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The Palestinian Water Authority
Legal Developments and Challenges
Hiba Hussein, Juris Doctor

Legal Framework Governing Water and Water Institutions

- Various Governments ruled Palestine and imposed their legal systems, rules and laws.
- Water related laws in Palestine date back to the Ottoman Empire period, followed by the British, Jordan/Egypt, Israel and now the Palestinian Authority
- Each ruling power enacted new laws and created different water-related institutions.

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.

British Mandate period (1922-1948)

- The British regulated issues related to sewerage, drainage and use within municipalities
- Enacted Legislation to control the scarce water resources and ensure adequate supply for domestic use, it defined the public supply of water and allowed it to be regulated for domestic uses.

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

Egyptian Period (Gaza) 1948-1967.

- Egypt did not extend its laws to Gaza nor created new laws in the water area. The British Mandate laws continued to apply

Israeli Period (1967-1994)

- Israel controlled in its occupation of the West Bank (including East Jerusalem), and Gaza the water resources as to 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 Order to change existing legislation on water.
- The most serious and significant change is Law No. 2 of 1967 deeming all water resources in Israel as State Property.

Palestinian Authority (1994-present)

- The Palestinian Authority faced a formidable legal challenge—yet it recognized that this is a strategic sector and requires much attention.
- The Water sector including the administration and regulations were severely underdeveloped.
- Law was fragmented and the legal framework did not address Palestinian needs.

Palestinian Water Authority

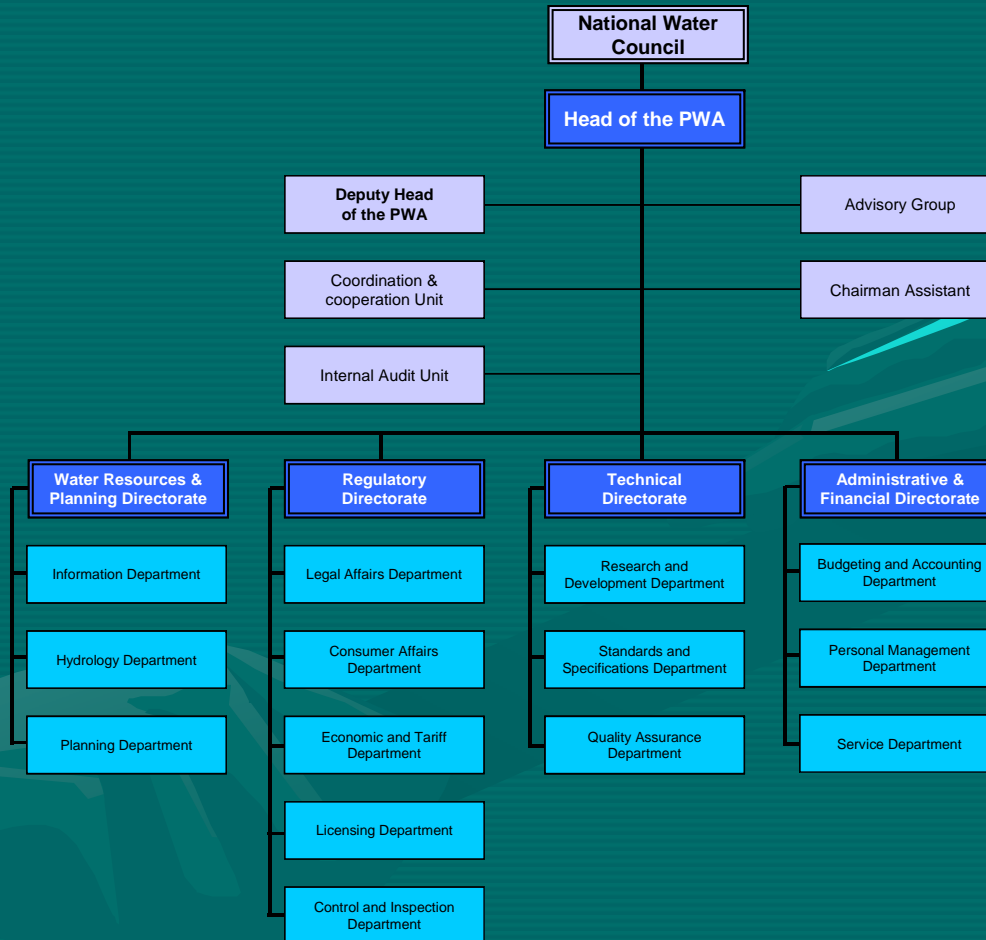
- Following the signing of the Oslo Agreement in 1995, The PWA was established by Presidential decree
- In 1996, Law No. 2 set out the objectives, functions, duties and responsibilities of the PWA.
- The Law gave the PWA the mandate to manage the water sector, resources, prepare and execute a national water policy, supervise/monitor water projects and ensure cooperation among water stakeholders.
- In 1997, Presidential decree No. 66 established the regulations of the water sector, its rules and procedures.

Law No. 3 of 2002

- The process of law-making and governance over the sector remained a key goal of the PWA.
- The PWA prepared a comprehensive law on water in 2000-2001. The Law was enacted by the Palestinian Legislative Council (legislature) 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. 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 user association, various ministries, academicians, regional utilities.
- The Water Council sets the policies for the water sector and ratifies PWA plans and reports.

Organization Structure PWA



The National Water Plan

- The PWA prepared the National Water Plan of 2000 which is the strategic plan for the water sector.
- It sets the direction until the year 2020 and proposes actions to achieve the goals.
- The plan describes the role of the service providers and shift the functions of the PWA to regional utilities in terms of operations, maintenance, repairs, wastewater collection and treatment, bulk water supply, water reuse, allocation for industrial and agriculture use.
- Regional water utility assets will remain government owned with a community representations on their boards.

- While the PWA will set tariffs, these utilities will be fiscally and administratively autonomous.
- The PWA will license and monitor drilling, abstraction, and discharge.

Prospects

- The PWA has achieved major changes and made great strides.
- It manages the water resources, it plans for the future, it repairs and maintains, it has well trained professionals.
- It harmonizes the activities of the municipalities and village councils.
- It coordinates donor assistance.

Challenges

- The PWA's efforts remain curtailed because it still has to deal with:
- Palestinian water rights vis a vis Israel
- Strengthen institutional capacity and develop human resources
- Strengthen national policy implementation
- Prepare the Water Law regulations and procedures
- Improve information services

- Enforce water pollution control and production of water resources
- Regulate and coordinate integrated water and wastewater investments and operations
- Promote regional and international cooperation
- Additionally, the PWA will have to focus on:

- Water resource availability
 - Water uses and consumption
 - Water demand
 - Domestic water demand
 - Commercial and industrial water demand
- Although Israel cooperates with respect to water issues, the PWA cannot achieve its goals and provide the direction required without sovereign control over its water resources. The PWA cannot administer, manage and control what it does not have.