



# Governance & Financing for the Mediterranean Water Sector

Project labelled under the Union for the Mediterranean

## WATER SECTOR GOVERNANCE IN PALESTINE SECTOR REFORM TO INCLUDE PRIVATE SECTOR PARTICIPATION

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2<sup>nd</sup> Consultation Workshop  
Water Policy Dialogue in Palestine  
Ramallah, 6 May 2015



With the support of :



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# INTRODUCTION

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## WATER SECTOR GOVERNANCE IN PALESTINE REFORM TO INCLUDE PRIVATE SECTOR PARTICIPATION

- PALESTINE
- WATER SECTOR
- GOVERNANCE
- PRIVATE SECTOR PARTICIPATION

# PALESTINIAN WATER

## Daily water consumption per capita (liters)



# PALESTINIAN WATER LAW 2014

ديوان المراسم  
4-06-2014  
1664



## قرار بقانون رقم ( ) لسنة 2014م بشأن المياه

رئيس دولة فلسطين  
رئيس اللجنة التنفيذية لمنظمة التحرير الفلسطينية  
بعد الاطلاع على القانون الأساسي المعدل لسنة 2003م وتعديلاته ولا سيما أحكام المادة (43) منه،  
وعلى القانون رقم (1) لسنة 1997م بشأن الهيئات المحلية الفلسطينية وتعديلاته،  
وعلى القانون رقم (7) لسنة 1999م بشأن البيئة وتعديلاته،  
وعلى قانون المياه رقم (3) لسنة 2002م،  
وعلى قانون الزراعة رقم (2) لسنة 2003م،  
وبناءً على تنسيب مجلس الوزراء بتاريخ (2014/05/13م)،  
وبناءً على الصلاحيات المخولة لنا،  
وتحقيقاً للمصلحة العامة،  
وباسم الشعب العربي الفلسطيني،

# Governance

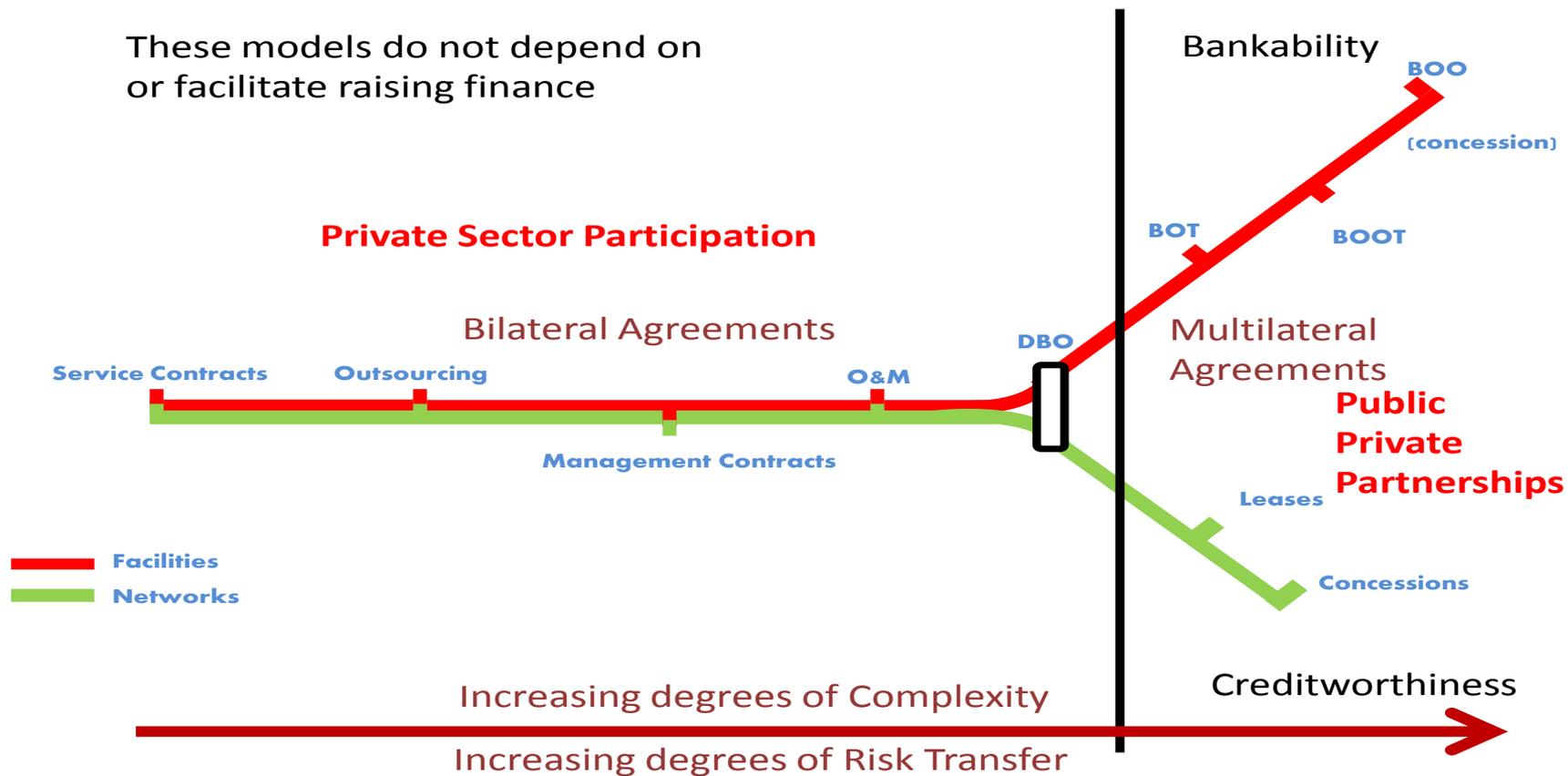
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Water governance addresses among other things:

1. Principles such as equity and efficiency in water resource and services allocation and distribution,
2. Policies, legislation and institutions.
3. Clarification of the roles of government, civil society and the private sector and their responsibilities regarding ownership, management and administration of water resources and services

# PRIVATE SECTOR PARTICIPATION OPTIONS

## Taxonomy for Decisions



# Driving Forces for Private Sector Participation

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- Finance capabilities
- Efficiency improvements
- Burden on budget
- Beyond aid policy
- Economic development
- Political causes

# Water Sector Background to Reform 1/5

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- Started in 1995 with focus on Gaza
  - Water insufficient and of low quality
  - Water production accounting inadequate
  - Low coverage of sewage at 25%
  - Severe environmental degradation
- Establishment of PWA in 1995
  - Policy making
  - Regulation of the sector
- Introduced the first PS intervention in 1996 in Gaza
  - Rehabilitation
  - Service improvement
  - Why short-term?

# Water Sector Background to Reform 2/5

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- Enacted the Water Law of 2002
  - Water Advisory Council
  - West Bank Water Department
  - Project Management Unit
  - Service Providers
- World Bank investigated the sector in 2006
- A water sector audit report was done in 2008
- World Bank sector report produced in 2009
- Cabinet endorsed an Action Plan for Reform also in 2009

# Water Sector Background to Reform 3/5

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Institutional assessment of the water sector in 2011 (IWSR) analyzed governance and management functions :

- The Palestine Water Authority, PWA:
  - The Water advisory council was not functioning
  - PWA showed signs of confusion regarding its role,
  - Water was not given its strategic importance,
  - Conflict of interest in its mandate
  - Regulatory function, was lacking.
- The West Bank Water Department ,WBWD:
  - Debt exceeded 650 million shekels
  - Southern water system fallen apart
  - High UFW, low billing

# Water Sector Background to Reform 4/5

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- The Project Management Unit , PMU:
  - Design and review of projects
  - Construction supervision and procurement
  - Conflict of interest
- The Service Providers, SP:
  - Evolved on their own, no strategic plan
  - Own philosophies
  - Lack of financial accountability
  - Jerusalem Water Undertaking (1966)  
surfaced

# Water Sector Background to Reform 5/5

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# Decision on Institutional Reform

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- In 2012, the Ministerial Infrastructure Committee approved the principle of the reform plan, approved recommendations of IWSR and tasked PWA to prepare a new Water Law that would:
  - define the general structure and function of the institutions governing and managing the sector
  - clarify the responsibilities of the different ministries involved in the water sector, and
  - define legal issues related to water

# Water institutions identified in the new law

The Law calls for implementing integrated and sustainable water resources management principles, covering a large domain which is positive but primarily separates policy from delivery functions and establishes the regulatory function. A major component, however, is a participatory approach with stakeholders.

The Law identifies the roles and relations among the water sector institutions.:

- **PWA** manages resources, allocates, protects water quality, and develops projects
- **National Water Company**, supplies and sells of bulk water to undertakings, local authorities, joint water councils and WUAs on license from PWA
- Points of delivery of the bulk water are **Regional Water Utilities** for all water users (other than for irrigation), and Water Users Associations for irrigation water.
- **Water Sector Regulatory Council** monitors water Service Providers and national company in production, transportation, distribution, consumption and wastewater management

All have the responsibility of “ensuring water and waste water service quality and efficiency to consumers in Palestine at affordable prices.”

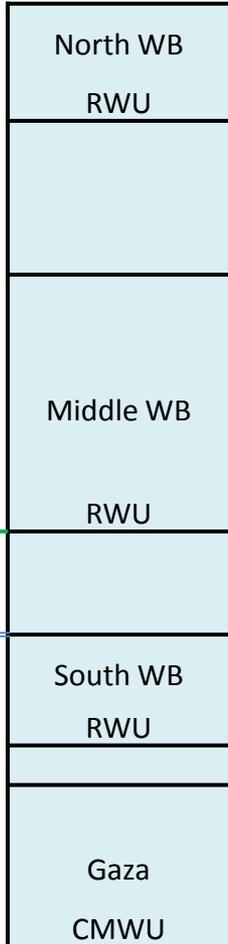
*Regulatory Function*

**WATER SECTOR REGULATORY COUNCIL**



- Regulations
- Policies
- Allocations
- Tariffs
- Water prices
- Protect Resources Monitor

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← Licenes & Regulations  
← Incentives



← Regulations Tariffs

← Licenses & Development

← water

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RWU = Regional Water Utility

*Retail Function*

*Bulk*

*Policy*

**FUNCTIONAL STRUCTURE OF THE UTILITIES WATER SECTOR LAW 2014**

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# Strategy/Policy and the new Law

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- Naturally the water strategy and policy had to be revised; and it was done in 2013 while the law was under preparation
- Two points of difference were noted in the analysis:
  - Strategy calls for establishing a Water Sector Advisory Board, the Law does not
  - Strategy calls for pricing bulk water in relation to its production cost while the
  - Law says there would be unified national price for bulk water

# Regulations and bylaws and the new Law

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Regulations that need to be developed:

- water tariff regulation,
- regional water utilities regulation,
- regulation on licensing service providers,
- water and wastewater connection regulation ,
- strict controls on using groundwater including elimination of free abstraction
- limiting abstraction quantity based on aquifer safe yield,
- Enforcement measures against illegal use, abuse and deteriorating groundwater
- water resources protection legislation to legally implement protection zones on the potable water resources.

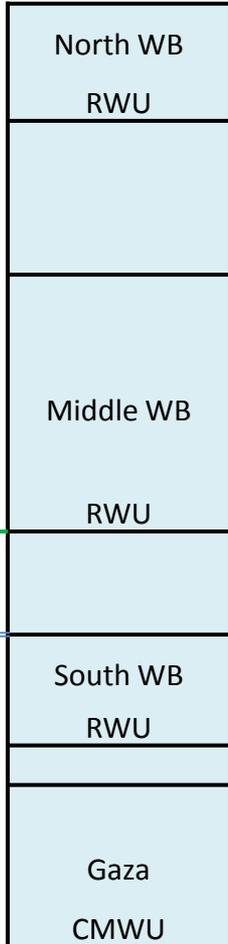
*Regulatory Function*

**WATER SECTOR REGULATORY COUNCIL**

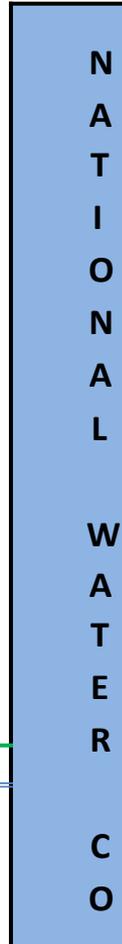


- Regulations
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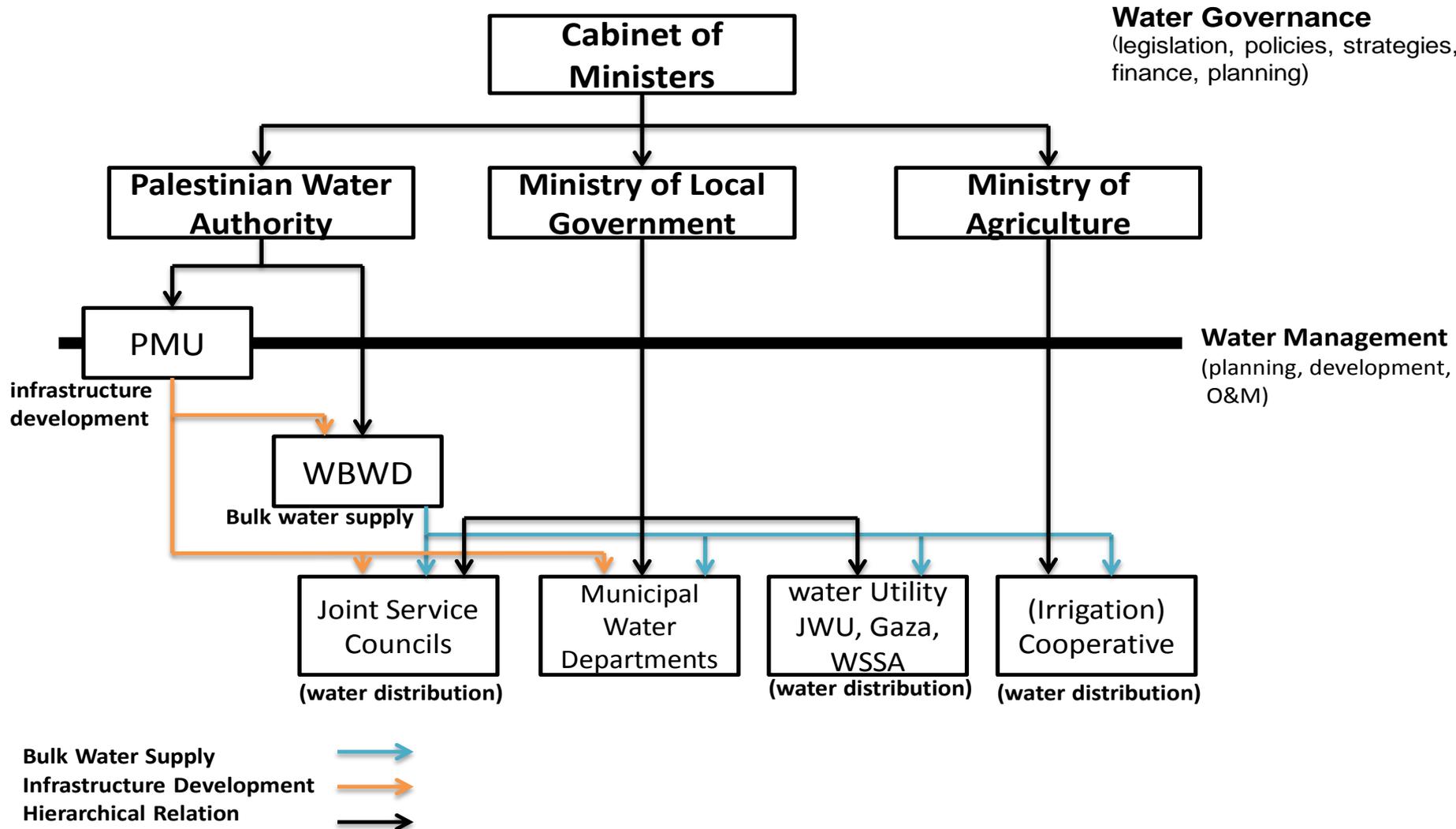
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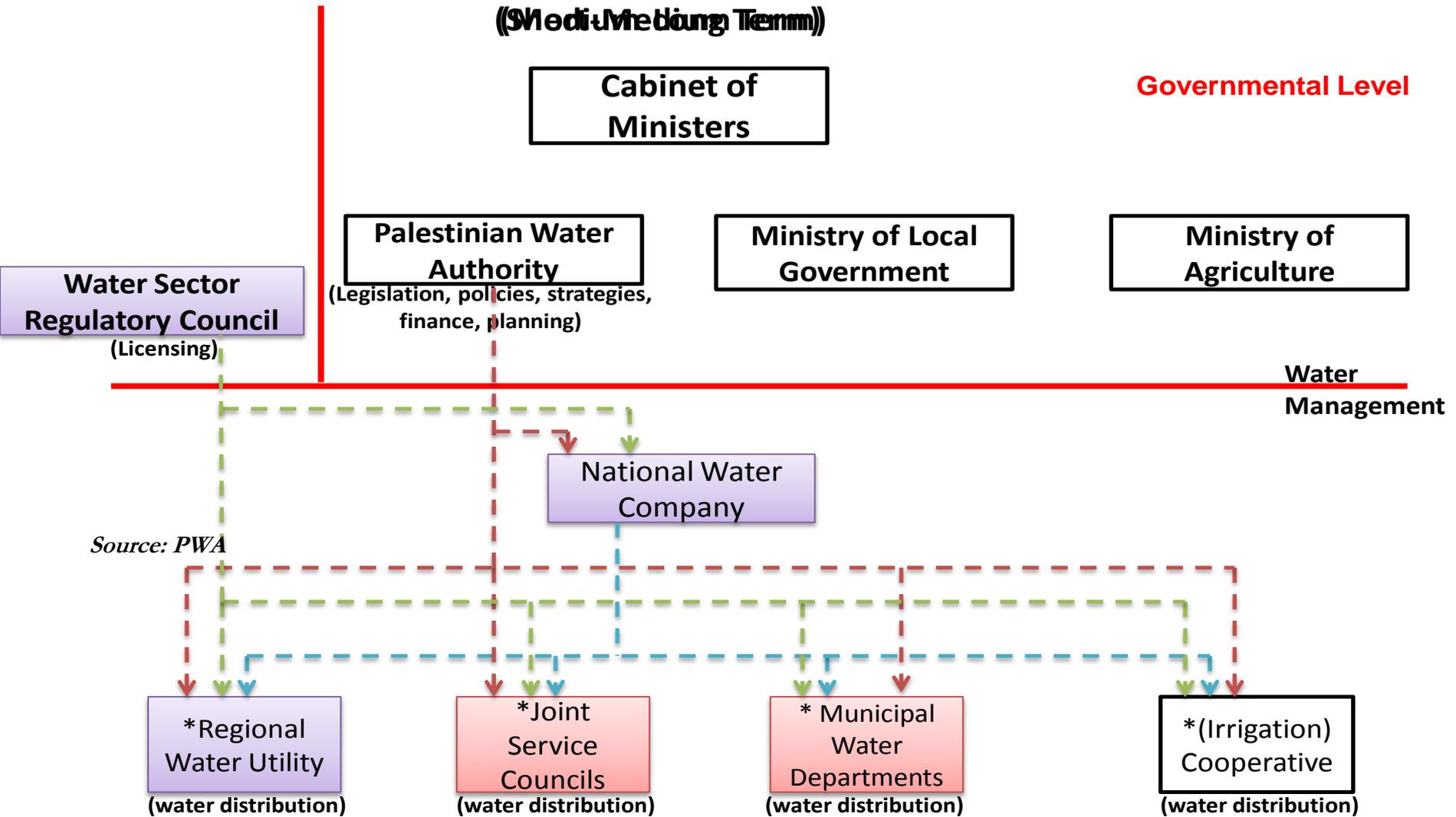
# Water Sector Framework According to 2002 Water Law

## Water Sector Framework (Before signing the NEW Water Law)



# Water Sector Framework According to 2014 Water Law

## Water Sector Framework (Medium Term)



Bulk Water Supply



Regulation & Licensing/permitting  
Abstraction License



\*Apply legislation, policies and strategies developed by PWA

# PALESTINIAN WATER STAKEHOLDERS pre law 2014

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## Key Stakeholders:

National Water Council (NWC), Palestinian Water Authority (PWA), West Bank Water Department (WBWD), Ministry of Agriculture (MoA), Environmental Quality Authority (EQA), Ministry of Local Government (MoLG), Ministry of Public Work and Housing (MoPWH), Ministry of Planning and Development (MoPAD), Ministry of Health (MoH), Ministry of Finance (MoF), Israeli Civil Administration (ICA), Joint Water Committee (JWC), Israeli National Water Company (*Mekerot*), and the Israel Water Commissioner.

## Primary Local Stakeholders:

Municipal Water Departments, Village Councils, Joint Service Councils (JSC), Coastal Municipal Water Utility (CMWU), Jerusalem Water Undertaking (JWU), and the Water and Sanitation Services Authority (WSSA).

## Secondary Stakeholders:

Donors, international NGOs (INGOs), local NGOs, unions, and educational institutions

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**DISCUSSION FOLLOWED BY  
COFFEE BREAK**

## Provision of services & water utilities 1/8

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Local Governments Law No., (1) of 1997 states that the role of a local government unit is to (a) provide the inhabitants with quality water, (b) ensure its supplies in terms of meters and pipes, (c) determine the price of water and connection fees, and (d) protect the springs, canals, wells and basins from pollution. As for sewage, they are to construct, manage and monitor sewage facilities . In contrast, the Water Law No. 3 of 2002 provided the legal basis for the establishment of "national water utilities".

## Provision of services & water utilities 2/8

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On the other hand the Ministry of Environment is responsible, in cooperation with relevant authorities, for standards as well as quality of potable water, and standards necessary for the collection, treatment, reuse, and disposal of wastewater

## Provision of services & water utilities 3/8

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As for PWA, Water Law of 2014 states, among other things, that the PWA is fully responsible for managing and protecting the water resources in Palestine, preparing general water policies, strategies and plans..... and the establishment and development of the National Water Company and the Regional Water Utilities, as well as .....partake in the development of approved standards of water

## Provision of services & water utilities 4/8

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Though the subjects of resource protection and the provision of quality water to consumers are interactive, conflict may arise in the service provision component. In reality, there are four models for the provision of services in domestic water supplies, otherwise called Service Providers, either in the form of (1) a Regional Utility, (2) a Joint Service Council, (3) a Municipal Water Department, or (4) a Village Council;

## Provision of services & water utilities 5/8

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**In the Center:** The Jerusalem Water undertaking ( JWU) is the largest and oldest service provider serving 310,000 people in the two cities of Ramallah and Al-Bireh, 10 smaller towns, and more than 45 villages and 5 refugee camps. JWU was enacted in 1966 to develop new water resources, control all water projects in the area and bear the responsibility of providing the population with potable water. It is a corporatized entity, non-profit, and independent civil organization run by a Board of Directors with representatives from the three main municipalities in the area; Unaccounted for water (UFW) is at about 25% But has one of the highest tariffs in the region.

## Provision of services & water utilities 6/8

**In the North:** Cities, small towns, municipalities provide the water and sewer services.. In the North-Eastern Jenin area, a Joint Service Council (JSC) formed by eleven villages provides the water, according to the Joint Council for Services, Planning and Development (JCSPD) Bylaw, enacted in 2006. The development of this water utility has received the least attention though has had investment in developing water infrastructure in those governorates. The NRWU undertaking will be significant since the water sector in this region is more fragmented than in any other region requiring extensive planning and investment to have a number of joint service councils develop and consolidate water resources and infrastructure .

## Provision of services & water utilities 7/8

**In the South:** The Water Supply and Sewage Authority WSSA a much smaller utility than JWU, serves Bethlehem and the neighboring towns of [Beit Jala](#) and [Beit Sahour](#). The Southern Area Services Improvement (SAWSIP) Program, funded by the WB, aimed at improving sufficiency and efficiently water and wastewater services in the southern area of the West Bank, prepare and implement an appropriate institutional framework for water and wastewater services provision, and build regulatory and institutional capacity. The desired impact was to restore infrastructure, strengthen institutions, and facilitate PSP presence in the economy. The program started in 1999 and was completed in early 2006 **without the creation of a Southern Utility.**

## Provision of services & water utilities 8/8

**In the Gaza Strip:** There is one JWSC in Gaza, namely the Coastal Municipal Water Utility (CWMU) in addition to water divisions in a number of municipalities. The Coastal Utility was established by Decree of the Minister of LoG in 2010. Municipalities are represented in the general assembly of the Utility in proportion to the total assets transferred to the CMWU. Municipalities are well represented on the Board. This model has been fairly successful leading to operational improvements like more rapid response to repairs while benefitting from the economy of scale. However, the process is not completed mainly due to political strife and we understand that the situation has drastically changed.

# Key issues to the municipal structure in water

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- In light of water scarcity and uneven distribution of resources, a certain degree of centralization is needed for proper management of service provision. The concept of Joint Services Council has been gaining acceptability and is progressing at the level of small towns and villages. These link these new entities should be linked to the broader planning and investment needs. This concern is confirmed by the World Bank report of 2009 and expressed by the DG of the Municipal Development and Lending Fund (MDLF), a key player in the process.
- As for smaller municipalities, amalgamation through common projects is necessary to move forward.

# **DISCUSSION**

# Overview of Private Sector Intervention

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Experience in this regard has been very limited and was experienced at three locations with a varying degree of success. The three were of the Management Contract module with fixed fees and performance incentive

- Gaza management contract 1996 – 2000, and extended
- Effort at management contract in Bethlehem and Hebron 1999 , curtailed by intifada
- Gaza Emergency Water Project 2005 – 2012, contract awarded in 2005 for two years but was terminated earlier than foreseen (no data)

## Gaza Management Contract Summary

Indicator	1995	1999
UFW	50%	31%
Revenue, NIS	1.1m	30.7m
System Mapping	80%	
Leaks Repaired	2,000	
Connections Replaced	10,000	
Meters Repaired	7,000	
Meters Replaced	8,000	
Illegal Connections Identified	11,000	

### Key Lessons Learnt

1. Operational fund needs
2. Identifying indicators (31); fewer would be better,;less were used in Amman and Hebron
3. Balancing indicators for incentive payment
4. Regulatory plus audit needed; not audit alone

## Provision *BETHLEHEM & HEBRON MANAGEMENT CONTRACT (GEKA)*

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*Scope:* Managing water supply of 600,000 inhabitants

*Focus:* Operating the Bethlehem system; technical assistance to Hebron

*Details:* Install new meters, install new pipes, reduce leakage, reduce NRW, improve and manage institution, introduce better billing and collection, introduce better maintenance procedures

*Operational Funds:* \$21m WB credit + gap between MC fees & revenues

*Capital Investment:* \$ 36m EIB

*Payment:* Management Contract (MC) fees, performance bonus against set targets

Contract terminated one year after its commencement curtailed by the intifada, and the premature cancellation of EIB support

*Company claims:*

- more than 75% of first year goals were achieved
- significant improvement in water quality
- 50% decline in customer complaints re supply interruption
- unaccounted for water declined from 50% to 24% in Heb & 10% in Beth
- illegal connections eliminated in Heb and more than halved in Beth.

## PPP Experience in a solid waste project

the only PPP project concluded successfully in the West Bank, pertaining to a Solid Waste Landfill Operations at Joint Service Council-Hebron & Bethlehem JSC-H&B. It is an essentially a simple Operation and Maintenance contract, but is very innovative, and can be replicated easily over a range of wastewater facilities. The project was formulated with the help of IFC. This example can apply to Operation and Maintenance of wastewater treatment plants, for example, where available expertise can be used in managing technologies otherwise not available at the Joint Service Councils particularly when the plant is constructed to serve more than one provider.

- First PPP in West Bank
- Strong potential for demonstration effects as an innovative mechanism to deliver public services
- Will benefit 840,000 people in towns and villages in Bethlehem and Hebron, who will significantly enjoy improved solid waste management services
- Estimated reduction of GHG emissions by 13,400 tons over 7 years

# Private Sector Participation Revival 1/2

A joint committee, designated by the Prime Ministry, met on 20.05.2012 and discussed the merits of PSP, and specific potential opportunities for PSP (desalination in Gaza, NRW reduction as performance-based contracts, and wastewater treatment plants), and requested from the Cabinet:

- (1) starting a dialogue with the private sector,
- (2) establishing a qualified team within the PWA and assigning a higher ministerial committee as a reference entity,
- (3) identifying the regulator to these partnerships,
- (4) identifying subsidies/guarantees to ensure the success of the partnerships,
- (5) promoting reuse of treated wastewater through a policy,
- (6) setting tariff and fees regulations, and
- (7) seriously addressing the phenomenon of non-payment of water and wastewater bills.

## Private Sector Participation Revival 2/2

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The Cabinet of Ministers issued letters on 26.05.2013:

- (a) To the Ministry of Agriculture to set a comprehensive policy to encourage farmers to use treated wastewater in irrigation,
- (b) requesting the Permanent Economic Committee to adopt PSP studies conducted for the water sector to be followed by the legal process of competitive tendering,
- (c) To the Ministry of National Economy alongside the Ministry of Local Government, Ministry of Agriculture, and PWA to open a dialogue with the Palestinian Private Sector to discuss investment opportunities in the Water Sector,
- (d) requesting the Head of PWA alongside the Ministry of Local Government and Ministry of Agriculture to conduct studies and prepare for Private Sector Participation in water and wastewater projects and in coordination with relevant authorities and submit these projects to the Permanent Economic Committee.

# The Legal Framework

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The 2014 Water Law specifically:

- mandates the PWA to help create a stable and suitable investment environment to encourage the private sector to invest in the activities and investments of the water sector.
  - calls for making institutional, regulatory and economic changes to encourage partnerships with the private sector; all according to a Bylaw to be drafted for this purpose.
- Written law
  - Other countries
  - Shows commitment
  - Requested by the private sector
  - Addresses procurement and guarantees

# The Regulatory Framework

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- The Regulatory framework is not complete.
- Entities within the sector are still in transition.
- A long list of regulations need to be taken yet, such as establishing the entities called for in the Law namely the utilities, users' association, the new bulk supply company, and the PPP bylaw.
- The newly formed WSRC is still at its early stages of development, albeit regulating the performance of the utilities.
- Relationships between the various entities within the sector have to be formalized by meetings, protocols, with a communication process applied.

# Public Funding and Financial Sustainability

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- A Strategy for financial sustainability of the water sector was prepared in 2014 which, after identifying revenue sources for each of the entities, indicated a 5-year target for self-sufficiency and cost recovery for all entities.
- It is assumed that the national government will be responsible for closing the gap in the interim. The Budget process for the year 2016, and particularly the monitor thereof, would thus be challenging and educational in light of the structural changes introduced by the Law.

# Tariffs and Financial Sustainability of Water Systems

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- Differences between setting bulk and retail costs
- Single points of subsidy defined
- The fragility of the new water bulk company
- Collection and metering
- Willingness to pay and ability to pay

# Ensuring the value for money

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- Differences in standards in government when using own money or when provided by the private sector, factors go in..
- Value for money and its process

# Engaging with stakeholders

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- Coming up in details
- The three –tier approach



**DISCUSSION FOLLOWED BY  
COFFEE BREAK**

# Ways Forward

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- Improving financial sustainability
- Completing the regulatory framework
- Engaging with stakeholders



# Ways Forward: Financial Sustainability

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- Value for money and PPP unit
- Fiscal crisis and financial sustainability
- Burden on national budget
- Cost recovery , UFW, energy, etc



# Ways Forward: Financial Impediments

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- Strategic Planning
  - Portfolio of projects
  - Donor coordination
  - Higher Ministerial Committee
- Funding
  - NRW as priority
  - Opportunity to introduce PSP projects
  - Difficult to assess funding gap at early WSRC
- Procurement and VfM
  - Limited capacity
  - Project preparation and MED 5P
  - Ensure competition
- Capacity
  - Extensive training therefore embedment



# Ways Forward: Regulatory Framework

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- The Regulator
  - No mandate to monitor before contract delivery
  - Detailed Rules of procedure
- Supporting efficient, self autonomous providers
  - Proper setting of tariffs
  - Accountability
- Improve Accountability to enhance stakeholder engagement
  - Transparency
  - Conduct RIAs

# Ways Forward: Stakeholder Engagement

Creating an equitable societal environment, promoting social justice, reducing poverty, and awareness on gender

Strengthen existing mechanisms and platforms for stakeholder engagement in Palestine

Information base to raise citizens' awareness on the cost of water supply and sanitation

Fostering greater multi-stakeholder interface between NGOs, science and government on water services

Communication and capacity development strategy to address customers needs

# Activities to be Converted to Action Plan

## Intra--sector relationships

Roles and responsibilities
Agreement/Protocol
Methods of internal communication
Rules of Procedures
Strategy for 5-year target for self-sufficiency and cost recovery for all entities

# Activities to be Converted to Action Plan

<b>Parties involved in PPP contracts</b>
Ministerial Committee
Ministry of Finance
PPP unit
Entity responsible for public debt
Regulatory entity
Training PPP Unit
Training on basic VfM methodology
Introducing different PSP/PPP modalities
Procedure for contingency liability report
EIB MED 5P advisory facility

# Activities to be Converted to Action Plan

<b>Tariff regulations and tariff policy</b>	
Affordability and willingness to pay study	
Production and distribution costs vary from region to region whereas tariff for bulk supply is unified	
Engagement process initiated by this study has to be championed and institutionalized	
Communication process may follow a three tier approach	

# Activities to be Converted to Action Plan

<b>Establish accountability mechanisms for WSRC, to enhance the credibility of the regulatory framework</b>	
Core functions of WSRC	
Regularly conduct RIAs	
Though participating in relevant committees, clarify that project development including PSP are not within WSRC mandate	
WSRC Rules of Procedure should show the procedures for resolving possible overlapping functions and lines of responsibility and accountability.	
Make the information collected by the WSRC on the performance of water services publicly available	

# Activities to be Converted to Action Plan

## **Continue the consolidation & strengthen the autonomy of water providers**

Service provision to the customer comes in a “recognizable” form, unify the processes

Build capacity of the staff of the RWUs, properly choose their boards/managers

Apply the cost recovery basis in tariff setting and provide support to the collection of revenues through both compliance and enforcement means

Apply performance indicators with proper emphasis on the base case and publish these indicators regularly to promote accountability

Link new JSC entities to the broader planning and investment needs

Proper setting of the tariffs accompanied by accountability measures on the use of revenues, improving the collection of bills, and enhancing the capacities to efficiently manage the resources under their disposal

# Activities to be Converted to Action Plan

## **Suggested checklist for actions related to stakeholder engagement**

Awareness among public by strengthening the information base on critical issues:

- national water resources
- real cost of water and
- wastewater supply services

Engage stakeholders to discuss and gain support on several issues:

- investments
- tariff levels
- service quality

Prepare a detailed well-planned communication and capacity development strategy, not only to raise awareness but also to help identify consumers' needs, target groups:

- youth
- women

# Activities to be Converted to Action Plan

Submittals to Cabinet	
<input type="checkbox"/> water tariff regulation	
<input type="checkbox"/> regional water utilities regulation	
<input type="checkbox"/> regulation on licensing of service providers	
<input type="checkbox"/> water and wastewater connection regulation	

# Activities to be Converted to Action Plan

<b>New controls on groundwater</b>	
<input type="checkbox"/> elimination of the free abstraction	
<input type="checkbox"/> assess aquifer safe yield	
<input type="checkbox"/> limiting abstraction quantities	
<input type="checkbox"/> enforce measures against illegal use	
<input type="checkbox"/> enforce measures against abuse	
<input type="checkbox"/> enforce against deteriorating GW	
<input type="checkbox"/> legislation for WR protection zones	
<input type="checkbox"/> encourage private sector	
<input type="checkbox"/> make necessary institutional and regulatory changes	

# Activities to be Converted to Action Plan

PWA and MOA will encourage the establishment of <b>customer associations</b>	
In transition: WBWD and NWC	
In transition: PMU	
In transition: WUA and MoA	
In transition: Utilities and MoLG	
In transition: Private sector	

# Activities to be Converted to Action Plan

<b>New controls on groundwater</b>	
Secondary school water conservation curriculum be established covering the natural water cycle and water sources in Palestine	
Produce clear and evidence-based information on the potentially beneficial role that private actors can play in the water sector to dispel the myths and clarify what the private sector has (or has not) brought in Palestine based on previous experiences (completely in Gaza and partially in Bethlehem). Such an independent stock-taking and assessment exercise should clearly set out the upsides as well as downsides of change and raise awareness among priority target audiences (e.g.households) on the role, responsibility and contribution of the private actors in the water sector	
Communicating of these results could then help secure the political acceptability of PSP projects and contribute to rebuilding trust among the public of the water supply	

مع خالص شكري  
وامتناني

*Merci pour  
votre attention*

*Thank you  
for your kind attention*

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