

**Council of Ministers' Decision Number (4) for the Year 2018 relating to
Water Users Association Regulation**

Council of Ministries,

Reference to the provisions of the amended Basic Law of the year 2003 and its amendments, in particular the provisions of Article (70), and to the provisions of the Law by Decree No. (14) for 2014 on Water Law, especially the provisions of Article (48); and Upon the recommendation of the Head of the Water Authority and the Minister of Agriculture; and

Based on what has been endorsed by the Council of Ministries on 17th April, 2018; and

Based on the powers conferred upon us; and In pursuit of the public interest;

We have hereby issued the following Regulation:

First Chapter

Definitions and General Provisions

Article (1)

Definitions

The following words and expressions contained in this regulation shall have the meaning specified herein below, unless the context indicates otherwise:

The Ministry: The Ministry of Agriculture

The Authority: Palestinian Water Authority.

General Assembly: The General Assembly of the Association, including the members subscribed to the association.

Board of Directors: The association's board of directors.

Chairman: Chairman of the board of directors.

Association's Area of Work: a geographical area with well-defined nature, identified by the Ministry.

Agricultural Drainage: the process of ridding of excess water that exceeds the need of the plants in the soil, to enhance the production of agricultural crops.

Article (2)

Objective of the Regulation

This Regulation aims to managing the use of irrigation water in a sustainable way on the local level, and to achieve the maximum benefit from the available water resources.

Article (3)

Association's Area of Work

A geographical area with well-defined nature identified by the Ministry

Chapter Two

Association's Licensing Procedures and Functions

Article (4)

Association Establishment Application

- 1- The number of persons who desire to establish an association shall be no less than ten farmers who collectively own no less than (50) donums.
- 2- A minimum of three farmers who desire to establish the association must submit the Association Establishment Application.
- 3- The application shall be submitted to the Ministry according to the form approved by both the Ministry and the Authority, and in coordination between them.
- 4- The establishment application must include the following:
 - a. Names of all founders.
 - b. Address of the association's headquarters.
 - c. Association's area of work.
 - d. The water resources identified by the Authority, which will be used by the association, as well as the quantities of irrigation water the association requires.
 - e. Personal Identification (ID) numbers of all founders.
 - f. Agricultural crop patterns.
 - g. The areas of the lands owned or used by the members of the association.

Article (5)

Document annexed to the Establishment Application

Establishment Application are the following documents:

1. Three copies of the internal bylaw of the Association, signed by members of the founding committee.
2. Written delegation from all founders authorizing the applicants to sign the registration application.

3. Documents proving the founders ownership or right of use of the lands intended to be irrigated..

Article (6)

Reviewing the Establishment Application

1. The Ministry shall review the application within no longer than two weeks from the date of its completion, and in case of any shortages in the application or its annexes, the Ministry will request the applicants to complete it within one week starting from the date they have been informed of the application's shortages.
2. The Ministry refers the application to the Authority after approving it, to confirm the availability of water resource license. The Authority shall respond to the Ministry within no longer than (15) days from the date of the referral.

Article (7)

Rejection of Establishment Application

1. In case the Ministry rejects the application, the decision shall be in writing and justified, and the applicants shall be informed of the rejection.
2. The applicants have the right to challenge the rejection decision to the Ministry within (30) days from the date they were notified of the decision.
3. The applicants have the right to appeal the rejection decision within (60) days from the date of its issuance .before the competent court

Article (8)

The Decision of Association Establishment

Taking into consideration the provisions of Article (6) of this Regulation, the Ministry and the Authority issue a joint decision to establish the association.

Article (9)

Association's Functions

The association shall undertake the following functions within its area of work:

1. Setting plans and programs necessary to develop the management of irrigation water that has been specified and allocated from all water resources for the purposes of irrigation in the association's area of work, in compliance with the

water policies and the applicable legislations, and in coordination with the Ministry.

2. Representing the interests of all water users within the association's area of work.
3. Operating, maintaining and managing the agricultural irrigation and drainage system in a way characterized by equity, efficiency and economy.
4. Producing or buying water from licensed resources at a certain rate, and then redistributing it in a fair and timely manner to all farmers within the irrigation unit, as per the standards agreed upon between the Authority and the Ministry.
5. Amicable Settlement of disputes in relation to water sharing, which may arise among the farmers whose lands are being irrigated.
6. Setting the prices for water sold based on the Cabinet's decision No. (1) of 2013, relating to Water Tariff Regulation.
7. Collecting the costs of water usage from the users.
8. Approving the agricultural crop pattern and the irrigated areas for each crop within the association's area of work, in coordination with the Ministry.
9. Assessing the agricultural irrigation and drainage systems in use to set the mechanisms of distributing water to guarantee prevention of wasting and misuse, determine water shares, and distributing them during periods of shortage in coordination with the relevant authorities.
10. Raising awareness of and training member farmers and others on properly preparing their farms to receive irrigation water.
11. Adopting modern irrigation methods for water economy and achieving high utilization efficiency.
12. Raising awareness among farmers regarding irrigated agriculture, suitable crops, and timing of planting, irrigation and fertilizing, in order to achieve efficiency and optimal use of water.
13. Coordinating with all relevant authorities for water supply, in order to enhance irrigated agriculture.
14. Installation, dismantling, repairing and calibrating the tools for measuring water quantities used by water users.

Article (10)

Association's Internal bylaws

1. The association's work is organized in accordance with an internal bylaws that includes the following:
 - a. Association's name.
 - b. Association's address, its headquarters, and branches if any.
 - c. Association's Area of Work.
 - d. Association's goals and objectives.

- e. Association's sources of funding, and means of exploiting and utilizing them.
 - f. Terms of membership.
 - g. Causes of membership loss.
 - h. Members' subscription fees.
 - i. Association's organizational structure.
 - j. Method for amending the internal bylaws.
 - k. The merging of the association or unionizing it.
 - l. The convening of the general assembly.
 - m. The convening of the board of directors, mechanisms and the quorum required for convening.
 - n. Financial and administrative authorities of the Chairman, the deputy, the secretary, the treasurer, and the rest of the board members.
 - o. Provisions on the administrative and executive bodies of the association.
 - p. Conditions of candidature for the position of the association's chairman.
 - q. Organizing the relationship between the association and the non-member water users.
 - r. Management the assets and properties of the association.
 - s. Provisions on financial affairs and means of financial control.
 - t. Provisions related to the integrity, transparency, and accountability in managing the association.
 - u. Provisions related to the dissolution of the association.
2. The association's internal bylaws shall not include any provisions that are contrary to this Regulation.

Chapter Three

Association's Membership

Article (11)

Membership

Membership of the association is optional to all water users, whether it was wholesale or from any joint traditional or non-traditional water resource.

Article (12)

Terms and Conditions of Membership

The applicant for membership of the association must meet the following conditions:

1. To have a Palestinian nationality.

2. To have full legal competency.
3. To be an owner of or benefiting from an agricultural land or a beneficiary in any way of the water resources located in the association's area of work.
4. To pay the association membership fees, and all due subscriptions.
5. The applicant must not be a member of a similar association in the same area where his/her land is located.
6. Submit proven document of ownership or right of use.

Article (13)

Membership Application

Subscription to the association's membership shall be according to the following procedures:

1. The membership application is submitted to the association's chairman, according to the forms prepared for this purpose, accompanied with the following:
 - a. Complete information on the applicant.
 - b. A receipt of payment of the membership fees.
2. The chairman presents the application form and its attachments to the board of directors.
3. The board of directors takes the decision regarding the application within (15) days starting from the date of submission.
4. Membership application may only be rejected if the conditions stipulated in Article (12) of this bylaws are not met
5. The decision of membership rejection must be justified.
6. The applicant may appeal the rejection decision in accordance to the law.

Article (14)

Member's Rights

An association member is entitled to the following:

1. Attend the meetings of the general assembly.
2. The right of candidature for the board of directors.
3. Participation in all activities of the association.
4. Enjoy the services provided by the association.
5. Acquire water according to the water distribution mechanism approved by the board of directors.

Article (15)

Member's Commitments

Members of the association shall commit to the following:

1. Application of the provisions of this regulation and any relevant legislations.
2. Compliance with the association's internal bylaws regulation, ordinances and decisions issued by the general assembly and the board of directors.
3. To refrain from any action contrary to the association's objectives or to perform any action that damages the association in any way.
4. Maintaining the association's assets and resources.
5. Payment of set subscriptions and fees on time.
6. Payment of irrigation water consumption.
7. Attend meetings of the general assembly.

Article (16)

Loss of Membership

1. A member may lose his/her membership in any of the following cases:
 - a. Loss of any of the conditions of membership stated in Article (12) of this Regulation.
 - b. Loss of legal capacity.
 - c. Sentenced to a felony or misdemeanor violating honor and integrity.
 - d. Resignation.
 - e. Dismissal with a justified decision approved by two thirds of the general assembly members, based on a recommendation by the board of directors, in case of violation the provisions of this Regulation.
2. If the member resigned or have been dismissed, he/she must pay all commitments toward the association.

Chapter Four

Management of the Association

Article (17)

General Assembly

The association's general assembly comprises of subscribed members (who meet all membership requirements).

Article (18)

Functions of the General Assembly

The general assembly undertakes the following tasks:

1. Election of members of the board of directors.
2. Discussion and approval of plans and programs of the association's activities and its annual financial reports.
3. Approval of the association's annual budget, and discussion of the final financial statement.
4. Withdrawal of trust from the board of directors or any of its members.
5. Approval and amendment of the association's internal bylaws.
6. Determining sanctions against those who violate the provisions of the association's internal bylaws, ordinances and regulations.
7. Follow up with the Ministry regarding dissolution or the liquidation of the association, or merging it with another association, and submitting recommendations to the Authority with this regard.
8. Appointing an external legal auditor for the association.
9. Notifying the Ministry of any amendments or changes in the association's internal bylaws, objectives, purposes, or any full or partial change to its board of directors, within one month of the date of the change or amendment.

Article (19)

Meetings of the General Assembly

1. The general assembly convenes once every six months, by a majority of its members attending.
2. The general assembly may hold extraordinary meetings with two thirds of its members, based on an exceptional invitation from the board of directors or by one third of the general assembly's members at least
3. In case the quorum mentioned in paragraphs (1 and 2) of this article has not been met, the meeting shall be adjourned for one week, and the meeting shall be valid with whoever attends.

Article (20)

Decisions of the General Assembly

The general assembly issues decisions with the majority votes of participants, except for decisions related to dissolution of the association or its merger, amending its internal bylaw, or withdrawing trust from all or some board members; such decisions are issued with the majority of two-thirds of the general assembly members.

Article (21)

Board of Directors

1. The association is managed by the board of directors, whose number of members shall be determined according to the internal bylaws of each association.
2. Membership duration of the board of directors is four years per election cycle.
3. The board of directors elects a chairman out of its members, and in case of vacancy of the chairman position for whatever reason, the board of directors is invited to elect a new chairman.
4. In case of resignation of the board of directors, the board of directors must continue managing the association's affairs until the election of a new board of directors by the general assembly.

Article (22)

Competency of the Board of Directors

The board of directors shall be competent of the following:

1. Preparation of water distribution schedules among the beneficiaries.
2. Determination of water prices, and following up the collection of the imposed fees.
3. Putting the necessary arrangements necessary for training and educating the association's members regarding the management of water affairs, the optimal and efficient use of water and crops rotation models.
4. Recommendations to the general assembly on dismissal decisions, approving members' resignation, and loss of membership.
5. Resolving disputes among the association's members or appointing competent authorities to resolve these disputes.
6. Cooperation with the official and non-official entities, and representing the association in front of the administrative and judiciary authorities.
7. Preparation of reports on the work of the board of directors as well as the association.
8. Exercising all what is stated in the internal bylaw in terms of the competences and powers of the board of directors.

Article (23)

Vacancy of Membership in the Board of Directors

The position of board member is considered vacant in any of the following cases:

1. Death.
2. Loss of legal capacity.
3. Resignation.
4. Issuance of a final judgment against the member for any misdemeanor or felony violating honor or integrity.

5. If the board member fails to attend (3) successive session or (6) non-successive sessions without a legitimate excuse acceptable by the board of directors.

Article (24)

Resignation from Board of Directors'

The resignation of any member of the board of directors shall in writing submitted to the chairman of the board of directors.

Article (25)

Meetings of the Board of Directors'

Meetings of the board of directors, decision making mechanisms, and the required quorum, are determined according to the association's internal bylaws.

Article (26)

Training Board Members

The Ministry, in coordination with the Authority as well as the relevant authorities, undertakes the training of elected board members as follows:

1. Financial, administrative and technical affairs necessary to manage the association's work.
2. Designing the operational and administrative plan, as well as water distribution processes.
3. Development of maintenance plan for water pathways, sockets, and pumping mechanisms..
4. Commencement and execution of operation and maintenance plans.
5. Monitoring and evaluation.
6. Any other issues in line with the developments in the agricultural water and irrigation sector.

Chapter Five

Association's Financial Resources

Article (27)

Association's Revenues

The association's financial resources comprise of the following:

1. Association's membership subscription fees.
2. Annual members' fees.
3. Water prices.
4. Unconditional grants and endowments.

Article (28)

Association's Budget and Accounts

1. The association shall have an independent budget, and its funds are deposited under its name in one of the accredited banks decided by the board of directors.
2. The association commits to maintaining accounting books and records and appointing an external legal auditor.

Article (29)

Provision of Services to Non-Members

The association may provide its services to non-members by increasing the fees over the usual fees charged to members with a percentage of no more than (30%) for the price of water, given that the association standardizes the rate of increase for non-members.

Chapter Six

Dissolution of the Association

Article (30)

Causes of

Dissolution of the Association

The association may be dissolute in any of the following cases:

1. The association's inability to achieve the objectives and purposes for which it was established, and it is dissolved with the decision of two-thirds of the general assembly members who paid their subscriptions.
2. If it is proved that the association have substantially violated this Regulation or its internal bylaw or the conditions of the license it was granted, and did not correct its status within a period no longer than three months starting from

the date of written warning by the Ministry, in coordination with the Authority and the board of directors.

3. In case of depletion of the water resource managed by the association, and its inability to provide an alternative water resource acceptable by its members and approved by the Authority.

Article (31)

Association Dissolution Procedures and Decision

1. Upon the realization of any of the causes of dissolution of the association stated in Article (30) of this Regulation, the Ministry in coordination with the Authority addresses a written warning to the association that is in violation of this Regulation, the conditions of the license, and its internal bylaw.
2. If the association did not correct its status during the period specified in Article (30/2) of this regulation, the Authority decides in coordination with the Ministry to dissolve the association, and the Ministry notifies the association with the decision to take the appropriate procedures in this regard.

Article (32)

Publishing the Decision of the Association Dissolution

The dissolution decision is published in the official Gazette within a month from the date of issuance.

Article (33)

Appealing the Association Dissolution Decision

The decision issued on dissolving the association shall be subject to appeal to the competent court.

Article (34)

Liquidation of the Association's Funds

The association's assets and properties are liquidated after its dissolution, and distributed to the members after covering all its financial commitments and debts, under the supervision of the Ministry and the Authority, who undertake the

appointment of a liquidator of the association's funds, given that the liquidation expenses are paid from association's account.

Chapter Seven

Union of Associations

Article (35)

Formation of a Union of Associations

Three or more associations may form a union amongst them. Such unions may also form amongst themselves a general union, given that joining such a union remains optional.

Article (36)

Application of the Regulation's Procedures to the Unions

All procedures and provisions stated in this Regulation are applied regarding registration and its procedures, the basic internal bylaws and its data, and its working system, for every union formed between the associations or any unified associations that were established in accordance with its provisions.

Chapter Eight

Final and Transitional Provisions

Article (37)

Submission of Periodic Reports

The association is committed to provide annual technical, financial and administrative reports, submitted during the first four months of every calendar year to both the Ministry and the Authority.

Article (38)

Forms

The forms required for registering the association and following up its work is issued by the Ministry in coordination with the Authority.

Article (39)

Keeping Records

The Ministry shall keep records related to associations.

Article (40)

Settlement of Disputes

Disputes that might arise between the associations or among its members may be resolved through mediation, conciliation or arbitration. The association's internal bylaw dictates the detailed procedures of the mechanisms of referral to such means.

Article (41)

Correcting Status

Any association established prior to effectiveness of provisions of this Regulation is considered officially registered, given that it corrects its status in accordance with the provisions of this Regulation during a maximum period of (6) months starting the day it entered into force, otherwise it will be considered in violation with the Regulation provisions.

Article (42)

Repeal

All that is contrary to the provisions of this Regulation is repealed.

Article (43)

Effectiveness and Validity

All responsible authorities, each as concerned, must execute the provisions of this Regulation, and to follow it from the date of its publishing in the Official Gazette.

Issued in the city of Ramallah on April 17th, 2018.

Rami Hamdallah

Prime Minister

****Official Seal & Signature****