

Water Law

Number (3/2002)

Chairman of the Executive Committee of the Palestine Liberation Organization
Chairman of the Palestinian National Authority

After reviewing the Safeguarding of Public Water Supplies Ordinance No.17/1937 effective in Palestine,

And Water Resources Testing Law No. 2/1938 effective in Palestine,

And Water Control Law No. 31/1953 effective in West Bank Governorates,

And Law No. 2/1996 regarding the establishment of the Palestinian Water Authority,

And Law No. 1/1997 regarding the Palestinian Local Authorities,

And Resolution No. 66/1997 regarding the Internal Regulations of the Palestinian Water Authority,

And on the proposed law submitted by the Cabinet of Ministers,

And after the approval of the Legislative Council in its session held on 18/2/2002

We issued the following law:

Chapter One Definitions and General Provisions

Article (1)

The following words and expressions shall have the stated meaning unless the context indicates otherwise:

The Authority: The Water Authority

The Council: The National Water Council

The Head: The Head of the Palestinian Water Authority

Water Supply: The supply of water from all available resources.

Water Resources: All water resources which lie within the territorial land or sea of Palestine, whether conventional (surface or ground waters) such as the waters of springs, including hot springs, wells, ravines, rivers, lakes, seas, and water collection areas, or unconventional such as wastewater, desalinated water, and brackish water.

Water Resources Management: Development, improvement, and protection of water resources, and planning for its use.

Water Policy: The policy set by the Council for the preservation of natural and political rights on the water resources, its uses, and its projects in Palestine.

Facility: Any facilities or constructions intended for Water utilization, whether by extraction, or collection, or storage.

Water Recharge: Directing waters to the lower layers (ground) from any water resource including floods water, or treated wastewater, whether this is done directly by recharging the wells or reservoirs or by drilling or by permitting water to infiltrate from the surface to the subterranean soil.

Sanitary Sewage: A system for collecting, disposing of and treating Wastewater.

Well: Any facility intended for to extract ground waters to the surface.

Spring: Place for the exit of ground waters from inside the earth in a natural fashion.

Ground Waters: Waters available in the groundwater reservoir.

Surface Waters: Any moving or still waters above the ground surface including ravines, rivers, wadis, water springs, or any fountains, collection of sewage water, lakes, and seas.

Groundwater Reservoir: Formation or geological layers of materials which permit the infiltration of water to its inside, and its storage under the surface of the ground, and which are exploitable.

Right of Possession: Is the right to manage, supervise, plan, and regulate all water resources without derogation of the existing rights of usage.

National Water Utility: Is the party responsible for providing water in bulk, at the national level.

Regional Water Utilities: Institutions and interests that provide services of water and wastewater.

Pollution: Any change that occurs to the quality and constituents of water which leads to harm to the health of humans and to the environment.

Pollutant: Any material that could lead to a change in the qualities and constituents of water which may lead to harm to humans and to the environment.

Water Quality Standards: Standards which the Authority shall participate in setting in co-operation with the relevant official bodies, to preserve the ideal standards for water quality.

Water Meter: An approved instrument for measuring the quantity of water that flows past a specific point.

Water Tariff System: System that is based on studied standards in order to set a water tariff.

Network: The set of pipes deriving from the main water Pipe line to the end user.

Environment: The surroundings, which include living creatures together with the air, water, soil, and structures built upon it, and the interaction between them.

The Water Environs: A specified area surrounding a water resource and a water facility.

Exploration: All operations relating to search for, and investigating water resources and it includes drilling, analysis, and other detailed studies.

Article (2)

This law aims to develop and manage the water resources, increasing their capacity, improving their quality, and preserving and protecting them from pollution and depletion.

Article (3)

1. All water resources available in Palestine are considered public property.
2. The environs of a water resource or a public water facility shall be determined in accordance with objective criteria according to regulations to be issued for this purpose.
3. Every person shall have the right to obtain his needs of water of a suitable quality for his use, and every official or private institution that provides water services must take the necessary steps to insure this right and to make the necessary plans for developing these services.

Article (4)

It is prohibited to drill or explore or extract or collect or desalinate or treat waters for commercial purposes or to set up or operate a facility for water or wastewater without obtaining a license therefore.

Article (5)

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 The Water Authority

Article (6)

1. A public institution called “the Water Authority” shall be created by virtue of this law, and it shall have a juridical personality, and its budget shall be included within the general budget of the Palestinian National Authority.
2. The Authority shall be subject directly to the Chairman of the Palestinian National Authority.
3. The main headquarter for the Authority shall be Jerusalem, and its temporary headquarter shall be in any other place that is determined by the Authority.

Article (7)

In pursuance of the goals intended by this law, the Authority shall exercise the following tasks and responsibilities:

1. It shall have full responsibility for managing the water resources and wastewater in Palestine.
2. Setting the general water policy and working to implement it in coordination and cooperation with the relevant parties, and presenting periodic reports concerning the water status to the Council.
3. Surveying the different water resources, and suggesting allocations of water and determining the priorities of usage.
4. Creating reservation areas for protection from the danger of pollution, and exercising oversight and supervision over such areas, and approvals for transfer of water between the different geographic areas.

5. Licensing the exploitation of water resources including the construction of public and private wells, regulating them, water exploration, drilling exploratory, testing and production wells, and any other matters or activities relating to water or wastewater, in cooperation and coordination with the relevant parties.
6. Studying water and wastewater projects, and projects that integrate them, and setting design standards, and quality assurance, and technical specifications, and to control its implementation.
7. Rehabilitating and developing water departments for the bulk water supply at the level of the different national governorates, considering them national water utilities, and setting their tasks and responsibilities in accordance with regulations that are issued by the Cabinet of Ministers for this purpose.
8. Coordination and cooperation with the relevant parties to set plans, and programs for regulating the use of water, and preventing wastage, and conserve consumption, and carrying out public awareness campaigns regarding this aspect.
9. Supervising the profession of well drilling and qualifying contractors in the field of constructing water facilities in accordance with procedures that are set by the law.
10. Setting plans and programs for training the technical staff working in the water sector to develop the management of water resources and supervise its implementation and development.
11. Working towards achieving a fair distribution and optimal utilization in order to ensure the sustainability of ground and surface water resources through cooperation and coordination with the relevant parties and finding solutions and suitable alternatives in case of emergencies.
12. Regulating and supervising research and studies relating to water and wastewater, and following up with the concerned and specialized parties.
13. Rehabilitating the centers, for researches, and studies, and training, working in the water sector in accordance to the procedures to be set by the regulations referred to in paragraph 7 supra.
14. Participating in setting approved standards for the water quality for the different usages in cooperation with the relevant parties and insuring promulgation.
15. Working to develop and coordinate programs for international, regional, and bi-lateral technical cooperation in the field of water resources; holding conferences, and seminars, and representing Palestine in regional and international meetings in this field.
16. Preparing draft laws and regulations and issuing directives concerning water resources and executing them, and giving opinions with regard to the technical aspect in all disputes relating to water resources.
17. Any other tasks that are to be assigned by virtue of applicable laws and regulations.

Chapter Three The National Water Council

Article (8)

First: The National Water Council shall be composed as follows:

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

Second: The Council shall select among its members a vice - Chairman.

Third: The Head of the Authority shall be the secretary of the Council.

Fourth: The representatives of the private sector shall be selected on the basis of experience, specialization, and competency in this field, and they shall be appointed by a decision from the Chairman of the Palestinian National Authority.

Fifth: the period of a membership of the representatives of the non-governmental sector shall be two years and this period may be extended once.

Article (9)

The Council shall carry out the following tasks and responsibilities:

1. Sanction the general water policy:

2. Sanction the policy for development and utilization of water resources and the different usage.
3. Sanction plans and programs aimed at organizing the usage of water, the preventing wastage, and directing consumption.
4. Sanction the tariff policy.
5. Approving the allocation of funds for investment in the water sector.
6. Sanction the periodic reports concerning the activities of the Authority and its work.
7. Sanction the Authority's guidelines and confirming the internal regulations that govern its administrations and operations.
8. Confirming the appointment of the board of directors of the regional utilities.
9. Sanction the annual budget of the Authority and presenting it to the Cabinet of Ministers to confirm it.
10. Implementing the financial regulations prevailing in the Palestinian National Authority.
11. Any other tasks which are delegated to it according to the provisions of this law.

Article (10)

1. The Council shall meet at the invitation of its Chairman at least once every six months. An emergency meeting may be held at the request of the Chairman of the Council or four of its members when ever necessary. The meeting shall be chaired by the Chairman or by the Vice- Chairman in his absence.
2. For the validity of the meetings of the council, at least 8 members must be present including the Chairman of the Council or the vice- chairman. The decisions of the Council shall be issued by a majority of the present members and, where the votes are equal the side including the Chairman or the vice- chairman shall have a deciding vote.
3. The Secretary of the Council shall have the task of preparing the agenda for the meetings of the Council, for issuing the written invitations, and for drafting its resolutions and implementing them.

Article (11)

The Council may utilize the services of experienced and specialized experts, and consultants, and technicals.

Article (12)

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.

Article (13)

1. No member of the Council, nor any employee of the Authority may be a party in any contract, including contracts for purchases of necessities, or bids for carrying out works that the Authority is party to, nor may such a person work in these projects or works or obtain any profit or material benefit from it directly or indirectly, except for the salaries and bonuses that he receives from his employment with the Authority, or for his participating in any of the tasks that are delegated to him according to the provisions of the Law and the regulations issued with regard to.

2. If any member of the Council, of any employee of the Authority violates the provisions of subsection (1) of this article, he shall be subject to the legal sanctions and procedures, and will be required to return all the sums that he obtained as a result of this violation, in addition to paying compensation for the losses or damages to the Authority or to any party who has suffered as a result of his violation.

Chapter Four

The Head of the Authority: His Tasks and Responsibilities

Article (14)

1. The Chairman of the National Authority shall appoint, by a presidential decree, based on the recommendation of the National Water Council, a Head for the Authority, and a Deputy-Head, from among those with experience, specialization and competence in the field, and it shall be determined in the decree the employment level for both of them.

2. The Deputy-Head shall carry out the tasks and responsibilities delegated to the Head during his absence or when his position becomes vacant.

Article (15)

First: The Head shall have the following tasks and responsibilities:

1. Organizing and managing the Authority and supervision of all its employees, and its different directorates.

2. Preparing the budget and the financial reports and presenting them to the official bodies to approve, and confirm them in accordance with proper procedures.

3. Implementing the decisions of the Council.

4. Signing water agreements on behalf of the government, in accordance with the provisions of the prevailing laws and regulations.

5. Participating in activities aimed at improving regional and international cooperation in the field of water and wastewater.

6. Preparing periodic reports about the activities of the Authority, and its level of performance, and suggesting solutions to confront the difficulties and obstacles facing the progress of the work.

7. Any tasks assigned to him by the Council or the Cabinet of Ministers.

Second: The Head of the Authority may delegate some of his tasks and responsibilities

Article (16)

1. The Authority may appoint an advisor, or a group of advisors for carrying out its tasks.
2. The Authority may use advisors or experts representing the different sectors to carry out its tasks whenever it is necessary to do so.
3. It is not permitted for any of the advisors or their relatives to the second degree, to have any interest in any matter that is presented to him for his opinion.

Article (17)

The employees of the Authority, and its advisors, shall bound to the instructions that are issued with respect to maintaining the secrecy of information and the obligation not to publish them, in the field of water, or any other field that is delegated to them.

Chapter Five Licensing and Tariffs

Article (18)

In accordance with the provisions of this law, licensing fees shall be imposed and the conditions, and period, and procedures, and transferability, and amendments, and renewal, and all matters pertaining thereto, including permits, shall be set pursuant to regulations to be issued for this purpose.

Article (19)

The Authority may amend, suspend, or cancel a license if the licensee fails to initiate the project during the period specified in the license, or if it discovers that incorrect information was given, or if the project is not being implemented in the manner specified in the conditions of the license, or contrary to the provisions of the Law.

Article (20)

Unified tariff system for water shall be set, which may be amended from time to time, with the aim of encouraging the water users to conserve the available water resources and its optimal usage in accordance with the regulations that shall be issued for that purpose.

Chapter Six Financial Resources

Article (21)

The financial resources of the Authority shall consist of:

1. The amounts allotted for it in the general budget of the Palestinian National Authority.
2. Grants, dons, assistance, loans, and any other resources that are available to the Authority and which the Cabinet of Ministers agrees to accept, shall be placed in a

special account for the Authority and shall be supervised directly by the Ministry of Finance and the Authority.

Article (22)

The monies of the Authority shall be considered public monies and shall be collected in accordance with the Law, in force, for the Collection of Public Monies.

Article (23)

1. All monies collected by the Authority shall be deposited in the general account of the Treasury, which is administered by the Finance Ministry.

2. The accounts of the Authority and its records and all its financial affairs shall be conducted in accordance with the laws of the Palestinian National Authority and in accordance with the accounting procedures adopted by the Palestinian National Authority.

3. The accounts of the Authority shall be audited by the Finance Ministry and the General Control Institution.

4. The Authority shall enjoy the exemptions and facilities available to the government and the ministries and governmental departments.

Article (24)

Despite the provisions of any other law, no governmental department, or official institution, or private institution or any person real or juridical, shall be exempted from the fees and costs, levies, or usage fees which are realized or imposed for services given by the Authority in accordance with the provisions of this Law.

Chapter Seven Regional Water Utilities

Article (25)

By virtue of this law, National Water Utilities will be established based on the desire of local committees and water users associations, to provide water and wastewater services and it will set the tasks and responsibilities and their composition, and management, and financial resources, and dismantling, and all matters pertaining to their work in accordance with regulations that will be issued for this purpose.

Article (26)

Regional utilities and water users associations shall set the prices of water for different usage, in accordance with the approved tariff system.

Article (27)

The Authority may contract with regional utilities to operate alternative water systems.

Article (28)

1. The Authority shall have the right to supervise and control regional utilities and water users associations, in cooperation and coordination with the relevant parties, and to take all the procedures necessary regarding them for violating the provisions of this Law or the regulations or directives issued thereunder.

2. The Council, based on the recommendation of the relevant parties, to decide by means of a reasoned decision to suspend or dismantle the services board of directors for of any regional utilities or water user associations and this decision shall be subject to appeal before the relevant court.

Chapter Eight Protection of the Environment

Article (29)

Without contravention of the provisions of the Environmental Law and the regulations and directives issued under it, and in cooperation and coordination with the relevant authorities for the protection of water resources and the prevention of its pollution, the Authority shall carry out the following actions:

1. Participate in regulating the use of agricultural and industrial materials, which may cause pollution to the water resources or its supply systems.
2. Participate in preparing special guidelines for the environmental impact assessment for any activity relating to water resources or their supply systems.
3. Participate in preparing special mechanisms for crisis management when there is a draught or flooding or a plague that is spread through water, or general pollution.
4. Participate in preparing a list of the names of pollutants, which require licensing, and compensation for damages resulting therefrom.

Article (30)

The Authority may issue a decree to halt the production or supply of water if it appears that its source or supply system is polluted, and it may close the source or system if pollution continues, and it must notify the relevant Authority of this and to eliminate the pollutants in an expeditious fashion.

Article (31)

1. The Authority, in coordination with the other relevant parties, may consider any area that contains ground waters a protected area, if the quality or quantity of water is in danger of pollution, or if carrying out the water policy requires such action, on condition that it provides alternate water resources.
2. A notice shall be advertised in the local news papers thirty days prior declaring an area to be a protected area, including restrictions on use of water, and it may also by a subsequent notice cancel or amend the original notice whenever such action is necessary.

Article (32)

Anyone who causes pollution in any water resource or its supply system must remove the pollution to that source or system at his own expense, and in case he refuses or fails to do so, the Authority must remove the pollution and carry out the cleaning operations on the expense of party causing the pollution after notifying him of this regardless of the costs, which shall be levied from him in accordance with the Law for Collecting Public Monies.

Chapter Nine Control and Inspection

Article (33)

The Authority shall carry out the tasks of control over the water resources including:

1. Keeping records that contain detailed information about water usage and licenses.
2. Licensed Operators of water or wastewater facilities must give periodic reports concerning the production, distribution, or use of water at the times set by the Authority.
3. The Authority shall have the right to set the necessary rules and standard for inspecting, calibrating and repairing damaged meters and to control the leak of water.

Article (34)

1. Without contradiction from the provisions of this Law, the Authority may ask for requisite of land and property or enter the property of others in order to carry out its activities.
2. The Authority shall have the right to inspect water resources and systems of supply, and any place where pollution is suspected and to enter any private or public property or building to accomplish this purpose in accordance with proper procedures.
3. The Head of the Authority will assign by a decree, the employees, whom will be given the status of Law Officers, to apprehend crimes and violations which have been prohibited by the Law.

Chapter Ten Violations and Sanctions

Article (35)

Without derogation from any more onerous punishments provided for in other laws,

- a) A prison sentence of not less than six months' nor more than one year or a fine of not less than one thousand dinars and not more than five thousand dinars or its equivalent in local currency, shall be imposed on any one who commits any of the following actions:

1. Polluting any water resource or supply system, or causing such action and failing to redress it within the period set for him by the Authority.
2. Drilling ground water wells without license or contradicting the terms of the license issued to him.
3. Violating on any water resource or sewage system, causing its damage or leading to the break out of one of them.
4. Supplying water to or permitting the supply of water to him or to others without a license to do so.

b) A prison sentence of not less than one month and not more than six months or a fine of not less than one hundred dinars and not more than one thousand dinars or its equivalent in local currency shall be imposed on any one whom:

1. Carries out any activity or tasks, which is not permitted for any one other than the Authority by virtue of this Law without the prior written permission of the Authority.
2. Acts with respect to water resources, waters, or related projects or public sewage in a manner that contradicts the provisions of this Law.

Chapter Eleven

Final Provision

Article (36)

Anyone who is convicted of carrying out any of the actions specified in Article (35), the court may sentence him, to pay the cost of the damages that have resulted from his violation and to be obliged to remove its causes and consequences and return the status to what it was before he committed the violation, all that to be done within the period that is specified for him by the court, and if he fails to do so, the relevant authorities shall order the implementation of these activities and shall charge all the costs to the defendant.

Article (37)

In case of repetition of the crimes listed in Article (35), the punishment stated in that article shall be doubled.

Article (38)

Licenses issued by virtue of the prevailing Laws and regulations, before endorsing this law, shall continue to be valid until its period is finished, and it is brought into compliance with the provisions of this Law.

Article (39)

The owner of land or real estates which is being damaged as a result of the entry of the employees of the Authority shall have the right to reasonable compensation either for the denial of his ability to use the land, or any damage occurring to water or crops or the deprivation of the water resource.

Article (40)

By virtue of the provisions of this Law, all rights to supervise, regulate and plan for the water resources shall be transferred to the Authority upon the coming into force of this law.

Article (41)

Without contradicting any of the provisions of this Law, the relevant governmental authorities, or private or official institutions, or municipalities shall continue to exercise the authorities and responsibilities granted to it under the laws and regulations that are in operations till the regional utilities referred to in the provisions of this Law are brought into existence.

Article (42)

The Cabinet of Ministers, based upon the recommendation of the Council, may issue any regulations that it finds suitable, to implement the provisions of this Law.

Article (43)

The Law of the Water Authority. Number 2 for the year 1996 and any other legislation that contradicts the provisions of this Law are hereby revealed.

Article (44)

All parties, each within its jurisdiction, shall implement the provisions of this Law which shall come into force 30 days after it is published in the official gazette.

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8 / Jamadi Awwal/ 1423 A.H.*

*Yaser `Arafat
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