




Water Sector Status Legal and Institutional Aspects


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Water Sector Driving Forces


- One of the important economic development factors is having a reliable and safe water supply.
- Wastewater flows must be managed effectively to protect freshwater from pollution. They must be reintegrated safely in the water cycle and accounted for in the water budget.
- Sustainable production of major food commodities and optimal land use depend largely on integrated approaches to land and water management, in order to achieve food security, alleviate poverty and protect the natural resource base.

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- The coincidence of water scarcity in the region and weak water institutions will not allow doing any better with less water.
 - The water sector crisis is linked to institutional changes through a chain of economic, political, and natural factors, both within and outside the water sector.
 - Water institutions reduce uncertainty and optimize options in water supply for the present time as well as the future.

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- Economic development for the region including Palestine will continue to be limited and poor if efficient water institutions are not properly created, efficiently operated, and well maintained.
 - Success in water policy reform hinges partly of identifying the proper institution (within government and/or private sector), with the power and authority to implement the intended policy reforms.
 - An institutional reform strategy must be flexible and tailored to the requirements of individual countries and/or group of countries sharing surface or groundwater basins.

Planning and management Requirements

- ∞ ?What do we need for planning and management?
- ∞ **1- Law** to guarantee sustainable development, optimal utilization and to regulate the planning, production and use of the WR in an effective and efficient manner
- ∞ **2- Policy** where WR should be developed and managed efficiently to meet the present and future needs in an environmentally and sustainable way.
- ∞ **3- Institutions** for planning , managing and developing the water sector in sustainable manner.



4- **Resources and infrastructure** supply the customer with water services (acceptable quantity ,quality and affordable price) ,
Identifying the needed resources and infrastructure.

Legal framework for water management

Legal framework

To develop, protect and manage the water sector.

Oslo II article 40

the interim bilateral water and wastewater agreement is being used as the basis for water and wastewater sectors planning and project implementation during the interim period, until a final agreement is reached.

National level

1- Presidential Decree 5/1995 regarding the establishment of PWA.

Legal framework for water management

2- Law No 2/1996 regarding the establishment of PWA and defining its objectives, functions, and responsibilities.

3- Presidential Decree 66/1997, concerning the internal regulations of PWA.

4- Palestinian water Law No 3/2002

Defining everything to regulate, manage, develop, and protect water resources and systems.

Legal framework for water management

Objectives of the Water Law

- 1- secure sustainable development
- 2- provide and satisfy social and individual needs in an optimal and equitable way.
- 3- protect water resources from pollution .

Key Elements of Water Law

- 1- Establish and authorizes water authority, & water council
- 2- Acknowledge water is public property under the administration of the water authority



Legal framework for water management

- 3- Identifies national water plan as the guideline**
- 4- Authorizes the establishment of utilities.**
- 5- Establish the basis of water regulations**
- 6- Authorizes development of unified tariff structure (water & treated wastewater reuse) .**




Needs for Water Institutions

- Water Institutions are responsible for Service Delivery, Planning, and Management.
- institutionalization of the water sector is a central requirement for comprehensive water planning and management in any country yet is one of the most difficult measures to implement.

Why to Institutionalize the Water Sector?

- During the occupation period, the roles and responsibilities were scattered, fragmented and unclear.
- Inefficient management and uncoordinated investments.
- No chance of promoting a new water institution, nor strengthening the existing ones to be involved in formulating new plans and strategies for Palestine.
- The water installations were not designed to meet the needs of the community over a thirty-year period.

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- The high loss percentage in the networks enlarged the gap between the actual and recovered costs of the supplied water, this has in turn weakened the economic status of water institutions that it became hard to rehabilitate their infrastructure.
 - The non-existence of a national government planning body has a very detrimental effect on the water sector. The existence of non-governmental water institutions has played an important and a unique role in building up a water professional team and highlighting the seriousness of water problem locally and Internationally.
 - The challenge of developing the water sector has always been the Palestinian top priority.

PWA found that there is an urgent need for restructuring the water sector to manage and develop the water sector in a sustainable manner.

Institutional framework for water management

Principles of institutional reforms

- 1-** one responsible body, with separation of the institutional responsibility for policy and regulatory functions from those of service delivery.
- 2-** Three regional utilities in WB and One in GAZA to provide water and wastewater services based on full cost recovery at the production and distribution level.
- 3-** Encourage involvement of the private sector in the funding and implementation of water services projects . (Partnership Approach).



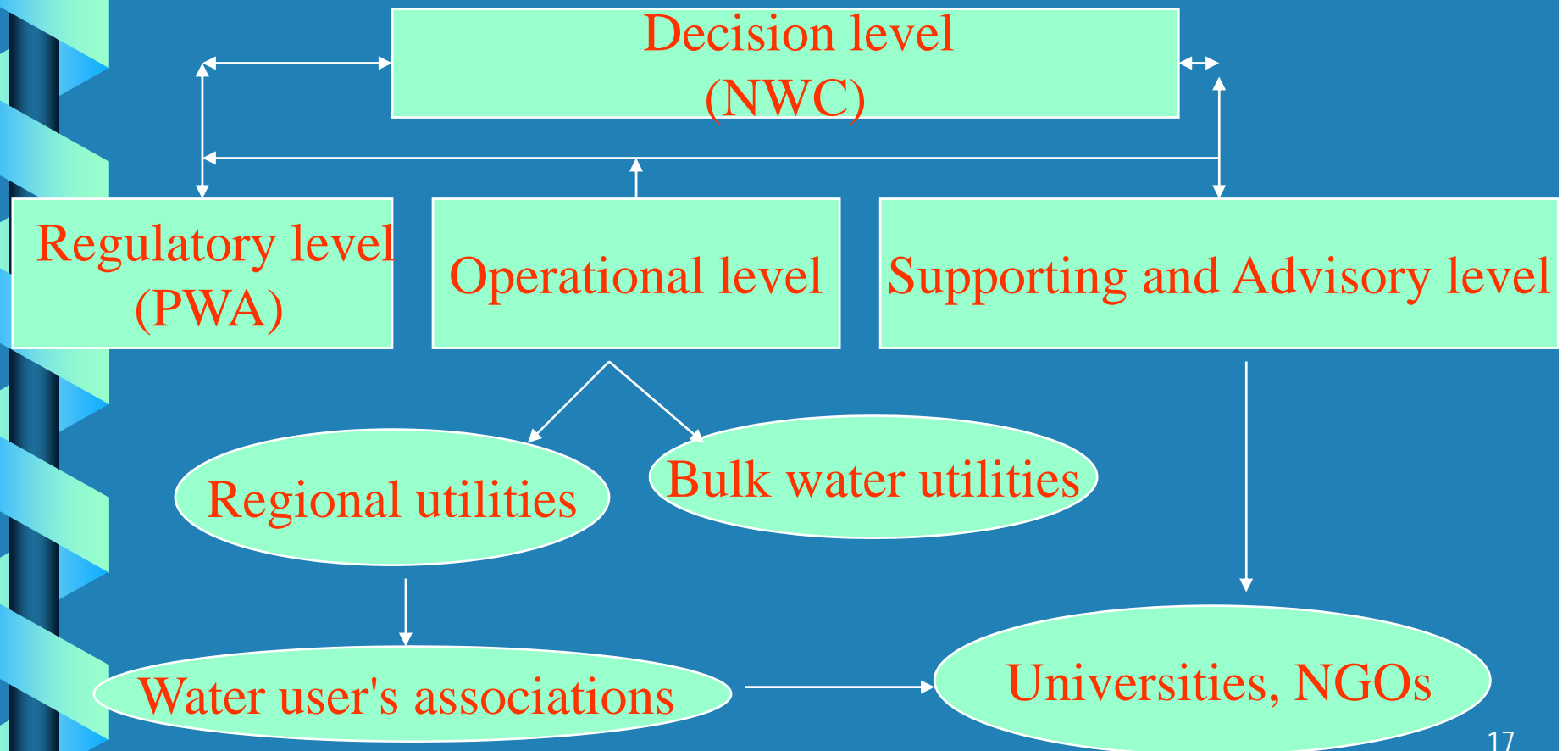
Who are the parties responsible for managing, regulating, controlling and developing the water and wastewater sector?.



Existing Water Institutions

1. Cabinet of Ministers, National Water Council: Decision Level.
2. Palestinian Water Authority: Regulator
3. West Bank Water Department: Water Supply in Bulk.
4. Municipalities, Sub-Utilities, Village Councils, JSC, WUA: Service Providers.
5. Universities, NGO's, : Supporting Level

Future Institutional Framework





National Water Council Decision Level

Approve the:

- ∩ National water policy
- ∩ The policy for development and utilization of water resources and the different usage.
- ∩ Plans and programs aimed at organizing the usage of water, preventing wastage, and directing consumption.
- ∩ Tariff policy
- ∩ The internal regulations, the annual budgets and the periodic reports concerning PWA.



The Palestinian Water Authority

The Regulatory Level

The (PWA) is:

- ∞ A central public authority established under the presidential resolution No. 90 of 1995.
- ∞ Acting under the direct responsibility of the President of the Palestinian National Authority (Prime Minister).
- ∞ The main regulatory body for water resources management and development in Palestine.



∞ VISION

- The equitable and sustainable management and development of Palestine's water resources

∞ MISSION

- To secure an environmentally sound and sustainable development of water resources through efficient and equitable water management

∞ VALUES

- To develop water resources in a sustainable manner that reflects equality for the regional users of shared resources



PWA Goals

- To define the optimum ways to manage, protect and conserve the limited water resources.
- To optimize the benefit from water resources development by raising water consumption to levels which provide for a healthy environment and economic development.

Service Delivery Level

- PWA shall have the right to supervise and Control the utilities and setting their tasks and responsibilities in accordance with the regulations issued by the Cabinet of Ministers for this purpose.
 - ∩ Bulk Water Supply Utility
 - ∩ Coastal Utility (Gaza Strip).
 - ∩ Southern Utility (Hebron, Bethlehem).
 - ∩ Central Utility (Ramallah, Al-Bireh, Jerusalem, Jericho).
 - ∩ Northern Utility (Nablus, Qalqilia, Tulkarem, Jenin, Tubas).



Planning framework for water management

Who is planning for water sector development?????

Everyone is a planner, but all plans should be coherent with national planning.



National level (PWA):

the national water sector planning should be carried out by one responsible body with coordination with other stakeholders

Utilities - Facilities planning

Municipalities and Village Councils Facilities planning

Ministries sub_sector and project planning

Planning Elements

What are the factors that we took into account in our planning?

Growing Demand (continuously growing) due to population growth, economical development and raising standards.

Scare resources (semi arid region, disputed, increasingly costly to develop).

Constrained infrastructure development (inefficiently developed and insufficient control on Water and wastewater sector development).



Reforms Driving Forces

Increasing demand and short supply are driving legislative and institutional reforms and development.

Projected Water Demand: supply does not meet current and future demands.

Scarcity of Supply: a big gap between the projected demand and the existing supply.

Water Institutions: represent the driving force behind changes in the overall management of the water sector.

Growing Water Demand

Additional Supply			
Year	Total Water Demand	Available Water	Additional Supply*
2000	491	279	212
2005	622	279	343
2010	723	279	444



Water Sector Status

- Water Resources
- Water Demand
- Water Supply
- Coverage
- Infrastructure Development
- Wastewater
- Water Tariff

Institutional Status

Institutional and Human Resources Constraints:

This is characterized by organizational, technical, administrative, and logistic weaknesses, a lack of flexibility and bureaucratic limitations, general inefficiency, over-employment, and high salary rates relative to the total expenses.

Lack of Coordination between Related Institutions: This deficiency has resulted in a failure to integrate the various economic sectors in Palestine and has had a negative effect on the overall efficiency of water services and use and the inter-related water issues and aspects in Palestine as a whole.



∞ **Financial Constraints:**

∞ Most of water-related institutions suffer from severe financial deficits and a lack of funds, which limits both development and the extent and quality of delivered services.

∞ **High Percentage of Unaccounted for Water:**

This percentage which ranges between 25-55% of the total water supply are mainly a result of deteriorated water infrastructure, illegal practices of the part of consumers, and metering problems.



∞ **Ineffective Fee Collection Practices:**

∞ The prevailing social, economic, and political conditions in Palestine have resulted in many public groups refusing or un-able to pay their water bills to the service providers.

∞ **Contradictory Taxing and Pricing Procedures:**

∞ The methods of calculating unit costs and prices are not standardized. Most service providers do not keep proper financial records or registers of assets.

∞ **Cost Recovery and Operational Performance:**

Cost recovery including operation and maintenance costs, capital costs, the costs of environmental protection, and the costs reserved for future development of the water infrastructure has not been accomplished by the service providers, very few achieve the operation and maintenance cost recovery



∞ **Political and Water Availability Uncertainty:**

The Israeli control over the Palestinian water resources and infrastructure development had resulted in poor capacity building in the water sector, limited rural development, poor if not negative economic growth, an increase in poverty, poor health and sanitation conditions, and physical and human environment deterioration in the Occupied Palestinian Territories.




∞ **Government Involvement and Bureaucratic Control:**

The institutional reforms need to be structured in nature and to include legal reforms which should insure that the PWA and other PA organs synchronize their policies, plans, and actions.

∞ **Water Infrastructure:**

The water infrastructure in Palestine is characterized by the existence of disjointed remote sites and locations thus it will take extreme efforts, considerable time, and large amounts of money to turn it into a reliable and integrated national water system.



∞ **Water-Related Environmental Consideration:**
Environmental considerations are of critical importance as far as people, their resources, and sustainable economic growth are concerned. They therefore need to be given due consideration in the future water sector institutional reforms.


∞ **Palestinian-Israeli Joint Water Committee:**


∞ The JWC, throughout its Ten years of existence, has been considered by the Palestinian side a cause of further and continuous suffering due to the fact that what was agreed upon was never accomplished, this in addition of being an obstacle for infrastructure development in Palestine.



Why to focus on institutional reforms?

- Water management in terms of quality and quantity will be a very difficult and complex task in the coming years because of the accelerating human activities.
- It is evident that the water institutions represent the driving force behind changes in the overall management of water resources, which defines the overall benefits that a country can derive from its water resources.
- It is curious anomaly that studies and analysis of institutions (both public and private) which manage water, have been a most neglected subject in the past.


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- The final analysis how efficiently and equitably water is managed in different countries primarily depends on the capacities of the institutions that plan and manage them.
 - If water management is to become more efficient, there is no question that the institutions that manage this resource must become increasingly more and more competent.

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- The institutional innovations could play a decisive part in improving water management practices and processes in the world, and also in improving the human welfare and quality of life in the developing world.
 - Evident is the fact that institutional reform is a central requirement for comprehensive water planning and management in any country , yet is one of the most difficult measures to implement.



Reality and Institutional Reforms


- The reality is the Israeli military occupation of the Palestinian land and resources and the recognition of the fact that for as long as the current conflict continues, many institutional reforms will be meaningless.
- Institutional water sector reforms are urgently needed in the Palestinian society in order to facilitate reliable and sustainable water supply services, safe public health and sanitation services and conditions, and better protection and conservation of water resources.


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- These future water-related institutional reforms need to be holistic in nature and include operation management and coordinating between various water activities and different sectors.
 - Sectoral water allocations within future water-related institutional reform need to be managed in an equitable manner to secure positive stable economic growth and ensure efficient water use with minimal environmental impacts and high food security.



Requirements for Institutional Reforms

- The reforms should be structural in nature; and should be enforced by the law.
- The institutions should have the power and authority necessary to carry out reforms and follow up activities and tasks;
- Institutions should adopt, allow, and integrate plans and policies relating to internal and external cooperation.

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- The reform should call for and make the most of the expected international support for the Palestinian people and the new State of Palestine.



The future water-related institutional reforms also necessitate the following:

- A continuous technical level development and human capacity building must be guaranteed;
- Tariffs, costs, and fees are to be set to ensure cost recovery and sustainable development;
- Environment should always be taken into consideration;
- The public are involved in ongoing and future water activities and projects.



PROTECTION OF THE QUALITY AND SUPPLY OF FRESHWATER RESOURCES

- **APPLICATION OF INTEGRATED APPROACHES TO THE DEVELOPMENT, MANAGEMENT AND USE OF WATER RESOURCES.**
 - (a) Integrated water resources development and management;**
 - (b) Water resources assessment;**
 - (c) Protection of water resources, water quality and aquatic ecosystems;**
 - (d) Drinking-water supply and sanitation services;**
 - (e) Water and sustainable urban development;**
 - (f) Water for sustainable food production and rural development;**
 - (g) Impacts of climate change on water resources.**



Human Resources Development and Capacity Building

- Sustainable Management of the water resources and water institutions requires a human resources development and capacity building programs.
- The sustainable management approach should start from source to end user.



Human Resources Development

- (a) Awareness-creation programs, including mobilizing commitment and support at all levels and initiating global and local action to promote such programs;
- (b) Training of water managers at all levels so that they have an appropriate understanding of all the elements necessary for their decision-making;
- (c) Strengthening of training capacities;
- (d) Appropriate training of the necessary professionals, including extension workers;
- (e) improvement of career structures;



Capacity Building


- Institutional capacity for implementing integrated water management should be reviewed and developed when there is a clear demand.
- In creating the enabling environment for lowest-appropriate-level management, the role of Government includes mobilization of financial and human resources, legislation, standard-setting and other regulatory functions, monitoring and assessment of the use of water and land resources, and creating of opportunities for public participation.



Legal and Institutional

Summary

- 1- The Legal and Institutional framework for water sector management and development in Palestine are in place.**
- 2-The National Water Council should be restructured and activated to take its role.**
- 3- PWA should be empowered as the responsible institution for water sector national planning to guide the water sector development.**
- 4- The gap between supply and demand is driving development actions at the institutional and infrastructure level.**

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- 5- The Institutional reforms in the water sector should be given priority in action.
 - 6- Enforcement of Law and regulations.
 - 7- Securing Palestinian Water rights should be given utmost priority.
 - 8- Treated wastewater reuse to fulfill agricultural demands.
 - 9- Funds are required for water supply and wastewater infrastructures.
 - 10- Research, Capacity building and human resources development.



∞ The continued Israeli occupation of Palestine and the presence of the Israeli illegal settlements on the Palestinian land have tremendous negative impacts on all aspects of the Palestinians life and is demeaning Palestinian political sovereignty and preventing any regional interconnections whilst preventing the establishment of an independent Palestinian state, the Israeli settlements stand as a barrier in front of the defining of the potentiality for future socioeconomic development and the absolute future needs, in terms of water and land, of the ever-growing population in Palestine.



Thank you very much