



REPORT FOR

Activity 1.2.10

NATIONAL POLICIES FOR THE ESTABLISHMENT OF WATER & AQUATIC ENVIRONMENT PROSECUTION AND MAGISTRATES SYSTEMS IN ONE OUT OF THE TWO SWIM FOCUS COUNTRIES (PALESTINE)

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1 EXECUTIVE SUMMARY

Algeria and Lebanon, Palestine expressed interest to be focus countries for a SWIM-SM program whose component 1.2.10 aims at improving practically the enforcement of its existing water legislation and compliance related to water and aquatic environment management with water legislations currently practiced in SWIM-SM region.

The present report aims at:

1. Identifying and assessing the policies, the technical and regulatory measures likely to strengthen the coordination among water relevant sectors;
2. Developing and/or enhancing administration sanctions, amending the penal sanction classification and definitions to fit most common violations;
3. Developing an action oriented plan for designing and/or upgrading a corps of water and aquatic environment specialized engineers;
4. Expanding an inspectorate capacity force at relevant administrative level;
5. Designing a national capacity building training and study tours program for prosecutors and magistrates and;
6. Making appropriate conclusions and recommendations.

Bearing in mind the context in Palestine of an increasing water scarcity, combined to pressure on water resources from a wide range of users and desertification processes, in connection with climate change, the State of Palestine has to face also the Israeli occupation. The Israeli occupation remains central to the matter as it prevents Palestine from fully exercising its sovereignty and thus drastically limits the implementation of an effective police and monitoring on water resources over which it has neither free, complete and meaningful availability nor control. This crucial fact leads in many cases to a functioning in degraded mode.

(1) Following a kick off and awareness meeting which gathered the main public stakeholders in the field of water, a first assessment of the current integration and coordination showed that the water resources and aquatic environment (including their status, control and monitoring) are theoretically under the rule of three main laws: namely the 2014 Water Law (the most comprehensive one although a regulation order would be necessary in order to fully enforce it), the 1999 Environmental Law and the 2004 Public Health Law. Notably the Water Law provides a licensing system for the water uses, its corresponding fees and a mixed set of both judicial and administrative penalties, and describes the competent institutions. However, the water police and management system is not integrated enough according to the IWRM principle. Although water is a unitary resource, it still remains under the rule of three different laws spread out between the 2014 Water Law mainly related to the quantitative aspects and judicial penalties, the 1999 Environmental Law dealing with the qualitative aspects and the 2004 Public Health Law also including qualitative provisions related to sewage systems and wastewater treatment plants. Moreover, none of these laws contain provisions either enforcing a comprehensive water resources and aquatic environment planning or developing a participative approach involving all the stakeholders (users, planners and policy makers) at all levels.

Thus, the water management is mainly shared between the PWA (mainly aimed at quantitative aspects), the EQA (qualitative standards), the WSRC (both quantitative and qualitative aspects), the MoH (rather qualitative), and in a lesser extent by the Ministry of Agriculture (MoA). It is worth to mention that related water and wastewater quality standards and obligatory technical



specifications for water systems are prepared and updated by the Palestinian Standards Institute (PSI), and through specific groups of experts, usually representatives of stakeholders. The PSI is a governmental agency under the Ministry of National Economy but managed by an independent board of trustees.

The inability for the Palestinian water administration to conduct an effective IWRM in the West Bank remains a serious obstacle, considering that the governance system established by the 1995 Oslo II Agreement requires approval by the Israeli authorities for any management measure taken by Palestinian bodies.

Furthermore, a pragmatic coordination between the different ministries and authorities involved into the water resource and aquatic environment management should be implemented at a central level. One way of doing this could be to institutionalize the above mentioned kick off meeting and transform it into a permanent working group which would offer a constant place of dialogue at the operational level such as an Interdepartmental Water Committee.

(2) The existing bunch of administrative sanctions (complemented by other sanctions) could be profitably merged into a single legal corpus. This main corpus could also include the judicial sanctions and the main procedural elements which would guarantee the rights of the citizens/water users, while such system also implies the optimal functioning of the administrative courts.

(3) Rather than creating a specialized Environmental Criminal Code, the judicial sanctions could be gathered into a single and common corpus as an Environmental Code which would include administrative sanctions; therefore anticipating in the long term a unified system for all the environmental offences and an environmental police. This Environmental Code would describe for both categories of sanctions (1) the intervention conditions of the agents entitled to operate the administrative controls and possibly the search and observation of breaches with possible common provisions, (2) the administrative and judicial sanctions would also be listed as well as (3) a clear classification and accurate definition for each category of them (administrative/judicial) although the judicial sanctions should be defined in even more precise terms and proportionality, (4) the creation of a specific offence of pollution and finally (5) the harmonization and graduation of the quantum of the judicial sanctions with sufficiently deterrent effect.

(4) While a “water inspectorate” already informally exists, the engineers composing such inspectorate are scattered into various public services, mostly the Palestinian Water Authority (PWA), the Ministry of Health (MoH), the Environment Quality Authority (EQA), the Water Sector Regulatory Council (WSRC) and the Ministry of Agriculture (MoA) to which is to be added the National Palestinian Police. Nearly all of them deplore the lack of knowledge related to the laws and regulations they have to enforce and about the functioning of the judicial courts and thus are deterred from building up a case and engaging prosecution. At this stage, consideration might be given to the following two options: (1) either the merging of the inspectors of the different ministries into a single corps of specialized water and aquatic environment engineers including the police officers (one ministry being chosen among the different ones providing the “leadership”), (2) or the attribution of a common environmental accreditation for each categories of inspectors remaining involved into their original department. The 2004 Water Law could be amended to include provisions listing the various categories of accredited inspectors, naming the conditions of accreditation and requiring them to swear an oath, listing the conditions required for the performance of their mission and the extension of the powers being granted, providing for a default procedural framework for the writing of administrative reports (administrative police) and for the statements of fact (judicial police), enabling the inspectors to wear distinctive badges clearly identifiable and maybe a uniform and finally with provisions describing the relations of the inspectors with the prosecutor.



A pre-service and continuous training focused on their duties is to be implemented teaching them how to build up a complete file which would be likely to convince the prosecutor (or the administrative court) thanks to supporting evidence. This training would also teach them not to close a case without further action and to keep on with the investigation. However, such actions would mean that a training for clear, accurate and detailed reporting to make things understandable to a judge would have to be provided. At this stage of the reflection process, the creation of an environmental specialized court does not seem relevant, the best way being to seek existing environment specialized magistrates and, independently, to convince not yet specialized magistrates of the value to become an expert in the environmental field.

(5) With respect to the mobilizing of prosecutors and the training of magistrates, the action would consist of organizing a mixed workshop composed of both water and aquatic environment specialized engineers and environment specialized prosecutors, magistrates, attorneys and judiciary experts in the field of environment or those “tempted by the adventure”. The aim would be to make each and every one of them aware of their respective role, problems and of the importance of preserving the environment and more particularly of the preservation of water resources and of the aquatic environment.

Another stage would be dedicated to organizing relevant training and improvement courses for prosecutors, the various magistrates and the judicial experts within the departments in charge of the environment and the water management. This training would be aimed at providing magistrates with some technical theoretical background as well as a pragmatic approach linked to the technical issues; this being part of a long term project which might extend over several years in order to strengthen the identity and belonging.

Some individual periods of immersion with the public service in charge of environment/water management could also be considered for magistrates. These periods could take place on a regular yearly basis and would include visits on the field. Such an experience would allow them to build personal connections which could constitute one of the keys to the success of this enterprise. At last, after the group of magistrates is constituted, study tours could be also organized to visit a panel of selected countries having substantial experience and/or some geographical and climatic similarities.



2 INTRODUCTION

Given the context in Palestine of an increasing water scarcity, combined pressure on water resources from a wide range of users and desertification processes, in connection with climate change, the SWIM-SM program in its component 1.2.10 aims at improving practically the enforcement of the existing water legislation regulations in order to best protect as well the “large” water cycle (crude water) as the “small” water cycle (drinking water supply) in both quantitative and qualitative terms, economic resource and aquatic ecosystem according to the Integrated Water Resources Management (IWRM) principle. So, Palestine (with Algeria and Lebanon) is one of the three Partners Countries (PCs) chosen for improving compliance with water legislations and assessing the available enforcement capacity and mechanisms currently practiced in SWIM-SM region in order to enforce their water legislations.

According to the National Development Plan – State Building to Sovereignty – (2014-2016), *“In terms of quantity and quality, Palestinian water resources are inadequate to cover increasing needs for domestic, agricultural, industrial or tourism-related purposes across the country, but most particularly in Gaza”* (p. 76).

The Israeli occupation remains central to the matter as it prevents Palestine from fully exercising its sovereignty and thus drastically limits the implementation of an effective police and monitoring on water resources over which it has neither free, complete and meaningful availability nor control. This crucial fact will be reflected all along the present report and leads in many cases to a functioning in degraded mode.

Whatever, to enforce the compliance with water and aquatic environment regulations in Palestine, this report sets out to:

1. Identify and assess the policies, the technical and regulatory measures likely to strengthen the coordination among water relevant sectors ;
2. Develop and/or enhance administration sanctions;
3. Amend the penal sanction classification and definitions to fit most common violations;
4. Develop an action oriented plan for designing and/or upgrading a corps of water and aquatic environment specialized engineers and expanding an inspectorate capacity force at relevant administrative level;
5. Design a national capacity building training and study tours program for prosecutors and magistrates;
6. Make appropriate conclusions and recommendations.

As requested, a half day kick off meeting gathering the main public stakeholders in the field of water was held at the very beginning of the mission to discuss the objective and scope of the present activity. Organized at the central level with the logistical support of the Palestinian Water Authority (PWA), it included representatives of the Environmental Quality Authority (EQA), the Ministry of Health (MoH), the Ministry of Agriculture (MoA), the Water Sector Regulation Council (WSRC), the Ministry of Planning and Administrative Development (MoPAD) and the General Directorate of the Palestinian Police in Ramallah, in addition to academia and representative of local consultant firms, however in the absence of the representatives of the judiciary and the prosecution whom also invited to participate in the meeting.

Thus from the institutional point of view, as a consequence, the water management is mainly spread out between four departments (PWA for quantity, EQA for quality standards, WSRC for both



quantity and quality and MoH rather for quality) with a disadvantage in terms of administrative coordination. The system seems to operate as if each entity/administrative body was independent.

It still remains a general legal context lacking of homogeneity and clarity with several overlaps among the various legal systems applicable in the Palestinian territories, based either on Israeli military orders, the Jordanian and Palestinian legislation or those enforced earlier under the British mandate and the Ottoman period.



3 TASK 2: Identification and assessment of policies, technical and regulatory measures to strengthen the coordination among water relevant sectors in order to ensure compliance with water and aquatic environment regulations

3.1 Assessment of the current integration and coordination

3.1.1 The legal and institutional background

a) From the legal point of view, a water resource under the rule of three different laws

While in Palestine the above mentioned National Development Plan makes the creation of legal and institutional environment capable of an informed water management and technical and financial sustainability a priority for 2014-2016, the water resources and aquatic environment (including their status, control and monitoring) are theoretically under the rule of the three main following laws :

- The 2014 Water Law, the most comprehensive one;
- The 1999 Environmental Law (approved 6 July 1999);
- The 2004 Public Health Law (published 23 April 2005).

The status given by the **2014 Water Law** makes all water resources as a public property whose management belongs to the Palestinian Water Authority – PWA – (art. 3).

According to the law, this public institution equivalent to a ministry is notably in charge of managing the water resources in accordance with the Integrated Water Resources Management (IWRM) principle, establishing water policies, strategies and plans including draft laws and regulations, surveying and monitoring, licensing the water resources utilizations (art. 8).

The Water Sector Regulation Council (WSRC) is entitled to issue licenses and require the payment of the corresponding license fees to Regional Water Utilities and any operator that establishes or manages the operation of a facility for the supply, desalination or treatment of water or the collection and treatment of wastewater (art. 24.2).

Are subject to a prior license as well the drilling, exploration, extraction or collection of groundwater and the construction or expansion of a well as the utilization of surface water for non-personal purposes (art. 29).

The licensing issuance, their amendment or renewal give rise to fees per water quantity licensed for extraction from all wells or exploitation from springs and also for prior use rights from springs or licensed quantity of water extracted from wells (art. 31); these fees constitute part of the financial resources of the Water Sector Regulatory Council (WSRC, see further). The license has a limited duration (art. 32), is registered in a register of licenses and likely to be amended, suspended or revoked in a number of cases (art. 33).

A mixed set of prison sentences and fines according to the seriousness of the offence possibly doubled in case of repetition, is imposed for polluting water resources or supply system, drilling groundwater wells or extracting water without having obtained a license, infringement on any water resource or water and wastewater system, resulting in damage, supplying of water or permitting the supply of water without a permit to do so, disposal of waste water without obtaining a license (art. 58), carrying activities or works without any approval (art. 59 and 61). Anyone convicted of committing any of these offences is likely to compensate the value of damages resulting from the offence, to remedy its causes and effects and to restore the *status quo ante* that existed prior to the



offence within a period set by the court. In case of failure to do so, the implementation of the required works and the charging of all costs to the offender might be ordered (art. 62).

At last, the Water Law includes a minimum number of provisions related to water qualitative aspects: both a principle of protection of the water resources from pollution and an administrative obligation of removal of the pollution by any that causes this pollution (art. 50 and 52).

However, a regulation draft is still missing for the complete entry in force of this Water Law.

Based on the right to every individual to live in a clear environment without any harms or side effects possibly caused by the various uses of water having an impact notably on soil, water or marine resources, the **1999 Environmental Law** foresees that the Ministry of Environment (i.e. the Environmental Quality Authority – EQA – according to the current Palestinian institutional organization) in coordination with the specialized agencies, specifies the standards for quality and characteristics of fresh water and sea water, sets standards and norms for collecting, treating, reusing, or disposing waste and storm water, no person being allowed to discharge any solid or liquid or other substance unless such a process conforms to the conditions and standards that the specialized agencies determine (art. 28 to 31).

The **2004 Public Health Law** entitles the Ministry of Health to supervise all sewage systems and wastewater plants, to coordinate the use of pesticides and reuse of wastewater/rainwater and also to forbid any individual to use wastewater for fertilization or irrigation of agricultural land, only in accordance with specified the bases and standards (art. 2, 42 B. and C., and 43).

A Technical Specification n° 34-2012 related to treated wastewater for agriculture irrigation (dated 23 January 2012) aims at avoiding harm to human health, animal and plants and guarantee that the treated water for irrigation do not damage the environmental elements of soil and water. This treated water is classified according to maximum limits for chemical and biological properties of various parameters such as Biological Oxygen Demand (BOD5), Total suspended Solid (TSS), Chemical Oxygen Demand (COD), Dissolved Oxygen (DO), E. Coli etc.

b) From the institutional point of view

In Palestine, the crude water management is mostly shared between the PWA, the EQA, the MoH, the WSRC and, in a lesser extent, the Ministry of Agriculture (MoA).

The Ministry of Finance is also involved through the National Development Plan and the current Ministry of Planning (MoP) will eventually be integrated into the Ministry of Finance.

At the district level (12 Governorates), each ministerial or equivalent body directly involved into the water management and development relies on decentralized services.

- The Palestinian Water Authority (PWA)

As a central public Authority put under the direct responsibility of its President (in fact the Prime Minister) the PWA constitutes the main regulatory for water resources management and development in Palestine and is supposed to gather as much competences as possible in the field of water.

Theoretically, PWA is in charge of the water resources monitoring and of the issuing of the drilling, exploration, extraction or collection of groundwater, the construction or expansion of a well and the utilization of surface water for non-personal purposes. However due to the Israeli occupation, this power of issuing permits remains theoretical because the water quotas allocated to the Palestinians according to the 1995 Oslo Agreements are exceeded and never updated, while more and more wells are drilled for the benefit of the Israeli settlements.

Practically, PWA power is limited to give the Palestinians some verbal agreements and locally the Governor intervenes and stops the drillers who were not given this verbal agreement. From the strict legal point of view in case of pollution, PWA is not entitled to close a well and a cooperation with



MoH is requested previously including a long process of preventive measures. Practically when a very critical situation occurs, PWA takes it upon itself the responsibility to close the well in getting the Governor's police involved.

Responsible for the monitoring of water resources, PWA is entitled both to record all relevant information related to water uses, licenses, violations and infringements on water resources and to inspect any water resources and facilities (Water Law, art. 54).

To carry out this mission, PWA has at its disposal:

- Since April 2015, a centralized on-line data bank gathering and recording information related to groundwater as well quantity as quality, composed of 2-3 agents coordinated with Gaza data bank (1 agent), sharing its data with EQA, MoA and, starting in 2016, MoH, in connection with three Universities, UNICEF and the German Cooperation (GIZ);
- Inside its Water Quality Department, a laboratory (3-4 agents for the whole territory) coordinated with MoH whose laboratory monitors from drilling to consumer's tap, having a crude water resources sampling analytical program related to wells and springs, which aims at the quality monitoring for household use and quantity monitoring of the agricultural wells; a regular monitoring sampling is set up twice a year (April-September) while unannounced one might be triggered in case for example of increasing rate of the fertilizers or pesticides in the water and is regularly performed on 12 locations of wastewater plants (notably Jenin, Nablus, Jericho...).

However, PWA has no sufficient staff (only 2 agents for the whole territory of Palestine) to ensure and follow up the monitoring at the local level.

- The Environmental Quality Authority (EQA)

Also as a central public Authority put under the direct responsibility of its President (the Prime Minister), EQA with rank of Ministry is in charge of the policies for environmental planning and regulations i.e. regulates all environmental issues including water issues and assures their effective legal application. It issues environmental permits for operations subject to an Environmental Impact Assessment (EIA), such as for example the wastewater treatment plants regardless of its capacity of treatment.

EQA is in charge both of specifying the standards for the quality and characteristics of fresh water (Environmental Law, art. 28), setting standards and norms for collecting, treating, reusing, or disposing waste and storm water in a sound manner, along with the preservation of the environment and public health and determining the activities and projects that have to obtain an environmental approval before being licensed, similarly, the projects are allowed to be established in the restricted areas (Environmental Law, art. 29 and 47). The environment approval consists in an official document issued by the EQA which expresses its environmental opinion regarding establishing or practicing any activities require an environmental approval.

No person is allowed to discharge any solid or liquid or other substance unless such a process conforms to the conditions and standards (Environmental Law, art. 29). This environment approval seems to "double" the water police license imposing a pre-license related to the feasibility of the operation as regards its environmental consequences and poses the challenge to determine whether this approval could not be merged into the license which would integrate and take into consideration the consequences of the operation on the environment. It would reflect an international trend in the merging of the various licenses, approvals, permits or authorizations related to several others administrative polices requested for an operation into a single act/permit taking into account the different concerns related to these polices (clearing permit, building permit, authorization to occupy the public domain, taking into account the protected and managed areas, the protected animal and



plant species *et c.*), which is the case for Great Britain since 2010 and is being implemented in Netherlands and France.

- The Ministry of Health (MoH)

The MoH is not only involved into the quality of water as drinking supply (status of a food) but carries out also the control of the urban wastewaters and industrial effluents. Besides a very well equipped laboratory (11,000 samples on average yearly), there is a Department of Environmental Health composed of 5 divisions whose one among them is named the Water Quality Control Division, the Wastewaters Division and the Licensing Craft and Industries Division

- The Water Sector Regulatory Council (WSRC)

Established since 2015 as a legal personality financially and administratively independent, the WSRC is in charge of monitoring all matters related to the operation of water service providers including production, transportation, distribution, consumption and wastewater management, with the aim of ensuring water and wastewater service quality and efficiency to consumers in Palestine at affordable prices. It has the power and responsibility to approve water prices, costs of supply networks and other services required for the delivery of water and waste water services, as well as to review and monitor these costs to ensure compliance with the policy adopted by the PWA. The WSRC is also entitled to issue licenses to Regional Water Utilities and any operator that establishes or manages the operation of a facility for the supply, desalination, or treatment of water or the collection and treatment of wastewater, and to levy license fees (Water Law, art. 24-2). At last, it monitors and inspects the compliance with the terms, requirements and indicators stipulated in licenses and permits (Water Law, art. 17 and 18). Currently some 350 operators are regulated by the WRCS checking whether the licenses stipulations are or not fully respected. Then as the case may be, it implements possible limited incentives such a name and shame list in case of non compliance with the obligations imposed by the license (or its opposite to encourage the virtuous operators). The control made by the WSRC may start from a consumer's complaint and although the Council was recently established 14 complaints were registered. Although such a power is neither explicitly an administrative police power nor an administrative sanction, it avoids for the consumer to have to resort to the Courts.

- The Ministry of Agriculture (MoA)

The MoA is entitled to regulate agricultural water through water allocations discussed by a specialized mixed committee comprising 2 MoA agents and 3 PWA ones, while the licenses are issued by PWA.

The digging of new wells is subject to an approval from the MoA transmitted to PWA which issues the permit.

It exists also a local coordinating committee competent for collecting data, irrigation areas and crops.

So under this schema, two administrative bodies are entitled to issue licenses: PWA and WSRC.

3.1.2 Achievements, obstacles, gaps and challenges

From the legal point of view, the status of public property given in Palestine to the water resource (Water Law, art. 3) is a clear advantage because it is easier to manage crude water under a public status than under a private or mixed one (in some countries either Civil Code or Common Law ones, running water and groundwater may be linked to private property with private rights to use them).

However, the water police and management system is not integrated enough according to the IWRM principle. Although water is a unitary resource, it still remains under the rule of three



different laws scattered between the 2014 Water Law mainly related to the quantitative aspects and judicial penalties, the 1999 Environmental Law as regards the quantitative aspects and the 2004 Public Health Law also including qualitative provisions related notably to sewage systems wastewater plants.

Moreover, none of these laws contains provisions either enforcing a comprehensive water resources and aquatic environment planning or developing a participating approach involving all the stakeholders (users, planners, policy makers) at all levels (See *Water Sector Reform Plan 2014-2016*, Final version, p. 9).

At last, a regulation draft is still missing for the entry in force of the Water Law.

Thus from the institutional point of view, as a consequence the water management is mainly scattered between four departments (PWA for quantity, EQA for quality standards, WSRC for both quantity and quality and MoH rather for quality) with a disadvantage in terms of administrative coordination. The system seems to operate as if each entity/administrative body was independent.

It still remains a general legal context lacking of homogeneity and clarity with many overlaps among the various legal systems applicable in the Palestinian territories, based either on Israeli military orders, the Jordanian and Palestinian legislation or those enforced earlier under the British mandate and the Ottoman period.

As a serious obstacle is the inability for the Palestinian water administration to conduct an effective IWRM in the West Bank until the governance system established by the 1995 Oslo II Agreement, art. 40, requires the approval by the Israeli authorities for any Palestinian management measure. With the way it has been implemented, this arrangement gives Israeli authorities control over the allocation and management of the West Bank water resources and makes virtually impossible the IWRM (including water resources planning) by the Palestinian competent administration, especially within the area C (60% of the West Bank while in area A there is a full Palestinian control and a shared one in area B) where Israeli territorial jurisdiction consolidated its control (See Report n° 47657-GZ, *West Bank and Gaza, Assessment of restrictions on Palestinian Water Sector Development*, Sector Note April 2009, World Bank, p. vii). In fact within this area C, nothing can be done (for example rehabilitate a drill) without being permitted by *Tsahal*. Practically, quite every non-domestic operation (even sometimes domestic uses) is refused, such as drills, water wells, and abstractions. It is acknowledged that the Joint Water Committee (JWC) established under the aegis of Oslo agreement "*has not fulfilled its role of providing an effective collaborative governance framework for joint resource management a further concern is that some water-related actions and decisions are taken unilaterally by Israel, without further consultation in the JWC*" (Above mentioned World Bank Report, p. ix).

While Israel utilizes more than 85% of the available shared water resource, Palestine abstracts 95% of the remaining 15% from the groundwater.

The Israeli occupation is also a big challenge for the development of the Justice sector (See *the General National Palestinian Plan 2011-2013*, p.7).

However, an achievement that is to be quoted is the above mentioned involvement of the MoH into the control of wastewaters and industrial/craft factories.

At the local level based on Resolution 16/2013 on the house and facilities connection system to the public sewage network, there is also the pilot operation led by Nablus Municipality through its Environmental Control Unit (ECU) permitting the connection of the industrial effluents with the urban sewage network. For the first time in Palestine, all the effluents discharged into an urban sewage network and out of this network will be controlled. The municipal level could be the relevant one to conduct such operations and so protect pragmatically the water resource thanks to



a circumvention of the difficulties referred above, even through a case to case approach. The Jordan Law still enforced in Palestine allows mayors to take public-order measures notably dictated by public health or prevention of water pollution/protection of water resources considerations under the supervision of Municipal Courts.

A main issue at central level is the coordination of the different entities involved into the water management in order to prevent conflicts of competence.

Another issue at local level is the difficulty to set up efficiently the decentralized administrative services due to the territorial fragmentation and the Israeli controls.

For example, there is some difficulty for collecting garbage due to the numerous Israeli checkpoints while only one dumping site exists within the West Bank (2-3 others at the stage of project). Another difficulty is the contamination by wastewaters discharged from the Israeli settlements into the Palestinian soils and waters and never brought to any court.

3.1.3 How to strengthen the integration and the coordination of the water resources ?

Ideally, due to the sharing of the quantitative and qualitative water management between PWA, EQA, WRSC and MoH, it would be relevant to set up a general nomenclature/listing enumerating the various operations likely to cause a damage to water resource and aquatic environment from the points of view both quantitative and qualitative including the craft and industrial activities. The generic term "operations" covers every installation, equipment or facility (e.g. wastewater treatment plants, drilling, wells...), works and activity (discharging of effluents, water abstraction...). A threshold would be assigned to each operation according to its importance and its impact on water, which would indicate whether this operation is subject or not to licensing and with an exemption for household uses. This nomenclature could be annexed to the regulation which is one of the prerequisite for making possible some enforcement for the Water Law (art. 8.14).

The Water Law should be also supplemented with the description of:

- The water planning system announced at art. 8. 2, 7 and 9;
- A minimal public and users participation for the most significant operations while only irrigation users are involved (art. 48).

Both PWA and WSRC are entitled to issue licenses and the chances for overlap between these two bodies related to this competence is very likely. This potential of overlap has to be resolved.

Furthermore, a pragmatic coordination between the different ministries and authorities involved into the water resource and aquatic environment management should be implemented at a central level. One way of doing this could be to institutionalize the above mentioned kick off meeting and transform it into a permanent working group which would offer a constant forum for dialogue at the operational level, such as an Interdepartmental Water Committee.



4 TASK 3: DEVELOPMENT AND/OR ENHANCEMENT OF administrative sanctions

In Civil Code countries ruled under a double system of both administrative and judicial courts (which is the case for Palestine), a better use is to be made of administrative sanctions such as administrative penalties, formal notice within certain time-limit to comply with the law and regulations, after formal demand remained ineffective automatic performance of the work on the account and the risk of the infringer, consignment corresponding to the estimated amount of money required to restore the damaged environment, penalty imposed on daily basis until the damage caused to the water resources or the aquatic ecosystem is repaired, fines, suspension of a permit, even closing out of an installation in the worst cases of infringements. These administrative sanctions are implemented directly by the competent administrative authority under the supervision of the administrative court.

The counterpart is to ensure that the administrative action is clearly circumscribed to avoid the temptation to abuse its power, and to make sure the users rights are respected under the supervision of the administrative court.

Currently in Palestine, the administrative sanctions system seems to be at the embryonic state as regards its enforcement.

4.1 Assessment of the current administrative sanctions in Palestine

At local level, the Jordan rule still enforced allows the mayors to take all administrative measures relating to the safeguarding of public sanitation. It may include immediate administrative measures imposed to prevent or to help with pollution.

The Water Law provides that a facility or project which violates any of the terms of the license shall not be permitted to resume its activities under the license unless the causes of violation have been removed or remedied. In the event that violations are not remedied, the competent authority shall remedy them at the offender's expense (art. 32-2).

Another provision of the same laws states that the Authority is entitled to order the suspension of water extraction or water supply in cases of a water source or supply system pollution, and may order the closure of the source or supply system if the pollution persists (art. 51).

Further, anyone that causes pollution to any water resource or water supply system shall remove the pollution affecting the water resource or water supply system. In case of refusal or failure to do so, the Authority is entitled to remove the pollution and carry out the required cleansing operations at the expense of the party causing the pollution following written notification to that end, irrespective of the costs, which shall be collected from him (art. 53). For this purpose, the Authority the power to enter any private or public property or building for this purpose (art. 54.2).

For its part, the Environmental Law gives the specialized agency the right to permanently revoke or temporarily suspend the license granted to any facility or project that violates the environmental conditions required for granting the license with the possibility provided to the facility's or project's owner to impeach the decision of revoking or suspending the license before a specialized court (art. 55).

None facility or project violating the law could be allowed to resume its activities without the removal of the contravention causes; if these causes are not removed, the specialized agency is entitle to remove them on the expenses of the owner (art. 56).



Moreover, the minister can even decide to stop the work of any project, prevent wholly or partially the using of any machine or material for a two weeks period maximum, if the continuation of using them has extreme hazard on the environment, with a possibility to extend the period through a judicial order (art. 57).

4.2 Amendment of the current administrative sanctions system

The existing bunch of administrative sanctions could be possibly completed with:

- A formal notice procedure within certain time-limit to comply with the law and regulations, leaving the infringer a reasonable length of time to regularize the situation;
- After formal demand remained ineffective, the automatic performance of the work on the account and the risk of the infringer;
- A possible consignment corresponding to the estimated amount of money required to restore the damaged environment;
- A penalty imposed on daily basis until the damage caused to the water resources or the aquatic ecosystem is repaired;
- Administrative fines.

Whatever, no sentence of imprisonment is likely to be imposed under an administrative sanction.

The framework of the administrative sanctions could be profitably merged into a single legal corpus. This main corpus could also include the judicial sanctions and the main procedural elements which would guarantee the rights of the citizens/water users.

However, such system implies an optimal functioning of the administrative courts. At the moment in Palestine, the Administrative Court is the first and final instance for certain categories of administrative cases assigned. A reform would be in the process of being implemented including the setting up of first instance courts and of a Court of appeal.



5 TASK 4: Amendment of penal sanction classification and definitions to fit most common violations

Most of the penal sanctions and judicial restitution/compensation measures are also contained in the Water Law and in the Environmental Law.

Related to the Water Law, are considered as offences punishable by an imprisonment sentence and a fine:

- The offence of absence of license by the PWA, punishable by prison sentence of minimum six months and maximum one year, and a fine of minimum one thousand Jordanian dinars (1,000 JOD) and maximum five thousand dinars (5,000 JOD or the equivalent thereof in other circulated currency), the polluting of any water resource or supply system, or causing such pollution without remedying it within the period set by the Authority, the drilling of groundwater wells or substitute wells, or the extracting of water without obtaining a license, the infringement on any water resource or water and wastewater system, resulting in damage or breakdown, the supply of water, or permitting the supply of water, to oneself or to others without a permit to do so, and at last the disposal of waste water without obtaining a license (art. 58);

The offence of absence of prior approval by the PWA, in case of unlawful conduct in water resources is punishable by a prison sentence of minimum one month and maximum six months, and a fine of minimum one hundred dinars (100 JOD) and maximum one thousand dinars (1,000 JOD), or the equivalent in other circulated currency (New Israeli shekels as NILS, based on 11/11/2015 rate, 1.0 JOD is equivalent to 5.5 NILS or 1.3 €).

- The carrying out of any activities or works which are only permitted for PWA, without the prior written approval of the PWA, the engaging in conduct with respect to water resources, water supplies, water related projects, or wastewater, which violates the provisions of the Water Law (art. 59);
- The offence of violating the WSRC tariff, of conducting, without a license any the works that require obtaining a license under the provisions of this law, of violating any the terms or conditions of the license or permit issued by the WSRC, punishable by a fine of minimum ten thousand Jordanian dinars (10,000 JOD), or by an amount equivalent to the value of the damage caused as a result of the act, whichever is the higher (art. 60), penalties being doubled in case of repetition of this offence (art.61) .

At last, the Water Law provides also a mechanism of restitution and compensation from any person convicted of committing any of the offences above mentioned. This person will be obliged to compensate the value of damages resulting from the offence, and to remedy its causes and effects and restore the *status quo ante* that existed prior to the offence within the period set by the court. In case of failure to do so, the competent authorities shall order the implementation of the required works and shall charge all costs to the offender (art. 62).

What can be appreciated in a first approach about the system are the following points:

- The major offence is not characterized and accurate enough in its definition, which makes it difficult to interpret by a water police agent in charge of drawing up a well-considered official report;



- The quantum of sanctions, notably related to fines, is not deterrent enough and illogical while the quantum is so different for the three offences (1,000 to 5,000 JOD vs 100 to 1,000, vs 10,000).

Related to the Environmental Law, any person who does not respect the prohibition of discharging any solid or liquid or other substance unless such a process conforms to the conditions and standards that the specialized agencies determine in violation of article 30 of this law shall be punished by a fine of not less than 200 and not more than 1,000 Jordanian Dinars and the imprisonment of a period not less than one month and not more than six months, or one of them (art. 68).

Furthermore, the breach of the prohibition both of performing any action, which may cause pollution of sea water in a manner that contradicts with the standards, instructions or conditions prescribed for the purposes of marine environment protection against pollution(art. 32), and of throwing or discharging oil or oil compounds or any other pollutants in the territorial water or the free economic zone of Palestine, shall be liable to pay a fine of not less than 5,000 and not more than 50,000 Jordanian Dinars and imprisonment of a period not less than one year and not more than ten years, or one of them (art. 69).

At last, the owners of the different projects and activities who would not allow the inspectors of the Environmental Planning and any other specialized agencies to conduct their functions, and provide them with the information and data that they see necessary (art. 53) will be punished by a fine of not less than 100 and not more than 500 Jordanian Dinars and the imprisonment of a period not less than one week and not more than a month, or one of them (art. 73).

Summary of Penalties:

- a) As per the Environmental law:

Act	Penalty
Processing, storing, distributing, using, treating or disposal of any solid or liquid or gaseous hazardous materials or waste except according to the regulations and instructions determined by the Ministry in coordination with the competent parties.	A penalty by a minimum financial fine of one thousand Jordanian Dinars and not exceeding three thousand Jordanian Dinars or the equivalent thereto in the currency in legal circulation or by imprisonment for a period not exceeding three years or by one of these two penalties.
Dumping, treating or incinerating solid garbage and waste except in the places provided for this purpose and according to the conditions which are set out by the Ministry so as to ensure the protection of environment.	A penalty by a minimum fine of ten Jordanian Dinars and not exceeding one hundred Dinars or the equivalent thereto in the currency in legal circulation and by imprisonment for a minimum period of two days and not exceeding one week or by one of these two penalties.
Exceeding the permitted limits as determined by the competent authorities for the level of radiation activity or concentration of the radioactive materials originating from the installation or any other activity.	A penalty by a financial fine of not less than one thousand Jordanian Dinars and not exceeding seven thousand Dinars or the equivalent thereto in the currency in legal circulation and imprisonment for a minimum period of one month and not exceeding one year or by one of these two penalties.
Disposing any solid, liquid or other material except in accordance with the conditions and standards	A penalty by a financial fine of two hundred Jordanian Dinars and not exceeding one



determined by the competent authorities.	thousand Dinars or the equivalent thereto in the currency in legal circulation currency and imprisonment for a period of not less than one month and not exceeding six months or by one of these two penalties.
Preventing the inspectors of the Ministry and competent authorities to carry out their functions and withhold the information and particulars which they deem necessary to obtain in implementation of the provisions of this Law.	A penalty by a fine of not less than one hundred Jordanian Dinars and not exceeding five hundred Dinars or the equivalent thereto in the currency in legal circulation and imprisonment for a minimum period of one week and not exceeding one month or by one of these two penalties.
	In addition to what has been provided above, the removal of damage and effects thereof shall be at the expense of the violator

b) As per the handicraft and industries law on the local governmental levels:

Whoever violates the conditions of the permit shall be punished with imprisonment for a period that does not exceed 15 days or by a fine does not exceed 5 dinars and the court could rule to close down the violators propriety, and whoever violates the ruling and proceeded with his work could be punished by a fine that does not exceed two hundred dinars and/or imprisonment for a period of time that does not exceed six months. The quantum of these sanctions should be harmonized too and made more deterrent. Rather than creating a specialized Environmental Criminal Code, the judicial sanctions could be gathered into a single and common corpus as an Environmental Code, which would include the administrative sanctions; therefore anticipating in the long term a unified system for all the environmental offences and an environmental police. The title for this single corpus could be *“Common provisions to controls and sanctions”* divided into *“Administrative controls and administrative police measures”* and *“Judicial controls and sanctions”*. For both, it would describe:

- The intervention conditions of the agents entitled to operate the administrative controls and possibly the search and observation of breaches with possible common provisions;
- The sanctions as well administrative as judicial;
- A clear classification and accurate definition for each category of them (administrative/judicial) in even more precise terms and proportionality for the judicial sanctions;
- The creation of a specific offence of pollution (surface water, soils, groundwater, sea water within the territorial limits) separated from the offences for damage caused to the water quantity, including the abandonment and dumping of waste;
- The harmonization and graduation of the quantum of the judicial sanctions with sufficiently deterrent effect.



6 TASK 5: Development of an action oriented plan for designing and/or upgrading a corps of water and aquatic environment specialized engineers and expanding inspectorate capacity force at relevant administrative level

6.1 Assessment of the current inspectorates

- Related to the Palestinian Water Authority (PWA)

Competent to ensure the monitoring and inspection of the water resources, the PWA is in charge of maintaining records that contain detailed information about water usage, licenses, violations and infringements on water resources and has the power to inspect water resources and facilities and the power to enter any private or public property or building (Water Law, art. 54). For this purpose, its inspectors have a special accreditation with the status and powers of the judicial police to apprehend crimes and violations prohibited under the Law (Water Law, art. 55). However, they are not put under an oath.

- The Environmental Quality Authority (EQA)

The Authority/Ministry and other inspectors appointed to other ministries and agencies, and who have power of commissioners in accordance with the Environmental Law, may inspect environmental contravention or crimes committed in violation of this law. They have the right to have access to any facilities for inspection, take samples and measures to ensure their conformity with the standards and conditions of environmental protection and pollution prevention and the various operators have to provide them with the necessary and compliant information and data (Environmental Law, art. 51 and 52).

Thus, EQA has 16 accredited agents in West Bank and 14 in Gaza. However, 8 out of the total number are Directors.

- The Ministry of Health (MoH)

Besides a very well equipped laboratory (11,000 samples on average yearly), there is inside the MoH a Department of Environmental Health composed of 5 divisions among them we could name the Water Quality Control Division, the Wastewaters Division and the Licensing Craft and Industries Division, comprising for each 1 inspector with judicial powers accredited for establishing official records.

Thus in 2014, 324 statements of facts (records) related to industrial factories were transmitted to the Court (60% concerning damages to the environment), more than 500 related to environmental and public health issues (notably endangered pits), what looks in such a context like a success story. It could be partly explained by the importance of the budget allocated for the MoH which is the most important one with the budget allocated for the Ministry of Education, very different from the poorly allocated EQA budget. Every year a Report is published on line (see 2013 and 2014 *Health Annual Reports –Palestinian Health Information -*).

- The Ministry of Agriculture (MoA)

The MoA has 2 dedicated agents at central level and 2 or 3 in each of the 14 Districts/Governorates at local level giving a total of 28 to 42 agents for the whole territory. Among them, 28 are accredited to control fertilizers and pesticides misuses. It exists also a local coordinating committee competent for collecting data, irrigation areas and crops. The



MoA does not seem to be reluctant in getting more involved into the water police as long as the inspectors could intervene both on quantity (drilling, water police over Mediterranean streams with a torrential rain flow wadis) and quality issues and be specialized in fertilizers and pesticides.

- The National Police of Palestine

This corps is mainly in charge of the citizen's protection which is a fundamental element including broadly the preservation of the environment. However no law imposes it to perform any environmental police operation even if practically the police officers may escort environmental inspectors or investigate by themselves as judicial agents in spite of their current lack of technical knowledge and experience. For example recently in Ramallah, the police intervened to investigate about the identification of animal endangered species on a NGO's complaint. It is eager to get involved into the environmental police including workshop as long as it could be trained for that purpose. The police officers are in uniform which is deterrent and have judicial competences that could be useful to assist the civil servants in drafting a statement of fact in case of infringement.

6.2 Improvement of the Inspectorate through a practical action plan at relevant level

While an "inspectorate" already informally exists, the engineers composing such "inspectorate" are scattered into various public services, mostly PWA, MoH, WSRC and MoA to which is to be added the National Palestinian Police.

Nearly all of them deplore the lack of knowledge related to the laws and regulations they have to enforce and thus are deterred from building up a case and engaging prosecution. Their knowledge about the functioning of the judicial courts is weak.

At this stage, consideration might be given to two options:

- (1) Either the merging of the inspectors of the different ministries into a single corps of specialized water and aquatic environment engineers, including the police officers, one ministry being chosen among the different ones providing the "leadership";
- (2) Or the attribution of a common environmental accreditation for each category of inspectors remaining involved into their original department.

In both cases, the practical action plan likely to be implemented would require:

- The 2004 Water Law amendment to include provisions listing the various categories of accredited inspectors, naming the conditions of accreditation and requiring them to swear an oath, listing the conditions required for the performance of their mission and the extension of the powers being granted, providing for a default procedural framework for the writing of administrative reports (administrative police) and for the statements of fact (judicial police), enabling the inspectors to wear distinctive badges clearly identifiable and maybe a uniform and finally with provisions describing the relations of the inspectors with the prosecutor;
- The implementation of a pre-service and continuous training focused on their duties teaching them how to build up a complete file which would be likely to convince the prosecutor (or the administrative court) thanks to supporting evidence. This training would also teach them not to close a case without further action and to keep on with the investigation. However, such actions would mean that a training for clear, accurate and detailed reporting to make things understandable to a judge (who is a lawyer, not an



engineer) would have to be provided. This training will also give the inspectors a common background with the possibility of further more specialized sessions (for example, hazardous waste, pesticides, *etc.*);

- The setting up of a clear and pedagogical instruction manual recording the various infringements with their definition and characterization in order to assist the inspectors in drafting the official statement of the facts (or a report in default for administrative sanctions) and making it understandable to the judge;
- The setting up of joint meetings for all categories of inspectors involved.

This national corps would profitably exercise its powers at the decentralized governorate level.



7 TASK 6: Designing of a national capacity building training and study tours program for prosecutors and magistrates

7.1 Assessment of the existing gaps related to prosecutors and magistrates' environmental awareness

While it was quite easy to meet magistrates, it has been much more difficult to obtain actual statistics related to the number of environmental cases brought before the courts since the Environmental Law was enforced, some of the figures given being even sometimes inconsistent.

There is also the same uncertainty related to the decisions made by the courts in the same field. Up to now, the Bir Zeit University website just relates the laws and regulations but not the decisions made by the courts. According to the information gathered from the judicial magistrates met, 15 to 20 among them would be specialized in environmental cases within the West Bank.

Since 1999, there would have been 144 connected environment-public health statement of facts (whose 16 defective functioning sewage network) brought before the prosecutor. These statements of facts would have themselves given rise to 45 litigations (18 environmental cases and 27 environment- health ones) and since 2012, only 2-3 decisions made.

Most of the time, the judgments are not executed within the areas occupied by the Israeli, notably those related to sewage, because of the meshing between the Palestinian villages and the Israeli settlements.

The public service finds regrettable the time it takes for « simple » cases to be dealt with by the courts (several years i.e. no less than 3) and deters it to transmit the files to these courts. For their part, the magistrates might be inhibited by the technical aspect of the files they receive from the public service and reluctant to get involved into ecological topics they do not master.

At the moment 15-20 magistrates would be more or less specialized in the environmental field, having each some 50 files related to the same field.

7.2 Design of a national capacity building training program and of the foundation for national network of the various categories of magistrates involved

The design of a national capacity building training and study tours for prosecutors and magistrates implies firstly the implementation of a concerted action between the authorities in charge of water and more broadly environment and the authority in charge of justice in order to ensure prosecutors and magistrates awareness to violations of water law and regulations. So, the principle of separation of powers supposes that a prior Circular would to be sent by the Minister of Justice to the magistrates, which details what the program aims at and what is expected from them.

7.2.1 Identification of the specialized magistrates

With respect to the mobilizing of prosecutors and the training of magistrates, the first stage would consist of identifying through a formal request to the Chief Prosecutor of the State of Palestine water and aquatic environment specialized engineers and environment specialized prosecutors, magistrates, attorneys and judiciary experts.

At this stage, the creation of an environmental specialized court does not seem relevant, the best way being to seek existing environment specialized magistrates and, independently of this seeking, to convince magistrates not specialized yet of the value to become an expert in the environmental field.



7.2.2 Organization of a mixed workshop

With respect to the mobilizing of prosecutors and the training of magistrates, the second stage would consist of organizing a mixed workshop composed of both water and aquatic environment specialized engineers and environment specialized prosecutors, magistrates, attorneys and judiciary experts in the field of environment or those “*tempted by the adventure*”. The aim would be to make each and every one of them aware of their respective problems and of the importance of preserving the environment and more particularly of the preservation of water resources and of the aquatic environment. Another stage would be dedicated to organizing relevant training and improvement courses for prosecutors, the various magistrates and the judicial experts within the departments in charge of the environment and the water management.

So, it allows as well engineers as magistrates to identify themselves each others as the ecological experts in their own professional category.

7.2.3 Organization of training and improvement courses

The third stage would be dedicated to organizing relevant training and improvement courses for the prosecutors, the various magistrates and the judicial experts within the departments in charge of the environment and the water management.

So while the public services are trained to build and present technical files made acceptable to magistrates from the legal point of view, on their side the magistrates would be trained from the technical point of view in the various environmental fields and more particularly in those related to the water and aquatic environment. This training would be aimed at providing magistrates with some technical theoretical background as well as a pragmatic approach linked to the technical issues; this being part of a long term project which might extend over several years in order to strengthen the identity and belonging, as a mirror of the minimum legal training provided to the specialized engineers

Some individual periods of immersion with the public service in charge of environment/water management could also be considered for magistrates. This period could take place on a regular yearly basis and would include visits on the field. Such an experience could allow them to build personal connections which could constitute one of the key to the success of this enterprise.

7.2.4 Organization of study tours

As a fourth stage, after the group of magistrates is constituted, study tours could be also organized to visit a panel of selected countries having substantial experience and/or some geographical and climatic similarities. Such a group could be also mixed with some engineers.

7.2.5 Foundation for the creation of a national network

Highly desirable as a long term project, the foundation for the creation of a national network of water and environment specialized prosecutors, magistrates, attorneys and judiciary experts, the implementation of such an institutionalized networks supposes however the realization of the previous tasks according to the different stages.



8 CONCLUSIONS AND RECOMMENDATIONS

8.1 Conclusions in first approach

The status of public property given in Palestine to the water resource is a clear advantage for the water management.

However, due to the lack of integration according to the IWRM principle of the water police and management system which still remains shared between three different laws (Water Law, Environmental Law and Public Health Law) and, as a consequence, the water management is mainly scattered between three departments (PWA, EQA and MoH) with a disadvantage in terms of administrative coordination, the system seeming to operate as if each administrative body was independent.

Moreover, the Water Law does not contain provisions either enforcing a comprehensive water resources and aquatic environment planning or developing a participating approach involving all the stakeholders (users, planners, policy makers) at all levels.

A main issue at central level is the coordination of the different entities involved into the water management in order to prevent conflicts of competence.

Another issue at local level is the difficulty to set up efficiently the decentralized administrative services due to the territorial fragmentation and the Israeli controls.

At last, a regulation draft is missing for the complete entry in force of the Water Law.

As a whole, the general legal context is still lacking of homogeneity with an overlapping of the various legal systems applicable in the Palestinian territories, based either on Israeli military orders, the Jordanian and Palestinian legislation or those enforced earlier under the British mandate and the Ottoman period.

The Palestinian water administration is unable to conduct an effective IWRM in the West Bank until the governance system established by the 1995 Oslo II Agreement requires the approval by the Israeli authorities for any Palestinian water management measure.

8.2 First recommendations

8.2.1 Related to the water management

(1) Due to the double system for environmental approval and for water police license, determine whether this environment approval could not be merged into the license which would integrate and take into consideration the consequences of the operation on the environment in compliance with an international trend.

(2) Due to the sharing of the quantitative and qualitative water management between PWA, EQA, WSRC and MoH, set up a general nomenclature/listing with thresholds enumerating the various operations likely to cause **a damage** to water resource and aquatic environment from the points of view both quantitative and qualitative including the craft and industrial activities.

(3) Clarify the licenses issuing competences given both to PWA, WSRC and MoH and reconsider the relevance of such a sharing of competences between four different institutions related to a single unitary resource.

(4) Supplement the Water Law with the description of the water planning system and a minimal public and user's participation for the most significant operations.



8.2.2 [Related to the coordination](#)

Institutionalize the kick off meeting by transforming it into a permanent working group such as an Interdepartmental Water Committee at operational level.

8.2.3 [Related to the administrative sanctions](#)

(1) Complete the existing bunch of administrative sanctions with a formal notice procedure within certain time-limit to comply with the law and regulations, an automatic performance of the work on the account and the risk of the infringer, a possible consignment corresponding to the estimated amount of money required to restore the damaged environment, a penalty imposed on daily basis until the damage caused to the water resources or the aquatic ecosystem is repaired and administrative fines.

(2) Merge of the administrative sanctions into a single legal corpus.

(3) Add to this corpus the judicial sanctions and the main procedural elements likely to guarantee the rights of the water users, subject to the express reservation of an optimal functioning of the administrative court and of the effective carrying out of the administrative courts reform.

8.2.4 [Related to the judicial penalties](#)

Gather the judicial sanctions into a single and common corpus as an Environmental Code, including the administrative sanctions, anticipating in the long term a unified system for all the environmental offences and an environmental police, rather than creating a specialized Environmental Criminal Code, describing for (1) *the intervention conditions of the agents entitled to operate the administrative controls and possibly the search and observation of breaches with possible common provisions*, (2) *the administrative and judicial sanctions would also be listed as well as* (3) *a clear classification and accurate definition for each category of them (administrative/judicial) although the judicial sanctions should be defined in even more precise terms and proportionality*, (4) *the creation of a specific offence of pollution*, (5) *the harmonization and graduation of the quantum of the judicial sanctions with sufficiently deterrent effect*.

8.2.5 [Related to the Inspectorate](#)

At this stage, consideration might be given to the two following options:

- (1) Either the merging of the inspectors of the different ministries into a single corps of specialized water and aquatic environment engineers, including the police officers, one ministry chosen among the different ones providing the “leadership”;
- (2) Or the attribution of a common environmental accreditation for each categories of inspectors remaining involved into their original department.

In both cases, the practical action plan likely to be implemented would require:

Amend the Water Law to introduce a chapter related to “The Water Inspectorate” composed of two sub-chapters dedicated each to administrative police and judicial police;

Include in the amendment (i) the list of the various categories of inspectors accredited, (ii) the conditions of accreditation and putting under an oath, (iii) the conditions required for the performance of their mission and the extension of the powers it grants (access to places and documents), (iv) the frame of the procedure for the writing of the administrative report in default (administrative police) and of the statement of fact (judicial police), (v) the permission to wear distinctive badges clearly identifiable and (vi) eventually a uniform, the relations of the inspectors to the prosecutor.



- (3) Set a pre-service and continuous training focused on their duties, the way how to build a completed file likely to convince through the evidences the prosecutor (or the administrative court) not to close the case without further action and to pursue;
- (4) Set up a clear and pedagogical instruction manual recording;
- (5) Set up joint meetings for all categories of inspectors involved;
- (6) Exercise the powers of this national corps at the decentralized governorate level.

8.2.6 Related to the training program for prosecutors and magistrates

a) Identification of the specialized magistrates

Identify through a formal request to the Chief Prosecutor of the State of Palestine water and aquatic environment specialized engineers and environment specialized prosecutors, magistrates, attorneys and judiciary experts.

b) Organization of a mixed workshop

Organize a mixed workshop composed of both water and aquatic environment specialized engineers and environment specialized magistrates.

c) Organization of training and improvement courses

(1) Organize the training and improvement courses for the prosecutors, the various magistrates and the judicial experts within the departments in charge of the environment and the water management giving the magistrates a technical background.

(2) Initiate for the magistrates individual periods of immersion with the public service in charge of environment/water management on a regular yearly basis, including field visits. to build mutual close personal connections.

d) Organization of study tours

Organize study tours to visit a panel of selected countries having substantial experience and/or some geographical and climatic similarities such as France, Netherlands, Spain *etc.*

e) Foundation for the creation of a national network

The foundation for the creation of a national network of water and environment specialized prosecutors, magistrates, attorneys and judiciary experts, the implementation of such an institutionalized network with possible link to the NGO International Network of Basins Organization (INBO/RIOB) supposes however the realization of the previous tasks according to the different stages.



9 Accompanying documents

- **Agenda for the visit of the International Expert**
- **List of the Persons encountered**
- **Attendance list of the kick off meeting**
- **Water sector framework**
- **Map of areas A, B and C**
- **Map of wells and Israeli settlements**



9.1 Agenda for the visit of the International Expert

Day	Date	From	To	Activity	Location	Email
Sunday	1/11		4:10	Arrival at Airport	Tel Aviv	
				Travel to Ramallah	Hotel:	
Monday	2/11	9:00	9:30	Meeting with Local Focal Points: - Mr. Deeb Abdel Ghafour - Ms. ManalZakkak	PWA	manal_ziadeh@yahoo.com deeb_saleh2003@yahoo.com
		9:30	10:00	Moving from PWA to WBWD		
		10:00	10:10	Kick off meeting: - Introduction by Focal Point	WBWD	
		10:10	10:30	- Speech of the Water Minister		
		10:30	11:15	- Project Overview by Mr. Sironneau		
		11:15	11:30	- Coffee break		
		11:30	12:00	- Project activities by Mr. Sironneau		
		12:00	12:45	- Discussion		
		12:45	13:30	- Lunch		
		13:30	14:30	Meeting with Dr. Hafez Shaheen (Consultant of the project Environmental Control Unit at Nablus Municipality)	WBWD	shaheen@najah.edu
Tuesday	3/11	9:00	10:00	Meeting with PWA Legal Councilor - Adv. Hala Mujahed	PWA	adv_halul@hotmail.com
		10:00	11:00	Meeting with MoA Mr. Ibtisam Abo Heja		



Sustainable Water Integrated Management (SWIM) - Support Mechanism

Project funded by the European Union

Day	Date	From	To	Activity	Location	Email
		11:00	12:00	Meeting with Water Resources Department - Mr.Deeb/ Mr. Omar Zaied		deeb_saleh2003@yahoo.com ozayed2001@yahoo.com
		12:00	13:00	Meeting With Water Quality Department - Ms. MajedaAlawneh		malawneh@msn.com mag_alawneh@yahoo.com
		13:00	14:00	Meeting with Data Bank - Mr. Ashraf Dweikat/		adweikat@pwa.ps ashrafdweikat@hotmail.com
		14:00	15:30	Meeting with WBWD Adv. Annan Salahat	PWA	
Wednesday	4/11	8:30	10:30	Meeting with EQA - H.E Eng. Adala Atereh Minister of Environment - Mr. Ahmed Abu Thaher (Focal Point) - Mr. Talib Ihmied (Head of Monitoring and Inspection) - Adv. Murad Madani (Legal Adviser)	EQA	ihmied@gmail.com muradm73@hotmail.com muradm73@hotmail.com
		10:45	12:00	Meeting with Public Prosecution (Economic Prosecution Division) - Ms. Braiki - Mr. Mohammad Hussein	Public Prosecution	
		12:15	13:00	Meeting with Palestinian Police - Major Hamza Jarrar		
		13:15	14:15	Meeting with MoH, Environment Health Department - Eng. Azzam Shbib - Mr. Nader	MoH	lbrahimatiya2014@gmail.com
		14:30	15:30	Meeting with the WRC - Mohamad Said Hmaide	WRC	abdelkarim.asad@wsrc.ps mohd.hmaidi@wsrc.ps)
Thursday	5/11	9:00	11:00	- Debriefing with PWA focal points and coordinator PWA	PWA	



Sustainable Water Integrated Management (SWIM) - Support Mechanism

Project funded by the European Union

Day	Date	From	To	Activity	Location	Email
		11:30	12:30	Meeting at EQA - Professor Johny Assi - H.E Eng. Adala Atereh Minister of Environment - Mr. Talib Ihmied (Head of Monitoring and Inspection) - Adv. Murad Madani (Legal Adviser)	EQA	
		12:45	14:00	- Meeting with High Judicial Council - Judge Nassar Mansour (Secretary-General)	HJC	
Friday	6/11			Day off		
Saturday	7/11			Departure		



9.2 List of the Persons encountered

- Her Excellency Mrs Adalah ATTEEREH, Chairman of the Environment Quality Authority (EQA)
- Mr Deeb ABDEL-GHAFOUR, Director of Water Resources at the Palestinian Water Authority (PWA)
- Mrs Mageda ALAWNEH, Water Quality Department Director at PWA
- Mrs Manal Ziadeh ZAKKAK, Head of Aid Cooperation Unit at PWA
- Mr Abdelfattah HASAN, Consultant Environment Health and climate, Expert at PWA
- Mr Hafez SHAHEEN, Faculty Member Consultant Water and Environment at An-Najah University, Universal Group for Engineering and Consulting
- Ms Hala ABU ALHAWA, Legal adviser at PWA
- Mr Emad SAIFE, Director of Control Department at PWA
- Mr Omar ZAYED, Director of Hydrology Department at PWA
- Ms Ather ALAWI, Lawyer at PWA
- Mrs Ibtisam ABUHAIJA, Director at Ministry of Agriculture
- Mr Rawan SALEEM, Head of Sampling Section of the Water Quality Department at PWA
- Mr Azhar SHAREEF, Head of Chemistry Section of the Water Quality Department at PWA
- Mr Ahmed ABU THAHER, Director General of Projects and International Relations at Environmental Quality Authority (EQA)
- Mr Talib IHMIED, Director of Monitoring and Inspection at EQA
- Mr Murad AL-MADANI, Legal Adviser at EQA
- Mrs Najat BRIGUI AMRO, Chief Prosecutor
- Mr Major Hamza JARRAR, Legal adviser at General Directorate of the Palestinian Police
- Mr Mohammad SAID AL-HMAIDI, CEO of Water Sector Regulatory Council (WSRC)
- Mr Ashraf DWEIKAT, Head of the Data Bank at PWA
- Mr Pr Johny ASSI, Professor at Bir Zeit University
- Mr Ali MANSOUR General Secretary of the Judicial Council

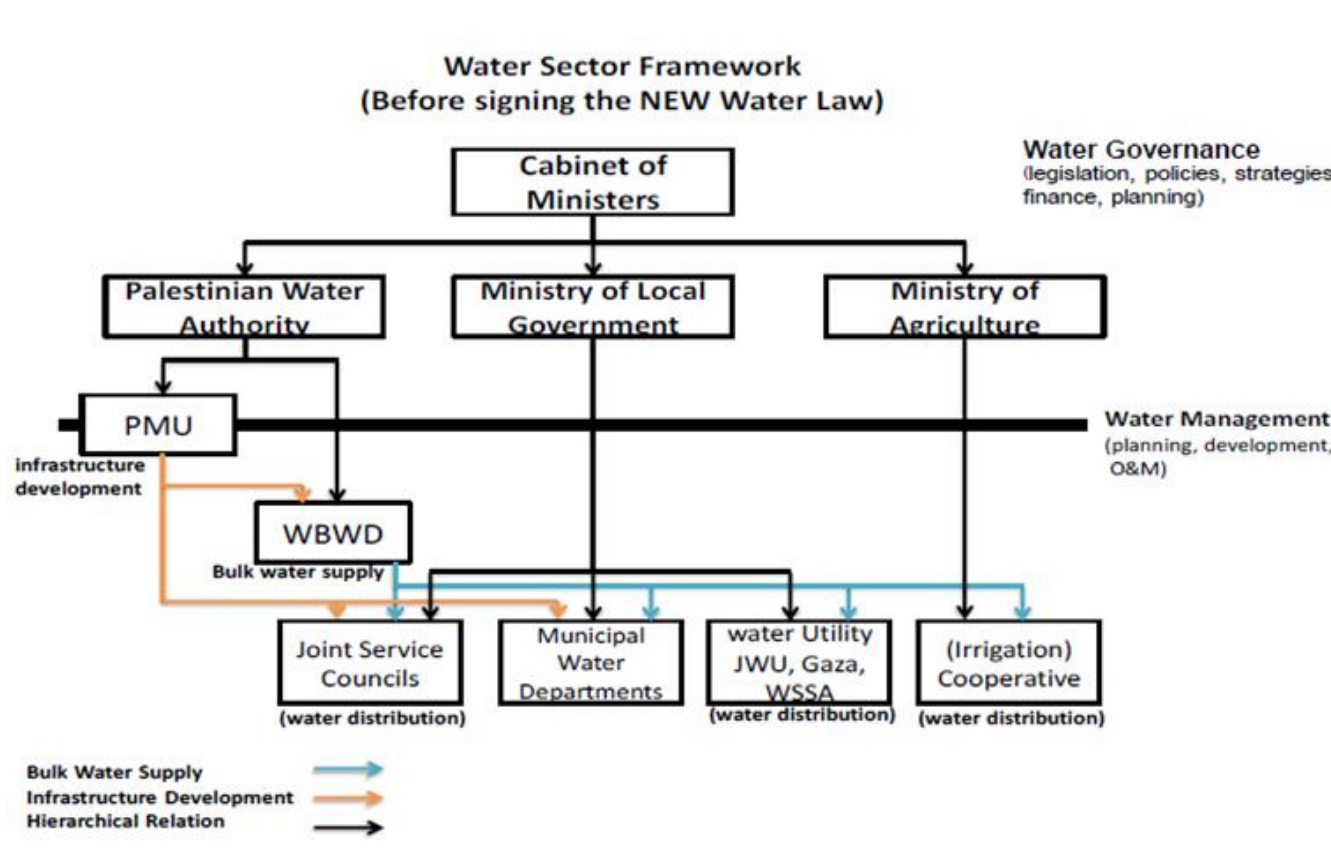


9.3 .Attendance list of the kick off meeting

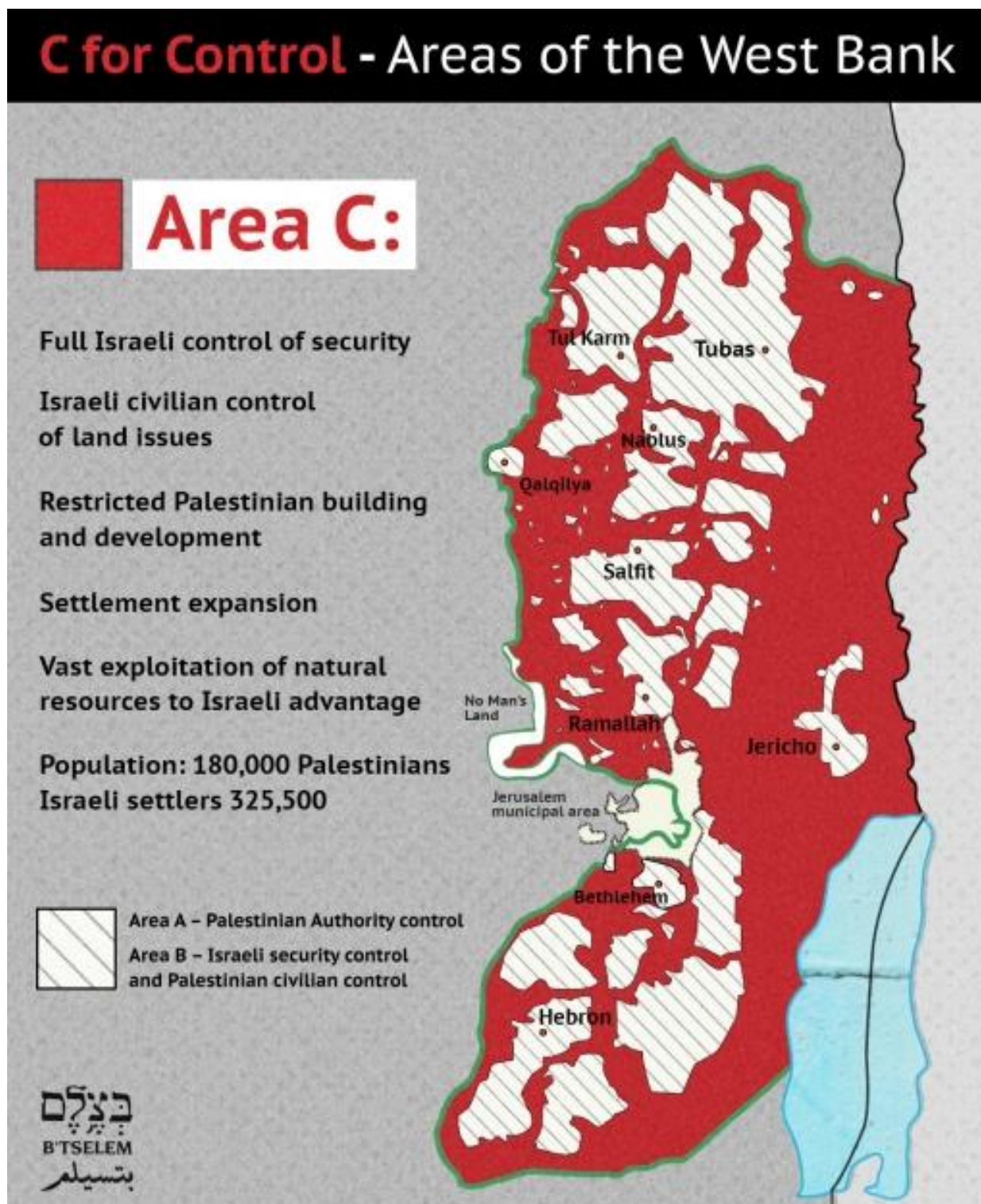
No.	First Name	Last Name	Institution	Position	Email
1.	Hafez	SHAHEEN	An-Najah University /Universal Group	Faculty Member Consultant	shaheen@najah.edu
2.	Deeb	ABDEL-GHAFOUR	PWA	Director	Deeb_saleh2003@yahoo.com
3.	Mohammad	AL- HMAIDI	WSRC	CEO	Mohd.hmaidi@wsrc.ps
4.	Saifi	EMAD	PWA		
5.	Hasan	ABDELFATTAH	Local	Consultant	
6.	Hamza	JARRAR	Palestinian Police	Major/Legal Consultant	h.jarrar80@yahoo.com
7.	Manal	ZIADEH	PWA	Head of Aid Coordination	mzakkak@pwa.ps
8.	Sharif	AHZAR	PWA	Lab.Tech	Azhar_al_shrif@hotmail.com
9.	Zeidan	SHEREEN	EQA	Environmental Engineer	s.zeidan@environment.pwa.ps
10.	Hithnawi	TAGHREED	MoP	Director General	thitnawi@mop.gov.ps
11.	Barhoush	NADER	MoH	Head of division	n.barhosh@yahoo.com
12.	Ibrahim	AMJAD	EQA	EIA manager	amjadibrahim69@yahoo.com
13.	Abou Tarboush	SAED	EQA	Director of Environment Media Dept.	Agr_saed@yahoo.com
14.	Mageda	ALAWNEH	PWA	Water Quality Dept. Director	malawneh@msn.com
15.	Hala	ABU ALHAWA	PWA	PWA	habualhawa@pwa.ps
16.	Atheer	ALAWI	PWA	Legal Researcher	atheeralawi@hotmail.com
17.	Abdelnasser	KAHLA	PWA	Consumers Affairs	akahla@hotmail.com
18.	Ahmed	ABU THAHER	EQA	Director General of Projects & International Relations	ahmadabuthaher@yahoo.com
19.	Rabayah	AYSAR	WBWD	Project Engineer	aysar83@yahoo.com
20.	Abdelaziz	RAYYAN	EQA	Director	rayyan.1986@yahoo.com
21.	Ibtisam	ABUHAIJA	MoA	Director	abuhaijaibtisam@yahoo.com
22.	Azzam	SHBEEB	MoH	Head of Water Division	
23.	Murad	AL- MADANI	EQA	Legal Adviser	muradm73@hotmail.com
24.	Jacques	SIRONNEAU	EU	International Expert (NKE)	jsironneau-eau@outlook.fr



9.4 Water sector framework according to 2002 Water Law



9.5 -Map of areas A, B and C





9.6 Map of wells and Israeli settlements

