

## **The Palestinian Legislative Council**

### **Water Draft Law**

**Proposal Number: 59/99/M.W**

**Submitted By: The Cabinet**

**Council Reading: General Discussion**

**Date: 1 December 1999**

# **Water Law Draft Proposal**

## **Number ( ) for the Year 1999**

The Chairman of the Palestine Liberation Organization;  
The President of the Palestinian National Authority;  
After Reviewing the Public Water Projects Law Number 17 for the Year 1937, in force in the West Bank and Gaza Strip governorates;  
And the Inspection of Water Resources Law Number 2 for the Year 1938, in force in the West Bank and the Gaza Strip governorates;  
And Water Supervision Law Number 31 for the Year 1953, in force in the West Bank governorates;  
And Law Number 2 for the Year 1996 Concerning the Palestinian Water Authority;  
And Law Number 1 for the Year 1997 Concerning Local Government;  
And Order Number 66 for the Year 1997 Concerning the Bylaws of the Palestinian Water Authority;  
And the proposed law submitted by the Cabinet;  
And after the approval of the Palestinian Legislative Council,  
We hereby promulgate the following law:

### **Chapter One**

#### **Definitions and General Provisions**

##### **Article One**

The following terms and words shall have the meanings referred to below unless stipulated otherwise:

<b>The Authority</b>	The Palestinian National Authority.
<b>The Council</b>	The Water Council.
<b>The President</b>	The President of the Palestinian Water Authority.

<b>Vice President</b>	The vice president of the Palestinian Water Authority.
<b>Water supply</b>	The supply of water from its specific sources and/or from any other water source supplied by, or obtained from any other source.
<b>Water sources</b>	All water sources that are located within the land or aquatic boundaries of Palestine whether these sources were traditional ones (subterranean waters or surface water) such as spring waters, including hot springs, streams, lakes, rivers, seas, and water aquifers, or nontraditional sources such as waste water and brackish water.
<b>Installation</b>	Any installation or equipment that is intended to be used for water exploitation, whether through drilling out water, or collecting it or accumulating it.
<b>Drought</b>	A period of time that could extend to few months or years in which water is scarce, thus leading to serious shortages in agricultural production.
<b>Protected area</b>	An area where restrictions are imposed on specific activities, and prohibition on the performance of other activities, for the purpose of protecting water sources, the quality and properties of ground and surface waters, and the quality of water aquifers, and reservoirs.
<b>Disaster area</b>	An area where its water sources might be exposed to damages as a result of natural conditions (drought, or flooding, or increase in the salinity level of soil and soil erosion) or because of misuse, or contamination, or spread of diseases, or for any other reason that, as a consequence, leads to the declaration of an emergency situation in that part, or in any other surrounding area, whereby a permanent or temporary ban on using water is ordered.
<b>Water recharge</b>	Directing water into the subterranean aquifers from any water source, including water floods and wastewater, regardless if this resulted directly by recharging wells, or

	reservoirs, or tanks, or indirectly by allowing water to permeate from the surface to the subterranean formations.
<b>Water treatment system</b>	The system of collecting and disposing of sewage water through a network of pipes and pumps which operate on removing sewage or other surface residues.
<b>Well</b>	Any installation whose purpose is the drilling of water from the ground to its surface.
<b>Well drilling</b>	Any activity that is performed with the intention of extracting ground water.
<b>Spring</b>	The location where ground water comes out to surface naturally
<b>License</b>	A decision issued by the competent authority for any individual or body in which he is delegated to exploit water, or for any other reason related to water
<b>Permit</b>	A written permission issued by the Water Authority in a manner consistent with the objectives stipulated in the approved licenses.
<b>Concession</b>	When reached between the Palestinian Water Authority and with a second party. It is limited in time and purposes with respect to the utilization of water sources or wastewater.
<b>Water use</b>	All methods for water usage provided for in the specific principles stipulated in the law.
<b>Ground water</b>	Water that is available in subterranean aquifers and basins.
<b>Surface water</b>	Any current or still water on the earth's surface, including streams, rivers, creeks, springs, rivulets, or any other water collection source, regardless if water is sweet or brackish, or sea water.
<b>Subterranean aquifer</b>	The geological formation of substances that allows the penetration of water into it and amassing it under the ground for potential use.
<b>Industrial recharge</b>	The recharging of new quantities of water into the subterranean aquifer either directly, through injecting wells,

	or reservoirs, or halls, or by surface filtration of water into the ground.
<b>Contaminator</b>	Any substance or radiation or energy that inflicts damages, whether directly or indirectly, on public health, or on produce, or on industrial and agricultural processes.
<b>Contamination</b>	Any change that could occur on the characteristics, essence, and composition of water in a manner that would lead to hazards to the human health and to the environment.
<b>Decay</b>	A significant change affecting the water reservoir or on its refilling thus rendering the capacity for the use of its water rather weak.
<b>Water project</b>	Any proposal to plan a water installation.
<b><i>Water collection / Gathering ground water</i></b>	The addition of new quantities of water to its source in the ground or to a collector/reservoir to compensate for the water that was lost as a result of the penetration of water residues through soil or from surface streams or lakes or water reserve tanks.
<b>Water quality standards</b>	Standards determined by the Water Authority in cooperation with the relevant official bodies to sustain high quality of water.
<b>Meter</b>	The measuring tool approved by the Palestinian Water Authority and used for the measurement of water flow through a specific point.
<b>Tariff</b>	A price collected and calculated in accordance to the tariff regulation that is approved by the Water Authority.
<b>Water tariff system</b>	A system that relies on constant scientific, and carefully considered, measures to determine the price of water.
<b>Water price</b>	Specific considerations and calculations for the production and supply of water consented to by both the water producer and supplier.
<b>User</b>	A natural or judicial person that uses water for specific purposes stipulated in the water use regulations.

<b>Pipe</b>	A line that transfers water from the source to the tank.
<b>Network</b>	The collection of pipes that are branched from the primary pipe, which is linked to the tank, for transporting water to the households.
<b>Water investment</b>	The erection of water projects for the purpose of manipulating a water source, pursuant to the Law, and in accordance to a contract signed between the investor and the Water Authority in return for cash.
<b>Environment</b>	Plants, or animals, or fish, or birds, or any other living creature whether it is living on the surface of the earth or in the bottom of the sea, or in the atmosphere.
<b><i>Restricted area</i></b>	A specific area of land surrounding a water source whose entry, or working on, or using is prohibited except for the purposes determined by law and regulations.
<b>Water service institutions</b>	An institution, or interest, or municipality, or corporation, or water service utility that provides water services to the consumer.
<b>Water service utilities</b>	The institutions or interests that provide water and waste water disposal services.
<b>Water policy</b>	The policy endorsed by the cabinet of the Palestinian National Authority for the purpose of preserving the natural and political rights over water resources, their usage, and their related projects in Palestine.
<b>Administration</b>	The monitoring over water resource development by means of instructions, data, studies, and comprehensive plans, and the proceedings and issuance of licenses, permits, and concessions for water usage.
<b>Water Distribution Registry</b>	A registry where the shares of water for irrigation are listed.
<b>Exploration</b>	Any activity related to the search, exploration, examination, surveying, drilling, and sample extraction carried out with the intention of determining whether water exists in the subterranean rock formation.

## **Article Two**

1. Water sources in Palestine are public property under the jurisdiction of the Palestinian National Authority and are administered by the Palestinian Water Authority.
2. Pursuant to this Law, all rights in water use shall be transferred to the Water Authority.
3. The Water Authority shall designate a restricted area for public water sources and installations, in accordance with objective standards pursuant to special statutes

## **Article Three**

1. Every individual shall have the right to be supplied with his needs of water whose appropriate quality is determined by the provisions of this Law.
2. Any institution that provides water services shall take all the necessary arrangements to ensure these rights and shall draw plans to develop water services in accordance with specific standards that guarantee these rights.

## **Article Four**

1. It is forbidden to carry out any drilling activities in any well, or to carry out any exploration, or to activate any installation, or to proceed with extensive accumulation of water, or to operate any installation for water disposal or any seawater desalination plant or a large-scale water treatment plant before obtaining a license to do so.
2. Institutions, companies, and individuals that run water installations or water disposal business shall be registered with the Palestinian Water Authority.

## **Article Five**

When using water, the following shall be considered:

1. The use of water exploited for whatever reason shall be carried out efficiently and economically.

2. The maintenance of any installation or equipments used by, and under the control of, the user shall be properly and routinely performed to avoid any unnecessary and excessive waste of water.
3. To abide by the allowed quantities of water form the water source.
4. It is not permitted to use water in any form other than those stated in the water supply contracts.
5. It is inadmissible to obtain any quantities of water except through the sanctioned methods designated for this purpose.

### **Article Six**

1. Water use shall be for either one of the following needs:
  - a. For drinking, household use, and municipal use;
  - b. For irrigation and farming;
  - c. For industrial use;
  - d. For commercial use;
  - e. For tourism use;
  - f. For other private or public needs that are granted a license from the Water Authority.
2. It is conditional to obtain the proper authorization and licensing prior to transferring or changing the right to exploit water from one use to another.

## **Chapter Two**

### **The Water Authority**

#### **Article Seven**

1. The Palestinian Water Authority is an artificial body with is own financial and administrative independence. It shall be under the jurisdiction of the President of the Palestinian National Authority who shall appoint its president and deputy president.
2. The Water Authority shall own and rent movable and immovable property necessary for its functions.

3. The Water Authority shall conclude contracts and transactions and shall be entitled to take legal action, itself or through one of its agent, or via an agent from outside the Water Authority.

#### **Article Eight**

The Water Authority strives to regulate the exploration, planning, production, and utilization of water through:

1. Ensuring the continuation and prolongation of water sources on appropriate and efficient environmental bases.
2. Regulating water supply and fulfilling the societal, public, and private needs of water.
3. Protecting water sources and systems against contamination.
4. Protecting all water sources and systems against any aggression committed by any natural or artificial bodies.

#### **Article Nine**

The Palestinian Water Authority shall have the following competences and obligations:

1. Drafting of statutes and bylaws necessary for the implementation of the provisions of this Law.
2. Issuing regulations and instructions pertinent and necessary for the implementation of the provisions of this Law.
3. Identifying the ways and means for the constructive use of water.
4. Allocating water in accordance with its purposes.
5. Administering and protecting water sources.
6. **Collecting water sources together by uniting the capital .**
7. Finding alternative water sources.
8. Regulating the processes of water distribution.
9. Issuing licenses, permits, and concessions for the use of water.
10. Utilizing water sources in a manner consistent with the public interest.
11. Entering into the property of others with the objective of fulfilling its duties.
12. Developing the infrastructure, the pipes used for transporting water, and water tanks.
13. Finding appropriate alternatives and answers in times of emergencies.

### **Article Ten**

The Water Authority shall implement the following functions:

1. The preparation of a unified and appropriate tariff system and supervise its implementation.
2. The administration of contracts and concessions that were granted to the local and foreign providers of water services involved in the developmental efforts.
3. The preparation of a comprehensive national water plan.
4. Setting up unified technical standards and scales for water and water treatment projects.
5. Supervision and control over all water sources.
6. To construct and operate a central database for the water sector.
7. To cooperate and coordinate with universities and educational institutions in conducting research on water issues and in training and preparing qualified technical teams.
8. To identify the shares of water supply.
9. Any other duties necessary for the implementation of the objectives of this Law.

### **Article Eleven**

The Water Authority shall assume, in its capacity as the Council's General Secretariat, the following functions:

1. To implement the national water policies.
2. To prepare the water administration strategy and the comprehensive national water plan.
3. To implement the functions and responsibilities delegated to it by the Council.
4. To identify problems and propose recommendations for their resolution.
5. To prepare for the meetings of the Council and to send invitations in its name.
6. To prepare reports and suggest recommendations necessary for the issuance of directives.

### **Article Twelve**

The President of the Palestinian National Authority shall appoint the President of the Palestinian Water Authority and his deputy from among highly qualified professionals. The position of the President of the Water Authority shall be equivalent to a ministerial position and that of his deputy shall be equivalent to that of a director general.

### **Article Thirteen**

The President of the Water Authority shall assume the following duties:

1. To implement and execute the goals of the Authority.
2. To administer and regulate the Water Authority and supervise its various staff, employees, and departments.
3. To prepare and submit the financial budget and other financial reports to the Water Council and then present them to the concerned parties.
4. To participate in various activities aimed at strengthening international and regional cooperation on water.
5. To represent the Water Authority in all negotiations with any local, regional, or international parties and sign agreements and follow-up their implementation.

### **Article Fourteen**

The Deputy President of the Water Authority shall assume the following:

1. To administer and implement the functions of the Water Authority.
2. To replace the President of the Water Authority during his absence.
3. Any other responsibilities and duties delegated to him by the President of the Water Authority.

### **Article Fifteen**

1. It is permissible for the Water Authority to appoint a consultant, or group of consultants to implement the functions of the Water Authority.
2. It is permissible for the Water Authority, when necessary; to request the assistance of various consultants and experts from diverse fields to implement its functions.

3. It is not permissible for any consultant, or to his relatives up till his second-degree relatives, to have an interest in any matter presented to him for his opinion.

#### **Article Sixteen**

The Water Authority shall employ sufficient number of employees, professionals, and laborers to implement its functions. They shall have an employment classification of their own, comprising their job descriptions, grades, and salary scales, and shall be authorized by the President of the Palestinian National Authority.

#### **Article Seventeen**

The Water Authority and all its consultants shall be committed neither to reveal nor to publish any secret information pertaining to water issues, if such disclosure will harm water security.

### **Chapter Three**

#### **The Water Council**

#### **Article Eighteen**

A Water Council shall be established for the purpose of outlining the Palestinian water policies. Its jurisdictions and responsibilities shall be determined pursuant to the provisions of this Law.

#### **Article Nineteen**

1. The Council shall have a Chairman and a Vice Chairman appointed from amongst its members through a decree by the President of the Palestinian National Authority.
2. The Vice Chairman shall assume the duties of the Chairman at his absence as well as all other duties delegated to him by the Chairman.

#### **Article Twenty**

1. The Council shall consist of eleven (11) members appointed by a decree issued by the President of the Palestinian National Authority on the basis of nominations made by the following bodies:

- a. The Ministry of Agriculture.
  - b. The Ministry of Finance
  - c. The Ministry of Environment.
  - d. The Ministry of Industry.
  - e. The Ministry of Local Government.
  - f. The Ministry of Health.
  - g. The Ministry of Planning and International Cooperation.
  - h. The Ministry of Justice.
  - i. The various authorities and companies that assume the responsibility for the supply and distribution of water and the disposal of waste water.
  - j. Water cooperatives and associations.
  - k. Palestinian universities
2. The representation of the various ministries in the Council shall be at the level of at least a “general director”.
  3. The President of the Water Authority shall be the Secretary General of the Council.

#### **Article Twenty-One**

The Council shall assume the following duties:

1. To sanction the general water policy and submit it to the Cabinet for ratification.
2. To ratify the water resources policies, development, and usages.
3. To support and strengthen the Water Authority and reduce the obstacles against the implementation of the water policies.
4. To designate funds for investment in the water sector.
5. To ratify the tariffs and prices arrangements and the charges for concessions that were proposed by the Water Authority.
6. Any other important function that might be referred to it by the Water Authority.

#### **Article Twenty-Two**

The Council shall meet once every six months after its General Secretary sends an invitation to the Chairman of the Council. In case of a necessity, it is permissible to call for an emergency meeting if such a meeting was requested by the President of the Water Authority or by four of its members.

#### **Article Twenty-Three**

The agenda for the Council meeting shall contain the following items:

1. Deliberating the report that was prepared by the President of the Water Authority.
2. The tariffs policy.
3. The water policy, water development plans, and all agreements and contracts concluded between the Water Authority and any local, regional, or international party.
4. The allocation of funds for water investment.
5. Granting concessions to water investment corporations.
6. Any other matter or recommendation submitted by the Water Authority or by any Council member.

#### **Article Twenty-Four**

1. Invitations for a Council meeting shall be forwarded at least two weeks before the session. The sessions shall be deemed legal if attended by the majority of the Council members including the Chairman and his deputy. The majority of the attending members shall decide on the resolutions, through direct voting. In case of a hung vote, the side of the Chairman shall prevail.
2. All Council resolutions shall be submitted to the Cabinet for ratification.

#### **Article Twenty-five**

No sessions shall be held in the absence of the Chairman and his deputy.

#### **Article Twenty-Six**

The term of the Council shall be for four years. It is permissible for the President of the Palestinian Authority to issue a decree to dissolve the Council at any time during its term if the need for that arises. In this case, a three-member committee appointed

by the President of the Palestinian National Authority shall take over the Council's jurisdiction for a period of one year, after which the Council shall be restructured in accordance with the provisions of this Law.

## **Chapter Four**

### **Financial Resources and their Supervision**

#### **Article Twenty-Seven**

The financial resources of the Water Authority shall consist of the following:

1. Regular allocations from the budget of the Palestinian National Authority.
2. The proceeds from the fees and tariffs imposed on licenses and permits, from the returns on concessions and privileges, from charges levied in return for the provision of water services, and from fines imposed on the violators of the applicable water legislation and regulations.
3. Grants and contributions donated by the donor countries; international organizations, and by local and international non-governmental organizations.
4. Any funds allocated by the Council for the purposes of investment or for joining other companies or institutions active in the provision of water services.

#### **Article Twenty-Eight**

1. A certified auditor shall audit the revenues and expenditures of the Water Authority. The Water Authority shall publish the budget in an annual report after the Comptroller General's Office has reviewed it.
2. The President of the Water Authority shall submit an annual report to the Council on the activities of the Authority, along with the financial report.

#### **Article Twenty-Nine**

It is inadmissible for the Water Authority to solicit loans or to issue bonds without the consent of the Council. It is permissible for the Water Authority, nonetheless, to open accounts in one or more banks to facilitate its functions. The Council and the Ministry of Finance shall be notified regarding the disbursed amounts and their purposes.

**Chapter Five**  
**Water Planning and Distribution**

**Article Thirty**

1. The Water Authority shall prepare a comprehensive water plan endorsed by the Council. The plans shall include the following:
  - a. The provision of water and its infrastructure in the current situation.
  - b. Future needs.
  - c. Water reserves.
  - d. Long-term alternatives.
  - e. Environmental and other critical ramifications.
2. The Water Authority shall be in charge of implementing the comprehensive water plan.

**Article Thirty-One**

It is permissible for the Water Authority to develop and improve the comprehensive water plan pursuant to the prevailing circumstances and conditions and in a manner that enables it to reach a level of compatibility with the regional and local water plans.

**Article Thirty-Two**

The Water Authority shall solely, or in cooperation with other institutions, allocate annual shares of water for a number of uses provided that consideration is given to:

1. The water source of supply and the supplier.
2. The purpose of water use.
3. The quantities of water available in the water source and the amount required for recharge.
4. The allocation of high quality water for the required and appropriate use.
5. Identification of priorities in the distribution of water.

**Article Thirty-Three**

It is permissible for the Water Authority to issue regulations and instructions to revise the water redistribution schedule in order to meet the challenges of changing conditions, priorities, and emergency situations.

#### **Article Thirty-Four**

The Water Authority shall determine the goals upon which water recharge intended to compensate for water shortage in the water source shall be carried out. This should be performed in the following manner:

1. Industrial and natural recharge to ensure the achievement of an acceptable water production level from one specific source.
2. Seasonal and permanent water stockpiling.
3. Other goals and objectives determined by the Water Authority in coordination with the Council.

#### **Article Thirty-Five**

Upon consultation with the Council, it is permissible for the Water Authority during an emergency situation to declare specific areas that are inflicted by special circumstances, as disaster areas.

#### **Article Thirty-Six**

It is permissible for the Water Authority to allocate the amounts of water available in the disaster area in accordance with the priorities it determines, provided that the water users are supplied with their shares of water from alternative water sources, or they were compensated pursuant to the provisions of this Law.

### **Chapter Six**

#### **District Utilities**

#### **Article Thirty-Seven**

The Water Authority shall regulate currently existing water institutions as well as those under construction, for the purpose of modernizing and rehabilitating all institutions active in the water sector, as well as supervising the valid contracts and agreements.

#### **Article Thirty-Eight**

It is permissible for the Water Authority to sign up contracts with District utilities to regulate the alternative water systems.

#### **Article Thirty-Nine**

It is permissible to set up associations or bodies or companies for water beneficiaries, in which the government shall be a partner, provided that they are granted a permission to function by the Water Authority and are supervised by it.

#### **Article Forty**

It is permissible for the Water Authority to establish water consumer associations and to provide them with the licenses necessary for the supply of water for their particular needs.

#### **Article Forty-One**

It is permissible for the Water Authority to specify the duties and functions of the district utilities and the water associations, and to permit them to make use of a third party to administer part of the water distribution system or drilling.

#### **Article Forty-Two**

A board of directors shall be established for every District utility. Each board shall consist of representatives from water associations or from the other parties involved in this sector. A statute shall regulate the structure of these boards and the manner by which their functions are to be carried out.

#### **Article Forty-Three**

It is permissible for these District utilities to determine the price of water for the various uses, provided that the Water Authority has approved it.

#### **Article Forty-Four**

It is permissible for the Water Authority, after consulting the Council, to terminate the work of any existing district utility and to privatize it.

#### **Article Forty-Five**

The Water Authority shall grant licenses and permits for those applying for them. The statute shall determine their duration, conditions, the requirements for granting them, the fees on each of them, and the instruments for amending them.

#### **Article Forty-Six**

It is mandatory to obtain a license or a permit for any of the following activities:

1. Drilling wells.
2. Drilling deals and contracts.
3. Extracting water for whatever purpose.
4. Erecting pipes for wastewater disposal, treatment, and reuse for agricultural irrigation.
5. Operating an installation or construction intended for water exploration.
6. Water desalination.
7. Erecting any water installations.
8. Recharge.
9. Disposal of contaminants and of other activities referred to in this Law.
10. Any activity carried out in a *water collection area* that may affect the sources of water.
11. Water allocation as stipulated in this law.
12. The current and future uses of spring water.
13. Any other activity determined by the Water Authority.

#### **Article Forty-Seven**

It is permissible for the Water Authority to transfer licenses and permits from one person to another, or to make amendments, thereof, at the request of those concerned and in the manner it deems necessary for the fulfillment of its responsibilities.

#### **Article Forty-Eight**

The Water Authority shall receive fees for all applications for licenses and permits as well as for their renewal, in accordance with the schedule specified for this purpose.

#### **Article Forty-Nine**

It is permissible for the Water Authority to favor the current uses of spring water over their future uses and to reallocate shares in accordance with the requirements of the adopted water plan.

#### **Article Fifty**

The license or permit concerning a water project shall contain the following information:

1. The owner of the project.
2. The purpose of the project.
3. The detailed location of the project.
4. The amount of water, which the project is expected to save.
5. The project's construction sketches.
6. The land that will be affected in the short and long terms as a result of setting up this project.
7. The coordination and cooperation with relevant bodies regarding the assessment of the impact of the project on the environment and on private and public properties.
8. Any other information listed by the Water Authority.

#### **Article Fifty-One**

It is permissible for the Water Authority to approve a plan submitted by a project owner, or to set additional conditions it deems necessary for the implementation of the project's objectives.

#### **Article Fifty-Two**

1. A license allowing the operation of an installation does not imply that its owner can conduct any drilling activities.
2. If the project required any drilling work, a special license is required.

#### **Article Fifty-Three**

The Water Authority is obliged to compensate for any damages that may occur as a result of permanent or temporary seizure of any property appropriated for the

purposes of implementing the comprehensive water plan, pursuant to this Law or of any other legislation.

#### **Article Fifty-Four**

It is permissible for the Water Authority to amend, or suspend, or terminate any license if the work on the intended project did not start within the first two years since the project was approved, or if it became evident to the Authority that false information were submitted, or if the original setup of the project changed in a manner that the current functioning is no longer consistent with the conditions stipulated in the license requirements, or if they were in contravention with the provisions of this Law.

#### **Article Fifty-Five**

1. The holder of permits and licenses shall be obliged to measure the amount of water consumption and water production, depending on the allocation category.
2. The side having a license or permit shall submit a report to the Water Authority including information on the annual consumption and production quantities, each according to his category, and in pursuance of the conditions set forth in the license. It is permissible for the Water Authority to take all measures necessary to verify that.

#### **Article Fifty-Six**

Institutions, District utilities, and water consumer associations involved in the water distribution field shall be obliged to obtain a license from the Water Authority specifying the amount of water that is annually allocated for their specific use.

#### **Article Fifty-Seven**

The Water Authority shall alert, in writing, the licensed bodies of any alterations it makes on the allocated shares and priorities, thirty days prior to enforcing them.

### **Chapter Eight**

## **Inspection and Registration**

### **Article Fifty-Eight**

The Water Authority shall take over the responsibility of monitoring the consumption and production of water.

### **Article Fifty-Nine**

1. The Water Authority shall set up a water registry that includes the following:
  - a. The licenses issued by it.
  - b. Data on the distribution and use of water.
  - c. Data on the existing wells and springs.
  - d. All other water rights.
2. The President of the Water Authority shall issue decisions pertinent for the administration and regulation of this registry.

### **Article Sixty**

The holders of licenses for the production, distribution, or use of water shall:

1. Measure the water level and maintain a record for them.
2. Inspect and maintain the water meters and repair those that are damaged.
3. Submit reports on the above to the Water Authority in the specified dates.

### **Article Sixty-One**

The Water Authority shall take the following measures in order to regulate water consumption:

1. Inspect, examine, and repair the damaged meters.
2. Control the leakages in water in accordance with the meter readings.
3. Set appropriate measures.

## **Chapter Nine**

### **Environmental Protection**

### **Article Sixty-Two**

The Water Authority shall carry on with the following in order to protect the environment:

1. To cooperate and coordinate with the competent bodies in protecting water resources, avoiding contamination, and setting the rules to reach those objectives.
2. To cooperate with relevant institutions in regulating the use of industrial or agricultural material that may cause the contamination of water sources and their supply systems.

### **Article Sixty-Three**

1. The Water Authority shall prepare special instructions for the environmental impact assessment in cooperation with the relevant bodies.
2. It is permissible for the Water Authority to demand an environmental impact assessment on any activity related to water sources and their supply systems.

### **Article Sixty-Four**

1. It is permissible for the Water Authority to designate any area with ground or subterranean water as a protected area in the following instances:
  - a. If the quantities of the drilled water exceeded, or could exceed, the amount required for offsetting the consumed quantities.
  - b. If the type and quality of water is exposed to hazards.
  - c. If it was found out that certain factors might endanger the water quantities that are expected to make up for the dispensed water, or might contaminate the water source.
  - d. If the water in this area might expose the animals and plants there to danger.
  - e. If the implementation of the water policy necessitates that.
2. The Water Authority shall publish an official announcement, thirty days before designating an area as a protected area, including in it the restrictions on water usage there. It is permissible for the Water Authority to repeal or amend this announcement, as it deems necessary.

3. In the above cases, the Water Authority shall provide for alternative water sources.

#### **Article Sixty-Five**

The Water Authority, in cooperation with relevant bodies, shall prepare specific procedures to administer difficult conditions such as drought, flooding, water or general contamination.

#### **Article Sixty-Six**

The Water Authority, in cooperation with the Ministries of Health, Agriculture, and Industry, as well as with other relevant bodies, shall prepare a list of contaminants that require licensing, and of the appropriate compensation for each type of damages.

#### **Article Sixty-Seven**

The contaminants include the following:

1. Municipal contamination.
2. Commercial or industrial contamination.
3. Agricultural contamination.
4. Any other type of contamination.

#### **Article Sixty-Eight**

The Water Authority shall cooperate with the competent bodies in publishing a list of prohibited contaminants.

#### **Article Sixty-Nine**

1. It is permissible for the Water Authority to halt its production or provision of water if it became evident to it that the water source or its supply system is contaminated. It is permissible for it to close that source or system if the contamination persisted.
2. The Water Authority shall notify the concerned party about its decision to shut down the contaminating sources in order to swiftly deal with the contamination.

### **Article Seventy**

It is permissible for the Water Authority to demand from the party responsible for the contamination to clean the water source or its supply system. It is also admissible for it to carry out the cleaning efforts itself and to oblige the responsible party to cover the expenses.

## **Chapter Ten**

### **Tariff**

#### **Article Seventy-One**

The Water Authority shall set up specific tariff policies for the purpose of encouraging the users of water to adopt an attitude that helps in the protection and preservation of water sources and their efficient use.

#### **Article Seventy-Two**

The Water Authority shall impose a unified and comprehensive tariff all over Palestine.

#### **Article Seventy-Three**

The Water price for the consumers and producers of water shall be determined in accordance with the applicable tariff.

#### **Article Seventy-Four**

The Water Authority shall be competent to specify the price of water between the producers and consumers of water, as it determines appropriate.

#### **Article Seventy-Five**

1. It is not permissible to import and sell water at a price different than that determined by the Water Authority.
2. It is possible to adjust the price list occasionally through a decision issued by the President of the Water Authority and in coordination with the Council.

**Chapter Eleven**  
**The Right of Inspection and Immunity**

**Article Seventy-Six**

The Water Authority shall have the right to enter into the land of others to carry out specific functions, or to seize it permanently or temporarily, as it deems necessary.

**Article Seventy-Seven**

It is permissible for the Water Authority to inspect water sources and their supply systems and any other locations suspected of being contaminated. It is also permissible to enter into any building or property for that same reason.

**Article Seventy-Eight**

*An employee who was subjected to a disciplinary decision by the President of the Water Authority, and approved by the Minister of Justice, shall have the status of ..... regarding the crimes that violate the provisions of this Law.*

**Article Seventy-Nine**

It is inadmissible to question, or render accountable, any of the employees of the Water Authority and of the Council for performing his functions, or for fulfilling his competences granted to him by this Law.

**Chapter Twelve**  
**Violations and Penalties**

**Article Eighty**

Any individual charged with the following shall be imprisoned for a period not exceeding one year and a fine not exceeding 5000 Jordanian Dinars, or their equivalent in the exchanged currencies, or either of the two penalties. Moreover, an additional fine of one hundred dinars shall be imposed for any additional day of violation.

1. Deliberately contaminated water sources, or their supply systems.
2. Failure to take the appropriate measures necessary to prevent the contamination of water sources and supply systems that are under his disposal.
3. Violation of the terms and conditions of the permits and licenses granted to him.
4. Disposed of contaminants without having permission to do so.
5. Allowed the transport of water either to him or to others without permission.
6. Damaged, disrupted, or assaulted any water installation or a water source, or any public property related to water systems.
7. Prevented or hindered the execution of a licensed water project irrespective whether this project was publicly or privately owned.

#### **Article Eighty-One**

Without prejudice to any other penalty imposed by this Law or by any other law, it is permissible for the Water Authority to terminate all forms of permits and licenses granted to an investor if it became evident that he has provided false or incorrect information to obtain them.

#### **Article Eighty-Two**

In addition to the penalties that are stipulated in this Law, any violator of its provisions shall be obliged to compensate for all the damages resulting from his violation.

#### **Article Eighty-Three**

It is permissible for any concerned party to object against the decisions of the Water Authority before a committee established by the President for this purpose. It is permissible to appeal the decisions of this Committee before the High Court of Justice.

#### **Article Eighty-Four**

It is permissible for the Water Authority to suspend the validity of any permit or license, or to keep their validity, during the period of complaints made against its decisions.

#### **Article Eighty-Five**

Information and data recorded in the water registry shall be deemed authoritative unless it was disputed, through legal means, that it is forged information.

**Chapter Thirteen**  
**General Provisions**

**Article Eighty-Six**

1. The owner of a property that is damaged as a result of the entry of the employees of the Water Authority to it shall have the right for a proper compensation, especially in the following cases:
  - a. Temporary denial from the right to freely use the land, or to utilize it sensibly, to the extent that may lead to a decrease in its value.
  - b. The spoiling of produce that was caused by construction or management of water supply systems, or due to a break down in one of its installations.
  - c. Denial of an old water source upon which the landowner was relying on for his livelihood, or the interruption of water supply from that source, or due to replacing one of the old water sources with another.
2. Any conflict over compensation shall be settled in accordance with the provisions of this Law.

**Article Eighty-Seven**

The properties of the Water Authority shall be deemed public properties that cannot be seized, or owned, or used, or relinquished, or obtained a real right acquired by prescription.

**Article Eighty-Eight**

It is permissible to transfer the ownership of the infrastructure in the water sector and in the wastewater disposal sector to the Water Authority, provided that the procedures stipulated in this Law and the contracts concluded in this regard are considered.

**Article Eighty-Nine**

It is permissible for the Water Authority to allow horizontal use of water without the need for a license or permission.

**Article Ninety**

It is not permissible for any of the employees of the Water Authority or the Council to be a direct or an indirect party in any water project or to have any private interest in it.

#### **Article Ninety-One**

All permits and licenses issued pursuant to the previous laws and regulations shall remain valid until the expiry of the specified period.

#### **Article Ninety-Two**

At the recommendation of the Water Authority, the Cabinet shall promulgate statutes necessary for the implementation of this Law.

#### **Article Ninety-Three**

The Law for the Protection of Public Water Projects Number 17 for the Year 1937, in force in the West Bank and the Gaza Strip governorates, and the Water Sources Inspection Law Number 2 for the Year 1938, in force in the West Bank governorates shall be repealed, so shall the Law of Water Supervision Number 31 for the Year 1953, in force in the West Bank governorates.

Law Number 2 for the Year 1996 Concerning the Establishment of the Palestinian Water Authority shall be repealed, with the exception of Article 2 concerning the establishment of the Water Authority. All other stipulations in contravention with the provisions of this Law shall also be repealed.

#### **Article Ninety-Four**

All competent bodies, each according to their competences, shall execute the provisions of this Law, which shall enter into force on the date of its publication in the Official Gazette.

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**Yaser Arafat**

**Chairman of the Executive Committee of the Palestine Liberation Organization**

**President of the Palestinian National Authority**

**Translators' Notes:**

- a. Article Nine, paragraph 6 the word capital should be understood as financial resources.
- b. Water Authority: can be translated as “Water Undertaking” which is currently used by the Water Undertaking itself.
- c. Article Seventy – Eight: Not Clear, but it can mean:
- d. *An employee who was subjected to a disciplinary decision by the President of the Water Authority, and approved by the Minister of Judge, might | be sued before the Court regarding the crimes that violate the provisions of this law.*
- e. The underlined word horizontal in Article Eighty Nine is not clear in Arabic. It can also mean : casual, or occasional.