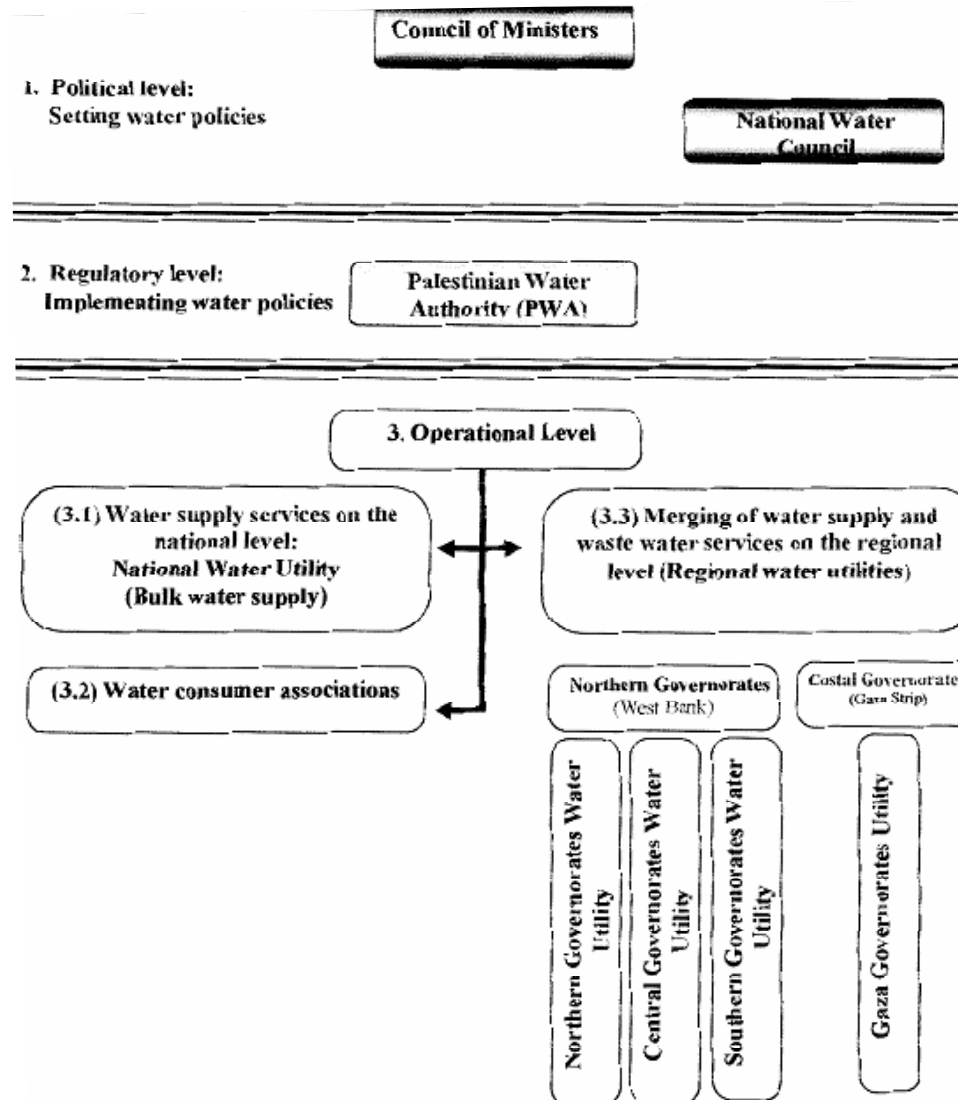


Part 4: Palestinian Water Law and Legislations

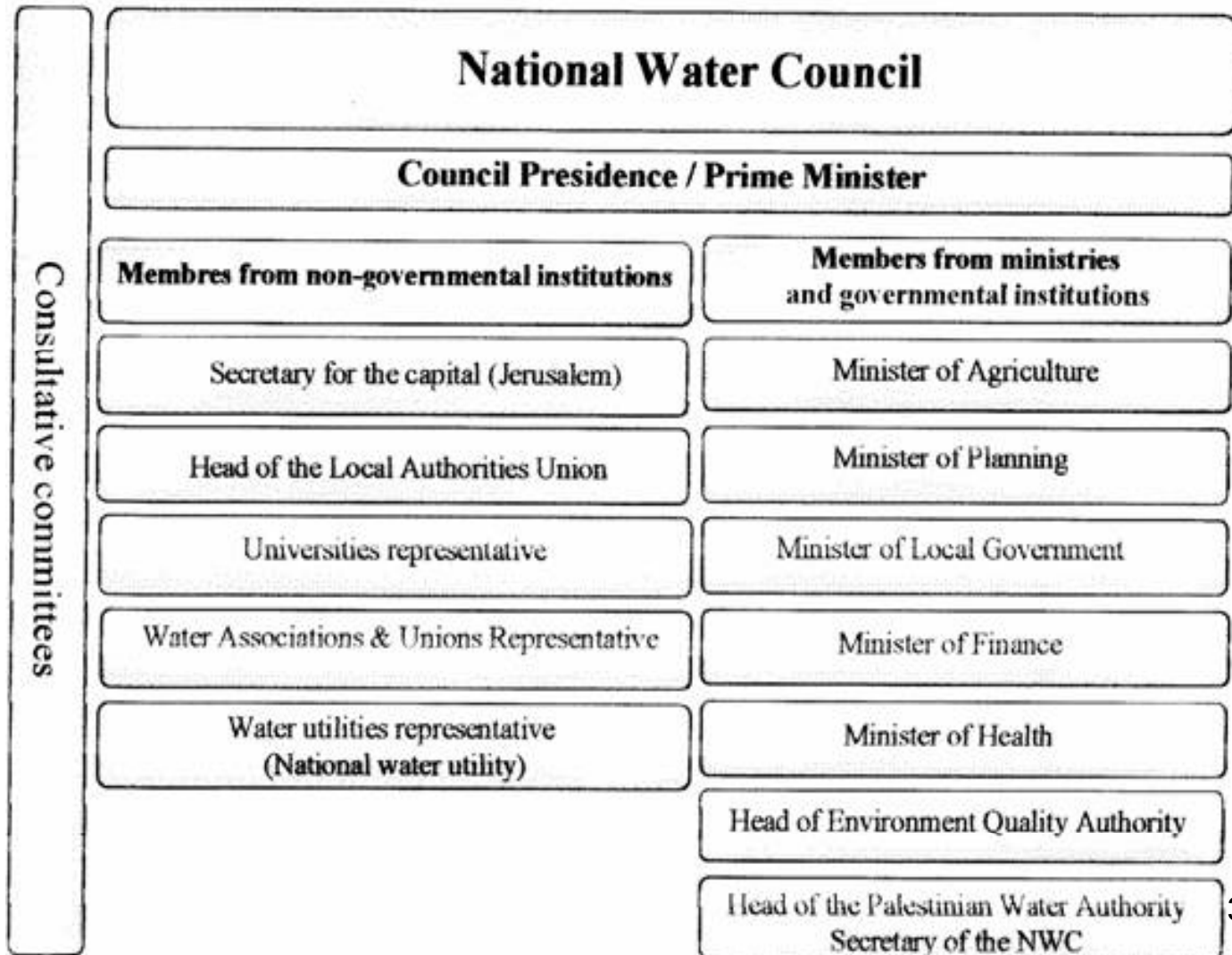
Institutional Framework of the Water Sector in Palestine

Water Sector Framework



Institutional Framework of the Water Sector in Palestine

National Water Council framework



Institutional Framework of the Water Sector in Palestine

Duties and prerogatives of the National Water Council:

- Sanction the general water policy;
- Sanction the policy for development and utilization of water resources and the different usage;
- Ratify plans and programs aimed at organizing the usage of water, the preventing wastage, and directing consumption;
- Ratify the tariff policy;
- Confirming the allocation of funds for investment in the water sector;
- Approving the periodic reports concerning the activities of the Authority and its work;



Institutional Framework of the Water Sector in Palestine

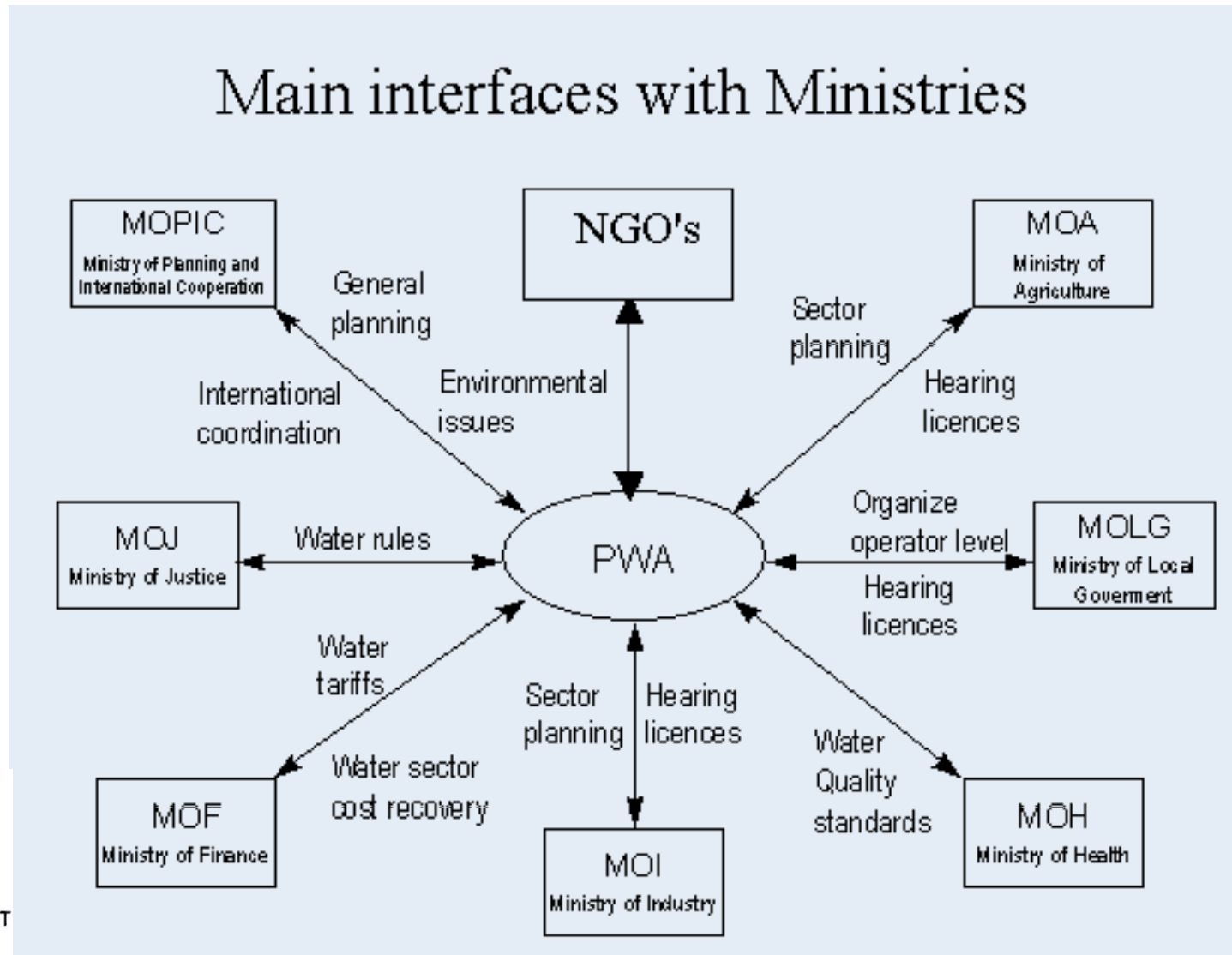
Duties and prerogatives of the National Water Council:

- Approving the Authority's guidelines and confirming the international regulations that govern its administrations and operations;
- Confirming the appointment of the Board of Directors of the regional utilities;
- Approving the annual budget of the Authority and presenting it to the Council of Ministers to confirm it;
- Implementing the financial regulations prevailing in the Palestinian National Authority;
- Any other tasks which are delegated to it according to the provisions of this law.



Institutional Framework of the Water Sector in Palestine

Main Stakeholders



Principles of Laws

- Sharia Law:
- Water is God's property and as such is free for all and thus belongs to all.
- Rights to use water were acceptable (drinking and irrigation)
- Payment was not clear

Jordanian Period (West Bank) 1948-1967

- Introduced water management related laws and concepts
- Required the registration and licensing of use
- Limited quantities used for various uses (agriculture, domestic)
- Established water allocation principles
- Empowered municipalities to distribute water
- Set rules for pollution of springs, canals, pools cisterns, etc.
- Created the West Bank Water Department to supply water to Jerusalem, Ramallah, Bethlehem and neighboring towns and villages.



Israeli Period (1967-1994)

- Israel controlled in its occupation of the West Bank (including East Jerusalem), and Gaza the water resources in terms of use, management, quality, allocation and supply and distribution.
- The regime created by Israel gave it effective control of all water resources.
- Israel discriminated in its allocation of water and the Palestinian share was far below that allocated to Israelis in both cities and settlements.
- Israel introduced Military Orders to change existing legislation on water.
- The most serious and significant change is Law No. 2 of 1967 deeming all water resources as State Property.



Water Law No. 3 / 2002 (PWA)

- The PWA prepared a comprehensive law on water in 2000-2001.
- The Law was enacted by the Palestinian Legislative Council in 2002.
- The Law encompasses the whole water sector issues.
- It aims to develop and manage the water resources, increase capacity, improve quality, preserve and protect against pollution and depletion.
- The major departure in this Law from Israeli legislation is that water is deemed a public property (owned by the people) not state property.

Water Law No. 3 / 2002

- The state manages water resources. Private use is licensed as well all other uses.
- The Law provides for the establishment of regional utilities (north, south, central and coastal). Today, the coastal utility is established in Gaza.
- The PWA is studying and assessing the creation of other regional utilities in the West Bank (WBWD).
- The Law establishes a Water Council chaired by the President of the PA and membership of water users association, various ministries, academicians, regional association, and regional utilities.
- The Water Council sets the policies for the water sector and ratifies PWA plans and reports.



Institutional Framework

- The PA has formulated a national water policy to address the increasing scarcity of water resources in Palestine. This policy includes the set of principles to govern policy and planning for the water sector that are shown alongside. The PWA has formulated a strategy for “Institutional Reforms towards a Sustainable Water Sector” (PWA Editions 2000) which forms the basis for the analysis.

Palestinian Water Policy:

- All sources of water are public property.
- Water has a unique value for human survival and health, and all citizens have a right to water of good quality for personal consumption at costs they can afford.
- Water supply and domestic, industrial, and agricultural development must be compatible with the available water resources and based on sustainable development.
- Water has social, environmental, and economic values.
- Development of Palestinian water resources must be coordinated on the national level, and carried out on the appropriate local level.

Palestinian Water Policy:

- The national water sector management should be carried out by one responsible body, with the separation of institutional responsibility for policy and regulatory functions from the service delivery functions.
- Public participation in water sector management should be ensured.
- Water management at all levels should integrate water quality and quantity.
- Water supply and wastewater management should be integrated at all administrative levels.
- Consistent water demand management must complement the optimal development of water supply.
- Protection and pollution control of water resources should be ensured. The “Polluter pays” principle will be applied to guarantee environmental protection.



Palestinian Water Policy:

- Conservation and optimum utilization of water resources should be promoted and enhanced.
- Pursue Palestinian interests in connection with obtaining the right of water resources shared by other countries on the principle of equality.
- The Government will co-operate with regional and extra-regional parties to promote the optimum utilization of water resources to identify and develop new and additional supplies, and to collect and share relevant information and data.

Regulatory Framework

- Prior to the Cairo Agreement of August 1994, under which the Israeli Civil Administration withdrew from Gaza, water resources were administrated by the Water Department of the Civil Administration and water services were and still are carried out by the water departments of the twenty municipalities. Permits for drilling of new wells were restricted, and quotas were planned on abstractions from all but municipal wells. These restrictions were not enforced before the hand-over of responsibilities to the PA, and illegal wells proliferated. The Water Department was placed under the Ministry of Agriculture when it was established, but regulatory matters in the water sector were transferred to the newly created PWA, 1996.
- To regulate the water industry, a Palestinian Decree was signed on 18 January 1996. This developed the Palestinian Regulatory Framework.



The Palestinian Water Authority (PWA)

- The PA established the PWA in 1996 by decree 1990/1995, and its power and responsibilities were defined in Palestinian By-law No 2. This gave a mandate to PWA to develop a Water Resources Management Strategy based on the principles embodied in the water policy with responsibility to:
 - Manage water resources
 - Execute water policy
 - Establish, supervise, and monitor water projects
 - Initiate coordination and cooperation between the parties affected by water management

The Palestinian Water Authority (PWA)

- To achieve its aims, PWA has formulated its strategy, based on the following activities:
- Pursue Palestinian water rights
- Strengthen national policies and regulations
- Build institutional capacity and development human resources
- Improve information services and assessment of water resources
- Govern water and wastewater investment and operations
- Enforce pollution control and protection of water resources
- Promote public awareness and participation

Other Government Institutions

- Several other government agencies bear or will bear responsibilities directly related to water resources and water and wastewater services.
- The Joint Water Committee (JWC) was established under the Oslo accords as a means to share information about water issues affecting both Israel and Palestine. As a member of the Joint Water Committee, the PWA is the primary Palestinian contact with Israeli authorities.
- The Ministry of Agriculture (MOA) is responsible for planning and policy concerning the use of water for agriculture, including reuse of treated wastewater. As facilities for the treatment and distribution of treated wastewater are implemented and brought into service, the responsibility for the conversion of farmers to more efficient irrigation and more value added cropping will fall heavily on MOA.



Other Government Institutions

- The Ministry of Environmental Quality Authority (EQA) is concerned with protecting the Gaza Strip's natural environment. This includes setting standards related to the conservation and protection of the environment, such as:
 - Minimum water requirement to preserve the environment
 - Disposal of treated sewage in wadis, streams, rivers, lakes and seas
 - Disposal of treated sewage in environments, which affects the biodiversity
 - Regulation of the industrial wastewater which is not treated by the utility
 - Disposal of brine from the desalination plants

Other Government Institutions

- The Ministry of Local Government (MOLG) is responsible for the coordination of all Gaza Strip municipalities and other forms of local government. As such they have considerable influence in the absorption of municipal resources into the CWMU and in the continuing provision of water and sewer services to the population.
- The Ministry of Planning (MOP) is responsible for policy development, coordination, and planning for the overall development of Palestinian areas, including both the water resources and agriculture sectors. Every three years, MOP prepares a Palestinian Development Plan (PDP), comprising sections submitted by Palestinian institutions from various sectors. PWA prepares the section on water and wastewater.



Other Government Institutions

- Ministry of Health (MOH) is responsible for the protection of public health and safety. This includes setting the standards that are related to the public health such as:
 - Drinking water quality.
 - Disposal of treated wastewater in bathing waters.
 - Disposal of treated wastewater in environment which affects the quality of some products such as fish.
 - Treated wastewater reuse for irrigation which may affect the agricultural products
 - Disinfection and drinking water storage.



Coastal Municipal Water Utility (CMWU)

- As the regulator of the water sector, the Palestinian Water Authority has adopted in its strategy the necessity to manage the water sources in an optimum fashion, to maximize the benefits against the costs. To achieve this, PWA envisages that management of the separate municipal and village council water and wastewater departments in Gaza will be consolidated into a single, efficient water and wastewater company for Gaza Strip, the Coastal Municipalities Water Utility (CMWU).
- The formation of CMWU to operate water and wastewater systems and to deliver services to domestic, industrial, and agricultural users throughout the Gaza Strip has been proposed and legal steps are presently being taken to establish the utility in 2000



Coastal Municipal Water Utility (CMWU)

- Municipalities and other entities currently operating water systems will transfer their water infrastructure assets and resources to the CMWU, and the municipalities will become the CMWU shareholders.
- The PWA, on behalf of the PA, will be the regulator of CMWU. Specifically, the PWA will regulate the CMWU monopoly as regards tariff setting and water quality and service standards, monitor agricultural water use and well licensing, maintain relations with water service providers and other governmental bodies, and develop procedures to be adopted during times of national emergency and drought.

