

Republic of Yemen
Ministry of Legal Affairs

Law No. (33) for the Year 2002
Concerning

Water

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In the name of the people

The President of the Republic:

After referring to the Constitution of Republic of Yemen
And following the approval of the House of Representatives

(We hereby issue the following Law, which stipulates:

Chapter I
Nomenclature and Definitions

- Article (1): This Law shall be called the Water Law.
- Article (2): For the purposes of this Law, the following words and expressions shall have the meaning shown unless otherwise stipulated adjacent to them.
1. RoY: the Republic of Yemen
 2. NWRA: The National Water Resources Authority.
 3. Relevant concerned entity: Government ministries, authorities, institutions or projects, which the context refers to, that are connected in any manner whatsoever accordingly.
 4. Water Resources: Any water that is found within the territory of RoY, whether surface or underground waters, including wastewater following its purification, saline water after desalination, and also includes RoY's share of common waters jointly owned between RoY and neighboring countries as ordained by international treaties and agreements which are signed with these countries or the international conventions to which Yemen is party.
 5. Surface Waters: Any water that is found on the surface of the Earth. This includes rainwater runoff, streams and normal, mineral and hot water springs; whether permanent or seasonal, water of natural and artificial lakes and pools, as well as treated wastewater.
 6. Groundwater: All water which is stored or flowing in the Earth's subsurface and found in the sedimentary layers, notwithstanding its depth.
 7. Groundwater Aquifer: Any subsurface geological layer or formation saturated with waters, which can be affected, as a whole, by the various dynamic pressures that are exerted in any parts

thereof, notwithstanding the difference of its physical, chemical and geological properties. If any geological formation takes on these properties solely than such formation is called a water layer.

8. Water Basin and Water Zone:

Water Basin: Any land surface area, the water resources of which are dispensed naturally, and which constitute one unit, whereby any water works that occur in any parts thereof affect the availability of water in the rest of that area accordingly.

Water Zone: Any part or several parts of water basins with similar water conditions, or which necessary dictates for the management thereof as a single water unit, whether the borders thereof coincide with the administrative divisions of the country or not.

9. Sustainability of Water Resources. The extraction of water from groundwater aquifers in amounts that are equal to or less than the amounts that are recoverable during the same year, or such period as such previously determined, and in a manner that, in the long-term does not affect the quantity or quality of the water.

10. Water Depletion: The extraction of groundwater, at a rate, which exceeds the rate of recovery thereof and leads to the reduction of groundwater table accordingly

11. Water Well: Any opening or borehole dug manually or mechanically into the subsurface for the purpose of extracting groundwater, regardless of the depth, diameter of the well and the quantity or quality of the water so extracted.

12. Water Installation: Any surface or sub-surface typical or non-typical structure, including piled soil, set up for the purpose of storing, diverting, transferring, or distributing water or for the protection from rainwater runoff.

13. Water Policy: All the approaches and measures that are adopted by the Government for the management, development and exploitation of water resources of water and the protection thereof from depletion and pollution.

14. Water Planning: Undertaking the analysis and the assessment of the information and data available on the water situation and the placement thereof in statistical and data matrixes that show the water budgets and fluctuations for each water basin, in light of the current actual and projected future indicators of the national development needs for water, and the selection of the preferred option from all the various possible alternatives, which will ensure the preparation of water plans and the management of demand and

supply of available water in the water zone or basin in the best possible manner, and so as to lead to the sustainability of water resources.

15. Water Plan: The option or set of options that are selected out all the possible alternative options, in light of the data, statistics and indicators that show the water situation and the water projects in RoY or any parts thereof over a certain period, with a view towards achieving the objectives of the water policies.
16. Management¹ of Water Resources: All the water policies and legislation, and the different measures, arrangements and activities procedures and measures that are undertaken in the field, office or laboratory, in order to implement them accordingly
17. Water Utilization Rights: The rights which authorize the holder of such rights to use specific quantities of water for defined purposes in accordance with the provisions stipulated herein.
18. Traditional Water Rights: inherited and recognized sustained rights, traditionally, legally or both, and which are based on the individual, family or collective rights of use of rainwater, rainwater runoff, streams, springs, water wells and water installations and the purposes and limitations of such utilization and the associated common rights thereof.
19. Common Rights²: Rights to water resources passed down in succession to third parties, or such rights with respect to water installations, fountains and water wells, such as the right for access to drinking water for humans and livestock, or for any recognized purpose, or the right of passage pasturage in rainwater catchments and watercourses and canals, or the priority rights of irrigation to the highest located areas or to the surplus water beyond the original utilization rights thereof or the rights of inspection and monitoring the developments that occur to water in accordance with the stipulations herein provided.
20. Forbidden or Protected Zones: Surface land areas that are within the vicinity of existing wells, water installations, and natural watercourses, within which any full or partial activity that is harmful or could be harmful to such water wells or installations accordingly.
21. Prohibited Zone: A geographical zone where it is forbidden to construct any structures, or to develop or create any industrial, agricultural or other activities that will have an effect on the water reserves in the area, quantitatively and qualitatively or both.

¹ Literally translated as "the organization of ...".

² I.e., Public access rights.

22. Water Pollution: The change that is brought on the physical, chemical or biological properties of the water, which impairs the suitability for all the uses, for which such water is designated.
23. Wastes and Pollutants: Any solid, liquid, gaseous, microbial, viral, radiating or thermal substance that leads to or can lead to the pollution of water resources or the deterioration their quality or to impair their fitness for any of their designated uses.
24. Waste Disposal: Any process by which pollutants are disposed of, whether by compiling, pouring or leaving them in their location, at a land surface, buried in the sub-surface or in the area of a water installation, burning and evaporation into the air, or by pouring into the sea.
25. Wastewater: Water which was used for household industrial or service purposes, including their contents of solid or liquid wastes and refuse.
26. Treated Water: Water, out of which some or all of the water plankton and refuse or physically or chemically diluted substances carried therewith have been disposed.
27. Wasting Water: the intentional or negligent cause of losses of quantities of water without utilizing such waters for their intended purpose accordingly.
28. Permit: The document issued to the concerned person, in accordance with the provisions of this Law.
29. Commercial Use of Water: The distribution and conveyance of water for a price, in any manner for any use of a commercial nature, such as hotels, restaurants or any use other than for domestic or agricultural use accordingly.
30. By-laws or Procedures: Official document that are issued by decree of the Council of Ministers/Cabinet concerning the regulation for the implementation of the provisions, controls and measures of this Law and based thereon accordingly.
31. Contractor: Any natural or legal person who engages in the occupations cited in Article (43) of this Law.
32. Drilling Equipment: The Equipment used to dig or excavate the surface of the earth to reach any depth of its subsurface, in order to have access to groundwater for extraction or study thereof, notwithstanding how these equipment operate and the power that drives such equipment.

33. Harvesting Rainwater: The process by which water accumulating from rainfall is accumulated from areas owned by the beneficiaries thereof or those authorized to utilize them immediately or to store them in cisterns, dams, dikes, pools, etc.

Chapter II

Objectives and General Concepts/Principles

- Article (3): This Law aims to regulate, develop and ration the exploitation of water resources, as well as the protection thereof from depletion and pollution, the improvement of the efficiency of conveying and distributing their uses and the proper maintenance and operation of the installations thereof, and the participation of the beneficiaries thereof in their management in the various stages of their development, investment and conservation thereof.
- Article (4): Water is a right that is accessible to all and does not become privately owned except by means of transport, acquisition or any other related methods as it is optimal and is secured by its similitude³.
- Article (5): The watercourses in the wadis are property in common to all the beneficiaries, and all the water installations and water wells set up by the Government are considered public property, and notwithstanding the ownership thereof they are subjected to a registration and licensing regime in accordance with the provisions of this Law.
- Article (6): All beneficiaries of any of the water resources shall enjoy the right to benefit from this Resource, in such a way as not to harm the interests of other beneficiaries, and shall carry out all the duties required of him with respect to the conservation of these resources and safeguard them from depletion and pollution. The exploitation of groundwater resources is prohibited unless a prior permit thereto has been obtained. The Government shall intervene to regulate the rights and responsibilities of benefiting from these resources in accordance with the provisions of this Law and the procedures regulating the implementation thereof accordingly.

³ There is a handwritten remark alongside the article which states: What is this term and what is the intention thereof?

Chapter III
Water Resource Management and Planning

Section i
Management of Water Resources

- Article (7): Water resources shall be developed and regulated in accordance with the provisions of this Law and its Executive Procedures and in light of a water strategy proposed by NWRA, which shall be issued by a decree of the Cabinet, and in accordance with the sectoral policies, plans and programs emanating from this strategy.
- Article (8): RoY shall be divided into Water Basins and Water Zones, in which the water resources will be assessed in each one of them, and for which the plans will be prepared for their development and use, as autonomous units, that are indivisible that shall be regulated on the basis of the principle of Integrated Water Resources Management, with a view towards conforming to the social and economic orientations and conserving the environment.
- Article (9): The relevant concerned entities shall regulate, administer and prepare their respective sectoral policies and plans related to the development and rationing of the uses of water in coordination with NWRA.
- Article (10): Water users and beneficiaries associations, groups, committees, leagues, or federations may be formed for the purpose of involving the public and the beneficiaries of water in regulating water resources or in operations and maintenance of water installations. The Procedures for the implementation of the provisions of the Law shall set out the purposes and all the detailed rules related to such organizations accordingly.
- Article (11): NWRA, in coordination with the relevant concerned entities and local authorities, shall set up Water Basin & Water Zone Committees under the supervisions of NWRA, with appropriate representation for the relevant NGO's and the water users thereof. The Executive Procedures of this Law shall set forth the composition the active duties of such committees, as well as their tenor and relations with the local authorities, so as not to violate the uniformity of water resources in accordance with the provisions of this Law and in such a manner as to conform to the articles of the Law for the Local Authorities No (4) for the Year 2000 that are related to this matter.
- Article (12): NWRA is responsible for estimating the water budgets, evaluating demand of water and the quantities that may be exploited by the sectors that utilize water, by means of monitoring and assessing water resources and the uses at the Water Basin Level, and for collecting the data and information that is required for the regulation and

development of such resources through the hydrological stations for each basin and the national hydrological stations. NWRA will also undertake all the measures that insure equity in benefiting from the available waters and the protection thereof from depletion and pollution.

Section ii Water Resources Planning

Article (13): NWRA shall formulate the foundations for water planning for RoY, in light of the results of the assessment of the water basins and water zones, whereby they should include the general indicators of the water situation, the trends of the demand for all types of water use, the short, medium and long term water budgets. Such foundations shall be construed as the basis for the preparation of the alternatives to be set forth in the Water Plan.

Article (14): NWRA shall devise a classification system for water basins and water zones, in light of the water situation thereof, in order to pace those basins having similar water situations to be under uniform standard procedures.

Article (15): All government entities, legal private and public personalities shall present the plans for their water projects to NWRA or any of its branches in the governorate offices, for review and approval thereof within sixty days from the presentation thereof to NWRA. If NWRA does not issue its opinion thereto within such a stipulated time period then it will be construed as having implied approval thereof, unless otherwise there is a convincing justification (for such delay).

Article (16): For each water basin and water there will be a water plan that is consistent with the water policy and the general foundations for water planning in RoY. This plan shall, after ratification, become an indivisible part of the National Water Plan.

Article (17): 1st. NWRA is responsible for reviewing the sectoral and water basin plans and for the preparation of the Water Plan, in coordination with the relevant concerned entities.

2nd. Water plans should be prepared based on the standards, data and measures which are set forth in the executive procedures of this Law, and also the strategies, policies and decrees in respect thereto and the orientations set out in the development plans and the general foundations for water planning in RoY. Such plans should include the following:

1. Qualitative and quantitative assessment of the water in the respective Water Basin or Water Zone.
 2. Estimate of the current and projected demand, in a manner that ensures the sustainability of water resources.
 3. The projects, activities and measures related to the management and development of water resources, including the equitable allocation and distribution of water, the treatment and reuse of water, the control and monitoring measures that will ensure the efficient and rational use of water.
 4. The Plans for the protection from rainwater runoff and the activities and measures related to the development and improvement of the benefits derived from the use of rainwater, surface waters and reinjected groundwater.
 5. The economic and technical justifications thereof.
 6. The basic principles for the mechanisms of coordination and follow-up and evaluation during the implementation of the plan and in a manner that insures the integration of development projects, which conserve water and the environment.
 7. The properties of the Water Basins and Water Zones.
- 3rd. Priority shall be given to the critical Water Basins and Water Zones by preparing urgent plans therefor until a Water Plan is duly prepared

Article (18): A decree shall be issued by the Council of Ministers for the approval of the Water Plan, based upon a proposal presented by NWRA. The plan shall give due consideration to the delegation of authority in a manner that will enhance decentralization and the participation of the beneficiaries in the regulation and management of water resources at the Water Basin and Water Zone level, without undermining the unity of the management of water resources.

- Article (19):
- 1st. The National Water Plan, after it is ratified by the Council of Ministers is binding on everyone, and to act outside its guidelines or at variance with its stipulations is forbidden, notwithstanding the reason thereof, unless it is otherwise in accordance with the provisions of this Law.
 - 2nd. The Water Plan is considered one of the components of the economic and social development plans of the government.
 - 3rd. The Water Plans shall be reviewed periodically and shall be revised in light of the new developments in the water budgets of the each basin, and the priorities for their allocations accordingly

Chapter IV Water Use

Section i Priorities of Water Use

Article (20): The use of water for drinking and domestic purposes shall have absolute priority.

Article (21): Without prejudice to the provisions of the previous article, water may be allocated for any of the following water uses:

1. Watering livestock.
2. Use in public facilities⁴.
3. Industrial Purposes.
4. The minimal limits to meet environmental requirements.

Section ii Controls for Transacting with the Use of Water⁵

Article (22): Water may not be sold or distributed for potable uses by means of barrels, mobile tankers distribution networks or any other means whatsoever, unless they are suitable means, from a sanitation point of view, for the transfer of water allocated for such purposes.

⁴ Handwritten remark beside the point: "What is implied by this?". This could also be translated to mean public utilities, but one would assume that these are governed by their own respective statutes and regulations.

⁵ The title of this section can be translated in so many ways, one of which could read: "Controls for Dealing with Utilized Waters, but the title used in the translation seems to concur with the context of the section accordingly.

Article (23): 1st. The following should be consistent with the standards and specifications prepared by NWRA and approved by the Cabinet:

1. Water which is allocated for food and domestic purposes, food industry and the internal waters in the manufacture and processing of medicinal materials.
2. Water used for watering livestock, for irrigation, for the purposes of tourism and service provision and for hospitalization/recuperation.
3. Use of treated wastewater for irrigation and other purposes.
4. Treated waters after the desalination thereof.

2nd. In case of necessity and under conditional and within special limitations, a temporary permit may be given for the use of water that does not meet some of these standards in certain areas and situations. The Executive Procedures shall set out the minimum and maximum limitations of such standards.

Article (24): Every method for the correction and the qualitative treatment of water by means of combining waters, or by the use of chemical, biological gaseous or radiation substances, or by any method which will lead to a change in the physical and chemical characteristics of the water, including thermal, radiation, gaseous and bacteriological attributes, or a change in the taste, color or odor of the water, shall require prior permit therefor and under the conditions and controls set forth in the Executive Procedures for this Law.

Article (25): Without prejudice to the provisions herein stipulated, the Ministry of Agriculture and Irrigation and the authorities and institutions that are affiliated with the Ministry shall operate their installations, regulate and ration the use of water allocated for irrigation and potable water use in the rural areas in accordance with Water Plan, in light of the general strategies and policies for water resources, irrigation policies and other relevant policies. In respect thereto the MAI shall carry out the following:

1. Prepare irrigation policies and executive plans, which ensure the optimal benefit of the agricultural sector's share of water.
2. Undertake theoretical and practical studies, implement the extension programs, and take all the measures that will lead to the rationing of water use, increase of productivity of water and agricultural crops, encourage the modern irrigation methods, in keeping with the economic feasibility and adjustment to the set allocation of water for such use and for the conservation of water and the environment.

3. One. Set up, operate and maintain water installations, so as to lead to benefit from the use of rainwater and rainwater runoff, within the context of the indicators of the water plan for RoY, the water budgets for the Water Basins and Zones and the Water Plan.

Two. Draw up a plan for protection from rainwater runoff and flooding, and also set up the meteorological agricultural surveillance stations, analyze, record, document and exchange the information picked up by these stations with the NWRA and the with the beneficiaries thereof and make use of the output of the national hydrological station network.

4. One. If any entity in the areas where water is used for irrigation purposes are exposed to rainwater runoff and flooding while dealing with them in the field and there is risk of imminent danger to life and property, while the public interest would dictate that urgent measures are taken with respect thereof, the Ministry of Agriculture and Irrigation may take any appropriate measures it deems suitable of such measures, including the wreckage, breakage, removal or setting up of dikes or water barriers within the narrowest limits that will enable MAI from deterring or avoiding such damages, and MAI shall pay the fair compensation to the beneficiaries for any damages they suffer due to such measures being taken < within six months from the date that such measures were taken accordingly.

Two. In this respect, the Executive Procedures shall set forth the controls for coordination between the MAI, NWRA and the other relevant concerned entities accordingly.

5. Preparation and implementation of the plans and programs related to the subjugation of the wadi routes and general⁶ canals; monitoring the flow of rainwater runoff and floods and monitoring the use of irrigation water and installations, so as to ensure the safety of such installations and the protection of water from waste and pollution.

6. Preparation of the indicators for the short, medium and long term demand for irrigation water, including the need of the private sector projects for irrigation water, whereby, they constitute – after the review and assessment thereof – one of the inputs of the water plans stipulated in Article (13) of this Law.

Article (26): Without prejudice to the provisions herein stipulated, the Ministry of Electricity and Water and the authorities and corporations affiliated with the MEW, whether in the urban areas or the rural areas shall

⁶ Or public canals.

regulate, manage and ration the use of water allocated to MEW in the Water Plan, and in light of the general water strategies and policies and conforming to the Law of Local Authorities. In this respect the Ministry should carry out the following:

1. Preparation of the policies and executive plans related to the water and sanitation sector, so as to ensure the optimal utilization of the MEW share of the allocated water for MEW in the Water Plan.
2. Undertake the theoretical and practical studies, set up the water installations, laboratories and water distribution networks, which would lead to supply of water to the people for domestic and industrial, tourism and other service provision purposes, within the limits of the water allocations to the MEW in the Water Plan.
3. Ration and raise the efficiency of the use of the allocated waters for MEW, by means of awareness and guidance programs and the regulatory controls and the introduction of the techniques and methods that will lead to the reduction of water losses and to the conservation of water.
4. Insure the supply of clean potable water for domestic uses and prepare the necessary controls that will ensure the application and control of standards and specifications for the water quality and the fitness thereof for human use, as well as make all the necessary arrangements and take all the measures that will lead to the evasion of any harmful damages to the people and similarly develop and improve these services quantitatively and qualitatively.
5. Supply water for all the different public and private sector industrial, tourism and other service provision purposes, and set in the controls, which fall within the scope of the water distribution networks, and subject them to the application of the water standard and specification controls, in keeping with the purposes of the various uses thereof and in accordance with the provisions of this Law and the Executive Procedures thereof.
6. Set up and manage the networks for wastewater sanitation, and the disposal of all wastewater arising out of the use of water for domestic, industrial, tourism and other service provision purposes which make use of these networks. Similarly, set up and manage the wastewater collection and treatment plants and the disposal thereof to the projects affiliated therewith⁷. The MEW also oversees the other projects in potable water supply and sanitation, whereas NWRA should participate, and in coordination with the relevant concerned entity in the MAI, in the selection of the sites for the wastewater treatment plants and in the preparation of the

⁷ Somehow this just does not seem to be plausible wording, with a slight grammatical error apparent as well.

technical specifications for the facilities thereof and the methods of the wastewater disposal. NWRA should also participate in drawing up the specifications and controls for the disposal of the uneven household domestic wastes⁸.

7. Treatment and disposal of wastewater in accordance with a uniform system for this purpose, and which conforms to the qualitative and environmental standards that are set forth in the Executive Procedures of this Law, and whereby the treated shall not be dispensed or allowed to be used, except after coordinating with NWRA and the relevant concerned entities, and following consultations and coordination with the respective users and affected population thereby.

Chapter V Water Rights and Permits

Section i Water Rights

Article (27): The right of water use authorizes the holder thereof to dispense the water, in such a way as not conflict with public interest and the prevailing customs and traditions in each Water Zone or Water Basin, and in all cases, the existing and acquired water rights, whether prior to the issuance of the Law or thereafter, shall be maintained and shall not be touched upon, except for the utmost necessity thereof and with fair compensation provided therefor.

Article (28): Due consideration is to be given to benefiting from the traditional water rights of rainwater harvesting and natural runoff flow, with respect to their use in irrigation and their link with agricultural land that benefits from such water resources. This should also take into consideration the properties of each region with respect to the customs, traditions and irrigation systems in effect in each region of the Republic.

Article (29): The traditional rights of benefit from natural springs, streams brooks, creeks and maintained surface wells, the depth of which does not exceed sixty meters, and the common rights associated with them, prior to the issuance of this Law, on which the holders thereof maintain their currently hold as existing rights. This is without prejudice to the rules for registration and these rights remaining allocated for the purposes, for which they were originally granted. In the event that such rights are transferred to other parties, then such rights shall be compulsorily transferred to the new owners, and in the event that the land benefiting from the water are partitioned, the water shall be apportioned according to the land areas resulting from the partitioning of such land.

⁸ I.e., the implication is garbage, etc.

Article (30): Without prejudice to the sanctified and water quarantine areas, quantities of water may be acquired in cisterns, pools or streams, by means of directly harvesting the water from rainfall that falls on the surrounding land thereof, which is owned by the beneficiary thereto, or in the neighboring areas, where the beneficiary has been authorized to benefit from harvesting the rain therefrom. Such acquisition is considered as an acquired benefit, if it does not harm the benefits previously acquired thereto and does not conflict with acquired water rights, in accordance with the recognized traditional rights and customs related to the right of benefit from rainfall water. The beneficiary may also, according to this article, set up the required water installations, which take advantage of the water quantities gained, as well as the construction of small irrigation structures and to excavate for subsidiary canals, in accordance with the procedures and controls that are set forth in the Executive Procedures.

Article (31): The Executive Procedures shall spell out the cases when the Government may withhold the acquired rights of benefiting from waters, if public interest so dictates or if the rationing of water use is required, with fair compensation to be provided in accordance with the effective laws.

Article (32): All holders of rights of utilization in accordance with Articles (28 - 29) of this Law are required to come to NWRA to register their rights accordingly within a period of three years maximum from the date of announcement accordingly issued by NWRA after the issuance of this Law.

Article (33): All holders of rights of utilization benefit from groundwater wells dug prior to the issuance of this Law and the holders of common rights thereto, whether such rights are utilized or not, are required to come to NWRA or any of its branches in the governorate offices or district centers to register their rights accordingly and to continue benefiting from such rights of benefits and the common rights therewith associated, within a period of three years maximum from the date of announcement accordingly issued by NWRA after the issuance of this Law.

Article (34): NWRA and all of its branches shall maintain a register of acquired rights of benefit from water. The Executive Procedures shall spell out the system and rules for maintaining such a register and the procedures for registering and amending such registration accordingly.

Section ii Licenses

Article (35): Without prejudice to Article (72) of this Law:

1. No individual, group or entity of the government, civilian or military, or any private legal entity, may dig water wells, or the

establishment of any water installation for holding back any flowing rainfall runoff, flood or stream water in or above the wadi beds, or the diversion thereof unless the appropriate license, as such, has been previously obtained from NWRA.

2. A water well may be deepened without prior permission from NWRA, but only once and for no more than twenty meters.
3. With respect to previously approved projects by NWRA, in accordance with Article (15) above, the respective entities need only present such projects to NWRA for registration only.

Article (36): No contractor can drill any new well, or replacement well, or any water structure unless the owner reveals a valid permit to do so, and the contractor should ensure that the contract between him and the employer conforms to the permit, and the contractor must show the permit when requested to do so.

Article (37): No beneficiary may exceed the amounts or purposes spelled out by NWRA in the permit, and he must comply with all the terms spelled out in the license and the Executive Procedures shall spell out the required details for the implementation thereof accordingly.

Article (38): By force of law, permits issued in accordance with this Law shall be deemed cancelled in the following cases:

1. If the licensee does not commence the drilling works within one year of the date of issuance of the license.
2. If the license was used for purposes other than that for which such permit was issued.
3. If the holder thereof violates the conditions spelled out in the permit.
4. If the license was assigned to another person, whether or not this was in return for a price or free of charge, is forbidden unless, otherwise approved by NWRA. The Executive Procedures shall show the cases when approval of such assignment will be granted. In addition NWRA reserves the right to regularly review such licenses in accordance with the procedures prepared for this purpose. Based on justifiable reasons, such licenses may be renewed for a further three months, which may be further renewed if the reasons continue to exist.

Article (39): Holders of permits to drill wells or construct surface water structures shall approach NWRA within three months after completion of the authorized works to register their wells or surface water structures and acquire the water rights accordingly after 15 days have passed from the presentation of such application to register.

Article (40): Without prejudice to the penalties stipulated in Chapter VIII of this Law NWRA may cease the right to benefit from water for a certain period of time or, amend it or cancel it, in the event that water of the well or the water installation is found to be polluted and harmful to public health and treatment of such pollution is found according to laboratory reports to be impossible.

Article (41): The Government shall undertake the projects that develop water resources and water harvesting projects and NWRA, if necessary may review the amount of water to extracted from any groundwater aquifer or surface water, in keeping with the total water resources available or exploitation from such reserve, within the framework of water projects that are set up by the Government or which the Government seeks to set up in the future in accordance with the Water Plan.

Article (42): Without prejudice to the Procedures for Classification of Contractors and Engineering Offices, such contractors and engineering offices shall be forbidden from undertaking any of the following activities without prior permit from NWRA accordingly:

1. Drilling of water wells.
2. Exploration for groundwater, execution of consultancy studies and works carrying out works in the field of water resources.
3. Distribution of waterwell waters, whether directly or indirectly through private supply networks or by bottling it.

NWRA shall issue or refuse the applications as such, in coordination with the relevant concerned entities.

All natural or legal persons who are engaged, at the time of issuance of this law, in any of the activities indicated above must approach NWRA within one year from the date of issuance of this Law, to register their offices firms or companies and obtain their professional license to practice their occupation accordingly. The Executive Procedures shall spell out the fee required for their tenor, registration, rules, provisions and the procedures for the execution of this article and in such a way as not to violate the provisions herein stipulated.

Article (43): NWRA shall classify all natural and legal persons who are engaged in any of the occupations cited in the previous article according to their experience, as well as their technical, financial and human resources in accordance with the provisions of this Law and other applicable Laws.

Article (44): Importing water well drilling rigs, and water well metal casings, may not be imported unless they conform to the specifications set by

NWRA. NWRA may set the list of equipment and other materials, which are subject to conforming to specifications accordingly.

Article (45): Without prejudice to the stipulations of Article (29) of this Law, surface water wells may be dug without prior approval from NWRA, in order to obtain limited amounts of water, up to a depth of sixty meters (60 m.), under the following conditions:

1. Adherence to the controls and restrictions of the Forbidden Water Resources, and their respective installations, the water quarantine areas, and to insure that no harm is afflicted on others.
2. They should be without prejudice to the recognized traditions and customs that re related to right of utilization of water, and the common rights duly associated therewith.

Chapter VI

Water Conservation and Protection From Pollution

Section i

General Technical Standards and Specifications

Article (46): Excluding the works which preceded the issuance of this law, and subject to adherence to the Civil Law, the following activities shall be subject to the approved General Standards and Technical Specifications:

1. Drilling water wells.
2. 1st. The sites and general plans for water and irrigation installations.
2nd. The water treatment and desalination plants.
3. The Forbidden Wells, Streams, Creeks and Natural Springs.
4. Drilling equipment essential supplies, drilling substances and well casings.
5. Pumps

The Executive Procedures shall spell out these general standards and specifications and all the rules and procedures for the application of this article accordingly.

Article (47): Without prejudice to Article (54) of this Law, the relevant concerned entities, in coordination with NWRA, shall issue the relevant permits for disposal of wastewater, and waste oils and shall set the locations and methods for the disposal thereof, the establishment of the relevant installations thereto and for the reuse for such treated wastewater,

under the approved conditions, standards and specifications therefor, as well as the construction of sanitary drainage networks, the construction of desalination plants in accordance with applicable Laws.

Section ii

Conservation of Water Resources from Depletion and the Rational Use of Water

Article (48): The Government, represented by the NWRA and the relevant concerned entities shall undertake the following tasks:

1. Provide support and facilities required by the farmers and to encourage them to use the adoption of modern irrigation methods and techniques and practices that aim to achieve savings in the use of water, ration and increase the production of water.
2. Set up water dams, dikes and reservoirs and other required installations for harvesting rainwater, to make optimal use of rain, rainwater runoff and to feed groundwater aquifers and in a manner that will realize the sustainability thereof by means of the maintenance and operation of such installations.
3. Provide assistance and support required by conserving water, such as conserving soil and vegetative cover and combating desertification and the other factors which would lead to the damage of the environmental factors.
4. Support and encourage the involving the community efforts to participate in the management and conservation of water resources.

Article (49): Without prejudice to approved urban and architectural plans and based on a decree issued by the Council of Ministers, that is based on a proposal thereof by NWRA, specific regions may be defined, in which to prohibit the erection of any structures or the development of any industrial agricultural or other activities, which could increase the burden on the water reserves therein. The decree shall include the geographical boundaries for each one of these region, the duration of the ban, and the procedures and arrangements for its execution accordingly, in such a manner as not to violate any stipulations of the other articles in this Law. The prohibition decree entails, after fair compensation has been granted, the cancellation of all the licenses of works that have yet to be commenced up to the time the ban is announced; the decree of this ban may also include the modification of the volume of water use, or its halt altogether if there is any harm to the water resources in the region of the ban, and this prohibition shall be annulled once the causes thereof have been removed.

Article (50): After presenting the possible options and alternatives and determining the best thereof, by means of undertaking current and future exhaustive

and comprehensive studies (technical, social and economic) and after the approval of the Council of Ministers thereof, NWRA may permit the pumping of specific volumes of groundwater or surface water from one of the water basins or water zones to be conveyed on a temporary basis or permanently for use in other basins, whenever the following conditions exist:

1. That the conveyance, as such, does not lead to damages to the potable and domestic water and whereby there is no future adverse effect on quantity and quality for the water in the Basin or Zone from which it was conveyed.
2. That the water is conveyed for drinking and domestic uses only in the recipient region in the recipient water basin;
3. That the water in the recipient basin is either insufficient for meeting the needs in the receiving due to the shortage of the water there or that it is unsuitable for drinking after suspension of all other uses thereof.
4. Coordination and consultation with the local authorities, water basin committees and actual beneficiaries of the Water Basin from which the water is conveyed.
5. If damages occur from the conveyance of water to any existing interests of beneficiaries (the holders of right of utilization), then such damages shall be compensated for fairly and only once.
6. In all cases, when several possible source basins exist and the economic costs of conveyance, as such, from all or some of these basins is close to the cost of conveyance from a single basin, then due consideration shall be given to drawing the required quantities of water from more than one source, in order to distribute the effects of drawing water among the basins accordingly

Article (51): The employees officially assigned by NWRA and the other relevant concerned entities shall have the right to enter any privately owned lands or farms, or any of the commercial, industrial or water installations that are subject to the provisions of this Law, in order to take measurements or to undertake field studies, research and take any samples of any water existing therein this being with notice as such to the relevant property owners in the manner that is available. The Executive Procedures shall spell out the procedures for the application of this article and the appropriate compensation to be granted to the beneficiaries in return for any damage that might arise therefrom.

Article (52): Without prejudice to the effective relevant applicable laws, NWRAR shall obtain the lands it needs to be able to erect hydrology stations, sites for measurements, tests and studies or for setting up installations for protection from floods and for utilization of rainwater runoff or

other projects or whatever such projects require in terms of forbidden zones, with the owners of these properties to be compensated fairly in accordance with the effective applicable Laws.

Article (53): NWRA has the right to use selected wells or water installations in the water basins and water zones for undertaking studies and making observations and monitoring, without incurring any damage to the interests of the beneficiaries; in the event of any damages arising thereof, NWRA shall remedy the damages or compensate the (affected) beneficiaries fairly within a maximum of one year..

Article (54): NWRA shall have powers to protect water resources against pollution, maintain water quality and prevent activities leading to the pollution of these resources or the degradation of their quality and to confront emergency pollution situations with the cooperation of all the entities concerned. All the entities (that are engaged in activities, which could potentially pollute water resources) shall abide by the following:

1. All entities that are engaged in activities that lead to pollution of water resources must comply with the standards and specifications related to the disposal of liquid, solid, radiation, thermal, lubricant wastes, etc in accordance with this Law and the Executive Procedures thereof.
2. All entities, notwithstanding whichever they are, are forbidden from disposing of any wastes of any wastes, regardless of their source, or throwing away accumulating any solid or liquid wastes or the carcasses of dead animals in the wadi flow passages or in the areas designated by NWRA, or to engage in any activity in these water passages which could directly or indirectly lead to the pollution of water resources or the deterioration of the quality thereof.
3. The relevant entities and individuals shall entities shall comply with giving due consideration to the Forbidden Water Zone or Protective Zones designated by NWRA near the wells and the other water resources, which will be set forth in the Executive Procedures.
4. 1st. NWRA should coordinate with the relevant concerned entities and after the approval of the Cabinet should close down plants or installations that dispose of their wastes without a permit, or in violation of the permit they have, or without adherence to the orders and instructions issued to them by NWRA or the relevant concerned entities to remove or halt these wastes, in accordance with the Law, and they are to be compelled to pay compensation for any damage they might cause
2nd. NWRA has the right to assign areas as protected zones

from any industries, the wastes of which constitute a hazard to the water resources. The Executive Procedures shall spell out the conditions and standards of protection that manufacturing plants should adhere to before they are permitted to operate. Government entities should not issue manufacturing investment licenses except by coordinating with NWRA accordingly.

5. GASR, in collaboration and coordination with the relevant concerned entities, shall prepare the procedures for regulating the disposal of industrial wastes, the use of agricultural fertilizers and pesticides and all hazardous substances that are harmful to water resources and the environment and will select the garbage and waste dumping areas, as well as to classify the damages that are caused by the polluting activities and the potential damages they cause to the water resources of RoY.

Article (55): NWRA shall carry out the studies and research related to the protection of groundwater aquifers in the coastal areas from blending with sea water and it shall construct the water installations, including the surface soil reservoirs and cisterns. The Executive Procedures shall spell out the basic controls and standards/criteria that regulate the execution thereof accordingly.

Article (56): Without prejudice to the stipulations of Article (54) of this Law:

- 1st. Effective from the date of issuance of this Law, it shall be prohibited to engage in activities specifically dealing with the transport or disposal of pollutant wastes, regardless of their source, or to issue permits to set up any industrial establishments, the wastes of which would lead to pollution of water resources or the degradation of their quality, until they have provided a study evaluating the environmental impacts of such activities or installations and the relevant concerned entities with protecting the environment shall issue the required permits accordingly in coordination with NWRA.

- 2nd. The owners of existing industrial establishments prior to the issuance of this Law and all those are engaged in any of the activities stipulated in the above paragraph must come to NWRA within six months of the issuance of this Law to adjust the status of their installations in accordance with the provisions of this Article.

Article (57): Without prejudice to the provisions of the foregoing article, all natural or legal persons are forbidden from disposing any industrial, agricultural, commercial, or medical wastes in the public sanitation network, except after prior permit from the relevant entity concerned with the operation of the network, which should specify the technical level in keeping with the approved technical specifications.

Article (58): NWRA may undertake any modifications on any permits or licenses it issues in accordance with this Law, if it was found that the circumstances and particulars under which the license was issued have changed and cause damage. NWRA may also suspend work under any such licenses temporarily or may cancel them altogether, in the event that the holders thereof violate any of the conditions and technical specifications that are included in these licenses, this being without prejudice to any other punishment meted out in accordance with this Law and the other effective applicable laws.

Article (59): NWRA shall monitor the quality of water at the level of the water resources, to ensure the soundness of their use. The other entities are responsible for monitoring during conveyance, distribution and usage thereof.

Article (60): Pits or flat surface pools may be constructed in the rural villages, for a limited number of beneficiaries, and based on procedural controls set forth in the Executive Procedures, under the supervision of Water Basin Committees or the local authorities. This is in order to dispose of or treat domestic sewerage, provided that the owners thereof should be obligated to execute them, operate and maintain them autonomously. NWRA may, during inspections and monitoring, order the removal or the modification thereof, if NWRA found that they have a damaging impact on the water resources, general health or the environment, after appropriate compensation has been given.

Chapter VII

Protection From Floods and Rainwater Runoff

Article (61): The Ministry of Agriculture and Irrigation and the other relevant entities shall set forth the controls for regulating the rainy areas where there is rainwater runoff and flooding, the collection areas thereof, the water flow and drainage passages, and should prepare a plan for water sheds and rainwater runoff and flood drainage outlets, so as to ensure protection therefrom and avoiding the damages they could cause, in accordance with the responsibilities meted out to these entities, and in collaboration with the local authority and all the users of the waters, which should include the following:

1. Protection of soil and plant cover and the optimal investment of water and other land resources, to insure the natural ecological balance and to reduce the severity of the impact by the harmful human and natural factors of erosion.
2. Control the wadi water courses and protection thereof from erosion; set up the required installations for the protection of the soil, the public and private property, population habitats including the removal of the cursed tree (?) from such property.

3. Protection and maintenance of the agricultural terraces to reduce from the rush of rainwater runoff and reinforce the rainwater harvesting system.
4. Prevent the expansion in reclaimed agricultural land, or civilian, industrial or other installations at the expense of wadi water, or rainwater runoff passages in the paths designated for them. Also, prevent the construction of dikes, buildings and other structures in land that could be drowned by rainwater runoff, or any structure between the water flow passages and any barriers or installations which are set up for protection from the danger of rainwater runoff and floods. This does not include the structures that are built to protect the housing and property that are in the vicinity thereof in emergency situations.
5. The Ministry of Agriculture and Irrigation may remove any barriers, buildings and any other structures, that were built under permits, if it was found that such edifices obstruct the flow water or help to increase the damage of floods, but after the owners thereof have been fairly compensated accordingly.

Article (62): The beneficiaries from rainwater runoff and holders of agricultural land or installations that are located in the vicinity thereof should contribute to the protection of their property, and the regulation of the water flow passages from which they benefit. The beneficiaries who are adjacent to the rainwater runoff flow passages may build barriers to protect their properties to safeguard them against flooding, in such a way as not to harm the public interest.

Chapter VIII Enforcement Procedures and Penalties

Section 1 Enforcement Procedures

Article (63): The staff of NWRA, and the other relevant entities, who are charged with control and inspection, shall be given the status of judicial enforcement. These personnel shall be appointed by a Decree of the General Prosecutor based on the request of their respective entities. The Executive Procedures shall set forth the necessary conditions that such staff must meet.

Article (64): The NWRA Inspectors cited in the previous article are responsible for enforcement, in the event of violations occurring that are in violation of the provisions of this Law and to write Enforcement Reports in this respect, in which the type of violation is shown, with the place where it occurred, the instigators thereof, the date of enforcement (apprehension) and any other details concerning the violation occurring as such.

Article (65): Police and Security personnel, when necessary, shall provide the required protection for the Inspectors of NWRA and the other relevant entities, as well as their other staff, as they carry out their functional duties.

- Article (66):
1. In the event that the Inspectors or other staff are faced with assault, or are subjected to bodily or moral harm, while carrying out their functional duties, or as a result thereof, NWRA, or the entity that seconded them, in accordance with Articles (51 and 63) of this Law, shall be responsible for representing them in the litigation thereof, when so required, and shall bear all the expenses incurred as a result thereof and shall demand compensation when so required.
 2. If any beneficiary is subjected to any assault or bodily or moral harm by any of the Inspectors or employees of NWRA or any other relevant concerned entity, the beneficiaries may resort to the courts and demand that NWRA or the other relevant concerned entity shall pay fair compensation for the damages they incurred.

Section 2 Criminal Punishments

Article (67): Without prejudice to any other more severe punishments stipulated in the other applicable effective laws, the punishments stipulated in the Law shall be meted out whether the act was perpetrated in the Forbidden Zone or Protected Zone or the Well Sanctuary:

Article (68): Punishment of imprisonment for a maximum of three years shall be meted out to:

1. Any owner of a water, industrial or service installation, the wastes from which led to pollution of water resources or the deterioration of the quality thereof, whether this was due to not obtaining prior permit thereof for the disposal of such wastes or to the lack of adherence to the approved technical specifications in accordance with this Law.
2. Whosoever continues to dispose or move such waste after the expiry of the grace period set forth in Article (56), Paragraph (B) herein above without adjusting the status thereof in accordance with the provisions of this Law.
3. Whosoever infringes upon, in anyway whatsoever, the wells, water installations, irrigation structures and the surveillance instruments, equipment and stations.

Article (69): Punishment of imprisonment for a maximum of two years shall be meted out to:

1. Anyone who proceeds with disposal of waste that pollutes water resources or leads to the deterioration of the quality thereof, without obtaining prior permit, and the punishment shall be doubled for repeated offences.
2. Anyone who refuses to adhere to the decrees and instructions issued thereto by the NWRA for suspension of work at a site where there is a violation that leads to pollution of water.
3. Anyone who proceeds with disposal of any wastes or industrial, medical, livestock output, or material that contains toxic, viral, radiation material or any liquid substances, such as lubricants, or solid material or gaseous substances, etc., the specifications of which do not conform with the permitted standards applied to the public sanitation network.
4. Whosoever carries out the distribution of water for drinking, tourism or any other purposes, not conforming to the standards and specifications set forth accordingly.
5. Any beneficiary or contractor, who changes the site of drilling or any other water installation to another location without prior approval thereto by NWRA.
6. Anyone who proceeds to drill a water well or construct a water installation for withholding rainwater runoff, or for the diversion thereof from their natural flow paths, whether for himself or on behalf other parties, whether for a price or without cost, without having a permit to do so from NWRA.
7. Whosoever proceeds to dump or compile solid and liquid wastes, including lubricants or livestock carcasses, or who undertakes any activities that are harmful in the wadi water flow paths, or in the area where groundwater reservoirs are fed, which would lead to polluting the waters resources or the deterioration of the quality thereof.

Article (70): Punishment of imprisonment for a maximum of six months or a fine of a maximum of YR Two Hundred Thousand (200,000), as well as suspension of the work, shall be meted out to:

1. Anyone who proceeds to drill a water well or who erects any water structures to store rainwater runoff, or for the diversion thereof from their natural courses, without a permit for such activity.
2. Every water well drilling contractor or surface water structure contractor who violates the technical conditions stipulated in the license/permit when carrying out the works or who does not comply with the general specifications for water wells or surface

water strictures, or who is in violation of the permit, which is issued to the Employer for such works accordingly.

3. Anyone who proceeds with disposing of wastes in the watercourses in the wadis and other water courses, which leads to the obstruction of the water flow in these paths.
4. Anyone who expands or reclaims new agricultural land, civilian or industrial structures, etc. at the expense of the watercourses in the wadis and the rainwater runoff courses and public canals or which obstruct the flow of rainwater runoff in the paths set for them.
5. Whosoever undertakes the study of water resources, or who explores for them without a professional license to do so or in a manner that violates the permit issued to them for such study by NWRA.
6. Any employee of NWRA or any of the other relevant entities who takes advantage of his position while carrying out the assigned duties thereto.

Article (71): Punishment of imprisonment for a maximum of one month or a fine of a maximum of YR Two Hundred Thousand (200,000), as well as suspension of the work, shall be meted out to:

1. Whosoever Use water for purposes other than the specified purposes for which it was allocated.
2. Whosoever draws water from dug up wells or the constructed surface water structures immediately, prior to completing registration procedures.
3. Proceeded with the distribution of water for drinking purposes and domestic use, without periodically undertaking analysis of samples thereof and providing NWRA and the relevant concerned entities with periodic results of such tests.
4. Gave false information to NWRA or the other entities, that is related to the application of this Law, if they entailed a violation thereof accordingly.
5. Delayed in the registration of the right of utilization with NWRA within the period stipulated in the Law.
6. Delayed in the registration of water wells that are in use within the required period for such registration.
7. Delayed in presenting certification of completed permitted works beyond the period set forth in the permit. In the event of a delay beyond one year, NWRA may then revoke the permit.

8. If the contractor imports or brings in any water well drilling equipment, or any other equipment, spare parts and metal tubewell casings or drilling supplies that are not in compliance with conditions set by NWRA. The penalties shall double in the event of a repeated infraction in the above paragraphs.
9. All contractors who proceeded with the drilling of a well or construction of a water installation, despite the expiry of the trade license and no effort was made to renew it.
10. Any contractor, who drills a water well than fills it again or closes it after drilling it, without notifying NWRA as such in the certificate for completed works or if such certificate or the technical data form included incorrect information.
11. Anyone who assigns the license to drill or the right to utilize another to another person, without the prior permission of NWRA accordingly.

Chapter IX General Final Provisions

- Article (72): NWRA may delegate some of its powers to any committees, offices or unit that branches from it or which is not affiliated with NWRA in accordance with this Law and the Law of Local Authorities, and so as to complete such duties accordingly, if NWRA itself is unable to undertake these authorities and powers.
- Article (73): The Executive By-Laws shows the rules and procedures related to licenses, permits and approvals which are issued in accordance with the provisions of this law, the tenors thereof, the amounts for the fees, charges and deposits which NWRA collects for them, as well as for the technical services provided by NWRA for others.
- Article (74): NWRA should consult and coordinate, with the Ministry of Agriculture and Irrigation and the Ministry of Electricity and Water, with respect to the respective tasks thereof, which are stipulated herein.
- Article (75): The indemnity for any liability of damages incurred to water resources and the right of benefit, for which any material or health damage arises to third parties shall be borne by the person who undertook acts that were in violation of the provisions of this Law, which led to such damages accordingly.
- Article (76): Based on the proposal of NWRA thereto, and in coordination with the other relevant concerned entities, and in accordance with the legal procedures thereto, NWRA may impose fees, the proceeds of which will be allocated to support the development of water resources and the protection thereof from depletion and pollution, and to work towards

the fulfillment of the objectives of this Law, with such fees being the following:

1. Water benefit registration fee.
2. Water benefit fee for commercial uses.
3. Water Resources Protection Fee against pollution from sewerage and commercial and industrial wastes.
4. The Executive Procedures shall spell out the rules and controls for regulating the collection and spending of such fees.

Article (77): 1st. All charges, bonds and bonds/deposits, which NWRA collects for the permits, licenses and services it provides to others in accordance with the provisions of this Law, as well as the penalties imposed in accordance with the provisions of this Law shall go to NWRA. These funds shall be allocated for payments therefrom to support NWRA's operations and to improve its performance.

2nd. The fees collected for services undertaken by the relevant concerned entities for third parties shall go to such entities. These funds shall be allocated for payments to support the operations of these entities and to improve their performance. The Executive Procedures shall spell out the rules and procedures for regulating the provisions of this article and in keeping with the Law of Local Authority and the other applicable effective laws..

Article (78): Article (78): NWRA shall prepare the Executive Procedures for this Law, with the participation of the relevant concerned entities cited in Article (25 and 26) herein above, within six months from the date of issuance of this Law and such Procedures shall be issued by a Decree of the Council of Ministers.

Article (79): With respect to water locations and water courses, and with regards to watering rights based on tradition and custom, the Civil Law shall apply accordingly.

Article (80): Where there is no stipulation included in this Law, the Civil Law and the principles of Islamic Jurisprudence shall apply accordingly.

Article (81): Any legal text or provision that does not agree with this Law or conflicts with its provision shall be canceled.

Article (82): This Law shall be effective from the date of issuance and shall be published in the Official Gazette.

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Ali Abdullah Saleh
President of the Republic