**Water Sector Regulatory Council**

**March 2017**

Answers to the Human rights’ Special Rapporteur questionnaire

**What framework and bodies does your Government have in place for the regulation of water and sanitation services?**

**Question# 1**

1. Since 2009 the water sector in Palestine was in a process of legal and institutional reform. The outcomes of the reform included, among other things, a revised institutional Water Sector Set-up into:

(1) The Palestinian Water Authority (PWA) being responsible for strategic and policy functions for water resources, water supply and wastewater.

(2) an independent Water Sector Regulatory Council (WSRC) being responsible for regulatory functions for water supply and wastewater,

(3) The current West Bank Water Department (WBWD) to be transformed into an independent public company being responsible for bulk water supply-to-water supply service providers.

2. December 14th. 2009, the Cabinet of Ministers of the Palestinian National Authority endorsed the “Action Plan for Reform” towards the definition and implementation of a comprehensive program of institutional and legislative reform in the Palestinian water sector. The establishment of a Water Sector Regulatory Council was proposed. WSRC is to monitor operational performance related activities of water service providers including production, transportation, distribution, consumption, wastewater collection, treatment and disposal, and reuse of treated wastewater for irrigation.

3. In June 2014, a new [Water Law](http://www.wsrc.ps/cached_uploads/download/New%20Water%20law%202014%20-%20English1461823729.pdf) was issued. An important issue of this Water Law is the establishment of a Water Sector Regulatory Council (WSRC). A [Board of Directors](http://wsrc.ps/about-us/board) made up of a Chairman and six members for the WSRC was recommended by the Cabinet of Ministers (CoM) to the President. On the 20th Of August 2014, the President issued the decision forming the BoD three of them representing the public sector and four representing firms and the private sector. And on November 2014 the Chief Executive Officer (CEO) of the council was appointed.

The new water law splits policy from regulatory functions, which was previously carried out by PWA since its establishment.

Grants the establishment of Water Sector Regulatory Council independent from PWA.

Includes directives to transform the West Bank Water Department into a National Water Company which will be owned by the State of Palestine.

Gives PWA the mandate, for establishment of Regional Water Utilities and Water User Associations.

**The Council enjoys a legal personality and is financially and administratively independent, the council reports to the CoM**

**The WSRC mandate includes:**

1- Approval of water prices and construction costs of water and sanitation services.

2. Issue licenses to S. P’s (desalination, treat water or collect and treat wastewater, RWU, LGU’s.)

3. Supervise and Inspect compliance with the conditions, requirements and indicators.

4. Develop performance incentives systems for service provide.

5- Monitoring operation processes related to the production, transport, and distribution of water and operational processes of wastewater manage.

6- Monitoring water supply agreements

7- Set and disseminate quality assurance standards for technical and administrative services provided by SPs

8- Monitoring the compliance of the National Water Company and Service Providers with the adopted standards.

9- Create a database with technical, financial and statistical information.

10-Handle complaints between service providers and consumers

11- Sett the basis for regulating the extent and percentage of local authorities’ participation in the general assemblies of water utilities.

**How do the framework and bodies contribute to the implementation of the normative of the human rights to safe drinking water and sanitation, namely the standards of availability, quality, accessibility, affordability, acceptability, privacy and dignity?**

**Question# 2**

The framework of the new water sector in Palestine gives clear division of authorities as stated above between different stakeholders.

The water law reads in article 18: the council is to monitor …. with an aim of ensuring water and wastewater services quality and efficiency to consumers in Palestine at affordable price.

At the same time, the issues of standards of availability, quality, accessibility, affordability, acceptability, privacy and dignity were referenced in the water strategy and a number of policy documents will be prepared soon for farther details. At the same time, the 2014 water law gave the water sector regulatory council the mandate to inspect the standards of availability, quality, accessibility, affordability, acceptability, privacy and dignity, and to suggest new and additional operational standards.

[The WSRC annual reports](http://wsrc.ps/en/publications) covering almost all water and sanitation service providers based on specific indicators on the above are published. In addition, summaries and copies of publications are sent to the cabinet of ministers every 6 months. In a number of cases, cabinets decisions were based on such reports.

**How do the framework and bodies support the implementation of the human rights principles of equality and non-discrimination, access to information, right to participation, accountability, sustainability and progressive realization in the water and sanitation sector?**

**Question# 3**

Article 5 of the water law reads: every person has the right to obtain his needs of suitable quality drinking water for utilization at specific price set in accordance with the tariff regulation.

Article 3 of The tariff bylaw of the year 2013 is based on three principles including cost recovery, social equality and economic effectiveness. The social equality principle is explained as follows: tariff structure should consider an affordable price to the poor and marginalized people where they can pay for the basic water needs.

All WSRC reports are published and distributed according to article 24 (#12 the establishment of a database for technical, financial and statistical information and the publication of this information periodically),

and copies are accessible on the council website in both languages; Arabic and English.

[All published reports](http://wsrc.ps/publications) are approved by service providers and all workshops are open to participations. The council receives customer’s complaints (by law) and usually responds immediately to any complaint.

**Examples of regulatory measures in place to ensure affordable access to water and sanitation services for populations that are economically disadvantaged and in vulnerable situation.**

**Question# 4**

* The council monitoring system includes an indicator on water and wastewater coverage percentages,
* Tariff reviews are made every three years and are based on a tariff bylaw that takes socio economic conditions and affordability to pay into consideration. The tariff structure is based on blocks, the first block is meant to serve the poor and in most cases, the tariff is less than the actual cost of the service, but the whole system allows internal subsidies to reach cost recovery.
* Where no access to water is in any community, water is tinkered by the service provider at an affordable price. In a number of disadvantaged communities especially in Hebron area, water tinkering was financially supported by ACF, and in Jenin area, the GVC covers the cost of water tinkering to similar communities.
* In other communities, coordination is made between the service provider, governance office and the Ministry of social affairs to cover the cost of water services within local authorities’ service areas.
* The minimal water supply is provided to all regardless of being able to pay or not to make sure that all can receive the drinking water quantities.
* The council has not received any complaint of service being cut due to inability to pay dues, in some cases, disconnection is made when the service provider is sure that the owner is able to pay; i.e. companies or factories.
* The council receives complaints for customers who are not treated in a fair manner, or not given the service with expected quantity or quality, or have a complaint on connection fees or cost of services.

**Examples of how the government monitors and enforces regulations in the water and sanitation sector.**

**Question# 5**

The WSRC has established a monitoring system where 21 indicators on technical, financial and quality indicators in addition to other indicators like staff productivity and gender are applied. Data is collected, verified and discussed with service providers before being published in an annual report. A summary report of the council as well as service provider’s performance is submitted to the cabinets of misters on biannual basis.

[An annual self-comparison](http://www.wsrc.ps/cached_uploads/download/ملخص-حقائق-وبيانات-مقدمي-الخدمات-2013-2014-نهائي-1482326216.pdf) report of two consecutive years is published listing most of the monitored service providers. All reports are published on the council website.

[A manual on performance monitoring indicators](http://www.wsrc.ps/cached_uploads/download/فهرس-مؤشرات-الاداء-2016-نهائي-1482326549.pdf) covering definitions, calculation methodology, reference values and targets, procedures to improve performance related to each indicator, as well as importance of each indicator and required data for each indicator is published and is distributed to service providers. Before each data collection cycle, all service providers are invited for detailed data collection and verification procedures explained, and indicators manual is reviewed.

**How is the government approaches with regards to situation of informal providers of water and sanitation?**

**Question# 6**

The water law gives the WSRC mandate to monitor all service providers regardless of being governmental, private or informal; in Palestine, informal service providers may include non-licensed private companies, NGO’s, individuals working on water tankers and individuals who owns private well. UNRWA may be added to those as a non-state service provider, so far, the council does not monitor UNRWA services as they have a comprehensive and reliable monitoring system for water and wastewater services.

Within the council monitoring report, local authorities, Joint service councils, NGO’s, and private sector providers are covered. Licensing is also applied to all as the law reads: the issuance of 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 for the collection and treatment of waste water …. (article 24 item 1)

**When a Non -state actors are in charge of service provision:**

**Question# 7**

The water law does not differentiate between state or non-state actors; all regulatory tools are applied to all; all standards are applied to all.