

The Official Gazette issue sixteen issued on 22 / Jumada II / 1423 corresponding to 31 / August / 2002.

**LAW NO (33) FOR THE YEAR 2002
CONCERNING WATER**

In the name of the People.

President of the Republic.

After perusal of the Constitution of the Republic of Yemen,
And following the approval of the House of Representatives,

We issue the Law which text is as follows ::

First Chapter

Nomenclature and Definitions

Article (1): This Law is called the Water Law.

Article (2): For the purposes of this Law, the following terms and expressions shall have the meanings specified against each of them unless the presumption indicates to the contrary :-

- 1- The Republic : The Republic of Yemen.
- 2- The Authority : The National Water Resources Authority.
- 3- The relevant or competent authorities: The Ministries or the Authorities or the Institutions or the related Government Projects to which the context signifies in any of the manners.
- 4- The Water Resources : Any water that is found within the borders of the Republic, whether surface or underground waters, including the water flowing naturally in the streams of the valleys and in the artificial canals and the wastewater and the saline water after desalination. It also includes the share of the Republic of the water found in the joint basins between it and the

neighboring countries as set forth by the treaties and agreements
signed with these countries or the international agreements to which
Yemen is a party.

5- The Surface Water : Any water found on the surface of the earth,
and includes the normal, mineral and hot water of floods,
and normal ordinary or hot mineral springs, whether permanent or
seasonal, and the water of the
natural and artificial lakes and pools, as well as the wastewater
after treatment.

6- The Groundwater : All the water stored or flowing under the
surface of the earth in a natural manner in layers of the water
according to the various depths.

7- The Underground Reservoir and Water Layer : Any adjacent
horizontal or vertical geological formations under the surface of
the earth, are saturated with water and are effected as a whole by
the change in the hydraulic pressures in any of its parts, along with
the possibility of the difference in their hydraulic treatments and
physical, chemical and geological properties. If the geological
formation is done exclusively through hydraulic treatments and
pressures that are isolated from the other adjoining layers and
formations, this formation is called water layer.

8- The Water Basin and the Water Zone :

* The Water Basin: The surface water of any area of the surface
of the earth is naturally drained towards a common stream or its
water resources constitute one single unit where any water
activity running in any part thereof affects the whole of the
water in the other parts.

* The Water Zone: Any part or several parts of the water basin
or basins which have similar water conditions, or the need calls
for
their management as a single water unit, whether or not their
borders correspond with the administration division of the
Republic.

9- Sustainability of Water Resources: Extraction of water from
Underground Reservoirs in the quantities that are equal to or
less than the renewable quantities thereof during the same year,
or during a period determined in advance and in a manner that
will not affect the quantity of the water or its quality in the long
term.

10- The Depletion: Extraction of groundwater at a rate exceeding the
rate of replenishment and in a manner that leads to the decrease
in the
levels of the groundwater.

- 11- The Water Well: Any bore or opening that is dug manually or mechanically for the purpose of extracting groundwater, regardless of its depth or diameter or the quantity of water from which it is extracted or the quality of this water.

- 12- The Water Installation : Any conventional or non-conventional buildings including excavation or piling of soil under or above the surface of the earth, where the purpose of which is the storing or diversion or draining of the water or its conveyance or distribution or for the purposes of protection from floods.

- 13- Water Policies : All the directions and measures that are adopted by the State for the organization, development and exploitation of the water resources and their protection from depletion and pollution.

- 14- Water Planning : Conducting analysis and evaluation of the data and information available on the water situation and putting them in data and statistical matrixes showing the water balances in each basin or water zone and their fluctuations in the light of the indications of the actual and future requirements of the national development in terms of water, and the preference among the various possible alternatives which ensures the establishment of water plans and the management of supply and demand on the water available in the zone or basin in the best possible ways, and with a view to lead to the sustainability of the water resources.

- 15- The Water Plan : The alternative or set of alternatives that are selected in the light of the data, statistics, and indicators which show the condition of the water situation and the water projects in the Republic or any part thereof during a time period so as to achieve the objectives of the water policy.

- 16- Organization of the Water : All the water policies, legislations, and plans, and all the field, office and laboratory procedures, arrangements and activities that are taken for their implementation.

- 17- Rights of Utilization: The rights which authorize their holders to use the specific quantities of water for defined purposes in accordance with the provisions of this Law.

- 18- Traditional Utilization Rights: The inherited and recognized rights for their continuity traditionally and legally or both, and based on the individual, family or collective right of benefit

from the water of rain, floods, forests, springs, water wells, and water installations, and the purposes and limitations of such utilizations and the rights of easement associated thereof.

- 19- The Rights of Easement: The benefits which were transmitted by inheritance to others on water resources and installations, and on springs and water wells, such as the right of access to water for human and animal drinking, or for any other established purpose, or the right of way or grazing in rain catchments and water streams and canals, or the right of irrigation higher and higher or what overflows of water on the original beneficiary, or the right of supervision and inspection on what occurs to the water in accordance with this Law.
- 20- The Forbidden or Protection Zones: The areas that surround the water wells and installations, and the natural water streams, which forbid any activity totally or partially inside them that inflict or expected to inflict damages in those wells and installations.
- 21- Prohibited Zone: A geographical area or zone where it is forbidden totally or partially to erect any water installations or dig water wells or create any industrial or agricultural or other activities that will affect the water resources quantitatively or qualitatively or both.
- 22- Pollution : Is the change that takes place on the physical, or chemical or biological properties of the water, and leads to the limitation of their suitability for any of the purposes allocated thereto.
- 23- The Wastes and Pollutants : Any liquid or solid or gaseous or microbial or viral or radiating or thermal substances that lead or or may lead to pollution of water or deterioration of their quantity or limit their suitability for any of their uses designated thereof.
- 24- Disposal of Wastes : Any process for disposal of any pollutants, whether by compiling or pouring or leaving them in their locations, after completion of a certain activity or on the surface of the earth or in the water installations, or their burial under the surface of the earth, or burning and evaporating them into the air, or through disposing of them in the sea.
- 25- The Wastewater : The water which was used for household, industrial and service purposes, including the refuse and wastes, whether liquid or solid.

- 26- Treated Water : Water of which some or all of the suspended material and sedimentations carried with them or the materials melted in them through physical or chemical or organic methods, are disposed.
- 27- Wasting of Water : Causing intentionally or due to negligence in loosing a quantity of water without utilizing it for its intended purpose.
- 28- The License or Permit : The document granted to the concerned person in accordance with the provisions of this Law.
- 29- The Commercial Use of Water : The distribution or conveyance or sale of water for a price in any of the manners for use of the water for purposes of commercial nature, such as hotels and restaurants and any other uses except for household and agricultural uses.
- 30- The Bylaw or Bylaws : The official documents that are issued by resolutions of the Council of Ministers concerning the regulation of the provisions, controls and executive procedures of this Law and based thereon.
- 31- The Contractor : Any natural or legal person practicing any of the professions cited in Article (42) of this Law.
- 32- Drilling Equipments : The equipments which bore the surface of the earth and reach any of the depths whatsoever under its surface for the purpose of having access to the groundwater whether for extracting or studying the water, regardless of the method of their operation and the power that drives them.
- 33- The Harvest of Rain : Accumulation of water as a result of rain from areas owned by the beneficiary or whoever is authorized the right of utilization its immediate use or storing it in reservoirs, dams, dikes and pools, etc.

Second Chapter

The Objectives and General Principles

Article (3): This Law aims at organizing, developing, and rationalizing the exploitation of water resources, and their protection from depletion and pollution, and raising the efficiency, conveyance, and distribution of their uses, and the proper maintenance and operation of their

installations, and making the beneficiaries participate in their management in the stages of their development, investment, protection and preservation.

- Article (4): The water is in principle permissible for all and does not possess a private ownership except by means of conveyance or acquisition or within their rule and it is the optimum to be secured by what is similar to it.
- Article (5): The streams of the valleys are considered the common property of all the beneficiaries, and all the water installations and wells which are erected by the State are considered public property, and notwithstanding their ownership, they are subject to the system of registration and licensing in accordance with the provisions of this Law.
- Article (6): Each beneficiary of any of the water resources enjoys the right of utilization with a view not to harm these resources or the interests of the others, and bears the same duties imposed as regards the preservation of those resources and their protection from depletion and pollution, and prevents exploitation of the groundwater resources without prior license. The State intervenes to regulate the rights and duties of utilizing the water in accordance with the provisions of this Law and the bylaws and rules that execute its provisions.

Third Chapter

Organization, Management and Planning

Of the Water Resources

First Section

Organization and Management of Water Resources

- Article (7): The water resources shall be organized and developed according to the provisions of this Law and its executive bylaw and in the light of a water strategy proposed by the Authority and for which a resolution shall be issued by the Council of Ministers and in pursuance of the sectorial policies, plans and programs emanating from that strategy.
- Article (8): The Republic shall be divided into Water Basins and Zones where the water resources will be assessed in each one of them and planning for their development and use as autonomous units and indivisible, and shall be organized on the basis of the principle of integrated water resources management and in a manner that conforms with the social and economic development orientation and preservation of the environment.

- Article (9): The relevant authorities shall organize, manage and prepare their sectorial policies and plans relating to the development and rationalization of the uses of water in coordination with the Authority.
- Article (10): Societies or groups or committees or associations or federations for water beneficiaries and users, may be formed the purpose of which is to involve the community and beneficiaries of water in organizing the water resources or operating and maintaining their installations. The bylaw executing the provisions of this Law shall set out its purposes and and all the detailed rules and relating thereto.
- Article (11): The Authority in coordination with the competent authorities and local authorities, shall form committees for water basins and areas, and with appropriate representation for the relevant Non-Government Organization. The executive bylaw of this Law indicates the composition, assignments and powers of these committees and their tenure of office and relationship with the local authorities, in a manner not to violate the uniformity of the water resources according to the provisions of this Law and so as to conform to the articles of the Law For Local Authority No. (4) for the year 2000 relating to this matter.
- Article (12): The Authority undertakes estimation of the of the water budgets, and evaluation of the volume of demand of water and the quantities that may be exploited by the sectors utilizing the water by means of monitoring and assessing the water resources and their uses at the level of the water basin, and conducting the studies and collecting the information and data necessary for the organization and development of such resources through the water observation network for each basin and the national network. I will also undertake all the measures that ensure equity in benefiting from the available waters and its protection from depletion and pollution.

Second Section

Water Resources Planning

- Article (13): The Authority shall set up principles of the general water planning for the Republic in the light of the results of the assessment of the water basins and zones, whereby they should include the general indications of the water situation, the trends of the demand on water for all its uses, and the water budgets in the short, medium and long terms. Such principles shall be considered as the basis for laying out alternatives for the water plan.
- Article (14): The Authority shall devise a system for classification of the water basins and zones in the light of their water situations, the purpose of which is to place those similar to them according to a uniform standard of

procedures.

Article (15): All Government authorities and legal private and public persons shall present plans of their water projects to the Authority or any of its branches in the offices of the Governorates for their review and approval thereon within a period not exceeding sixty days from the date of presentation of these projects to the Authority. If the Authority does not express its opinion during the mentioned period, its approval will then be existing by implication, unless there is a convincing justification.

Article (16): For each basin or zone there shall be a water plan coinciding with that of the water policy and with the principles of the general water planning of the Republic. After ratification these plans shall be considered an integral part of the water plan.

Article (17):

- a- The Authority undertakes to review the sectorial and basin water plans, and sets the water plan in coordination with the relevant authorities.
- b- The water plans shall be prepared based on the standards, data and procedures which are determined by the executive bylaw of this Law, and so are the strategy, policies and resolutions in this connection, and on the trends as set out in the development plans and the principles of the general water planning of the Republic. This plan includes :-
 - 1- Evaluation of the water resources in the basin or the zone quantitatively and qualitatively.
 - 2- Estimations of the demand on the existing water and planned with a view to warrant the sustainability of the water resources.
 - 3- The projects, activities and procedures relating to the management and development of the water including the priorities of the equitable allocation and distribution of water, the treatment and re-use of the water, the measures of control and monitoring that guarantee the efficient and rational use of the water.
 - 4- Plans for the protection of from floods, the activities and the measures relating to the development and enhancement of the benefit from the rain, surface water and re-injected groundwater.
 - 5- The economic and technical justifications.
 - 6- The basic principles for the mechanisms of coordination, follow up, and evaluation during the implementation of the plan and in a manner that guarantees the integration of development projects and preservation of the water and the environment.
 - 7- The properties of the water basins and zones.

c- Priority shall be given to the critical basins and zones by drawing urgent water plans therefor until a water plan is prepared.

Article (18): The water plan shall be issued by a resolution of the Council of Ministers on the basis of the presentation of the Authority. For the execution of this plan, delegation of authority shall be considered in order to enhance decentralization and the participation of the beneficiaries in the organization and management of the water at the level of the water basins and zones and in a manner not to prejudice the integrity of the management of the water resources.

Article (19): a- After ratification the water plan shall be binding on all , and a departure from it and acting contrary to its requirement for any reason whatsoever, shall not be permissible except in conformity with the provisions of this Law.
b- The water plan is considered one of the components of the economic and social development plan of the State.
c- The water plans for the basins [and water plans] shall be reviewed periodically and their amendment in the light of the new developments in the water budgets and the priorities their allocations.

Fourth Chapter

Water Uses

First Section

Priorities of Water Use

Article (20): Drinking water and household uses are favoured with absolute priority.

Article (21): Without prejudice to Article (20), water shall be allocated for the following purposes :-

- 1- Supply the animals with water.
- 2- Use for public utilities.
- 3- Irrigation purposes.
- 4- Industrial purposes.
- 5- The minimum environmental requirements.

Second Section

Controls of Handling Water Use

Article (22): Sale or distribution of water for the purposes of drinking by means of barrels or mobile tankers or distribution networks or by any means whatsoever, is forbidden, unless these means are suitable hygienically for the transfer of the water allocated for this purpose.

Article (23): a- The following shall be consistent with the standards and specifications set by the Authority and specified by the Council of Ministers:-

- 1- The water allocated for nutritious and household use , and food industries, and the water consumed for the manufacture and process of medical materials.
- 2- The water used for watering the animals, and irrigation, and for tourist, service, and hospitalization purposes.
- 3- Uses of wastewater for treatment of irrigation and for other purposes.
- 4- The saline water after desalination.

b- In case of need and within special conditional limits, a temporary permit shall be permissible in certain areas and cases for use of water that does not meet some of these standards. The bylaw shows the minimum and maximum limitations for such standards.

Article (24): It shall be subject to a prior permit and within the conditions and controls as determined by the bylaw executing this Law, any method for reforming and treating a quality of water by means of chemical or biological or radiant or gaseous substances, or by any method that can lead to a change in the physical and chemical characteristics of the water including thermal, radiation, or gaseous or bacteriological characteristics or a change in the taste, colour and odour of the water.

Third Section

The Sectorial Uses of Water

Article (25): Without prejudice to the provisions of this Law, the Ministry of Agriculture and Irrigation and its subsidiary authorities and institutions, shall organize and rationalize the uses of water appropriated for irrigation and water drinking in rural areas in accordance with the water plan, in the light of the general strategies and policies for water resources, irrigation policies and other relevant policies. Accordingly, the Ministry shall undertake the following :-

- 1- Prepare the executive policies and plans of irrigation which guarantee the optimum benefit from the share of water in the agricultural sector.
- 2- Conduct the theoretical and practical studies and researches, execute the programs guidelines, and take the measures that will lead to rationalize the uses of water, increase the productivity of water and the agricultural crops, encourage the modern techniques of irrigations as to agree with the feasibility study and adaptation with the shares of water specified for them, and preservation of water and the environment.
- 3- a- Establish the water installations, operate and maintain them so as to benefit from the rains and floods within the framework of the indicators of the water plan of the Republic, the water budgets for the water basins and zones, and the water plan.
b- Draw up a plan for protection from floods and also set up and operate an agricultural-climatic observation network, record and analyze the information which they observe and document and exchange them with the Authority and with the beneficiaries, and take advantage of the output of the national network for water observation.
- 4- a- If any authority in the areas where there are uses of irrigation water, is exposed to the risks of rainfall and floods during handling them in the field and there was apprehension of incidents of injuries to lives and properties, where the general interest dictates adoption of urgent measures with regard to them, the Ministry of Agriculture and Irrigation has the right to take whatever it deems proper in terms of such measures including the destruction or breakage of any installation or remove any barriers or erect them within the narrowest limits which enable it to prevent or avoid such injuries. The Ministry shall pay a fair compensation to the beneficiaries upon any injury that inflicts them due to such measures being taken, within six months from their adoption.
b- In this respect, the executive bylaw determines the controls of

coordination between the Ministry, the Authority, and the other relevant bodies.

- 5- Draw and implement the plans and programs relating to the refinement of the courses of the valleys and public canals, monitor the flow of the rainfall and floods, and monitor the uses of the irrigation water and its installations, so as to ensure the safety of these installations, and preservation of the water from waste and pollution.
- 6- Preparation of demand indicators on irrigation water in the short, medium and long term, including the need of the projects of the private sector for irrigation water, where they constitute – after being reviewed and evaluated – one of the inputs of the water plans as stipulated in Article (13) of this Law.

Article (26): Without prejudice to the provisions of this Law, the Ministry of Electricity and Water, and the authorities and institutions affiliated thereto, whether in urban or rural areas, shall organize, manage and rationalize the uses of water allocated to them in the water plan, and in the light of the general water strategy and policies in a manner conforming to the Law of Local Authority. In this connection, the Ministry shall carry out the following :-

- 1- Preparation of the policies and the executive plans relating to the water and sanitation sector, so as to ensure the optimum utilization of the share of the Ministry allocated to it in the water plan.
- 2- Conduct the theoretical and practical studies and researches, set up the the installations, laboratories, and water distribution network; thus leading to supply water to the population for household, industrial, tourist and other services purposes, within the limits of the quantities of water allocated to the Ministry in the water plan.
- 3- Rationalize and raise the efficiency of the uses of water allocated to the Ministry through programs of awareness, guidance, organizational controls, and introduction of the means and techniques, thereby reducing the loss of water and preserving it.
- 4- Ensure the services of supplying the population with clean potable water for household uses, and work out the necessary controls that guarantee application and monitoring the standards and specifications of its quality and suitability for human use, and take the remedies and measures with a view to averting any health injuries to the population, as well as develop and improve these services quantitatively and qualitatively.
- 5- Supply of water for various purposes, the private and public industry, tourism, and other services, which fall within the scope of the water distribution networks, and subject them to the application of the

controls of water standards and specifications, and as such agree with the various purposes of use, and in accordance with the provisions of this Law and its executive bylaw.

- 6- Set up and manage sanitation networks, and all the wastewater arising out of the use of water for household, industrial, tourist and other services purposes, which benefit from these networks. Besides, set up and manage stations for their collection, treatment and disposal to the projects affiliated to them, and also undertake supervision on the other projects in the scope of potable water and sanitation disposal, when the Authority shall participate in coordination with the competent party in the Ministry of Agriculture and Irrigation, in the selection of locations for plants for treatment of the wastewater and preparation of the technical specifications for its installations and the methods of their disposal. The Authority shall also participate with the relevant bodies in preparation of the specifications and controls of disposal of the individual household wastes.
- 7- Treatment and disposal of wastewater in accordance with a uniform set for this purpose, and shall abide by the qualitative and environmental standards as determined by the bylaw executing this Law, whereas the treated water will not be dispensed with or allowed to be used unless after coordination with the Authority and the relevant bodies, and after consultation and coordination with its users and those affected by it.

Fifth Chapter

Rights and Licenses of Water

First Section

Rights of the Water

Article (27): The right of utilization of the water authorizes its holder to dispose of the water in a manner not to conflict with the general interest and the prevailing customs and traditions in each water zone or basin. In all the circumstances, the existing and acquired rights in the water, whether before the issue of this Law or thereafter, shall be maintained and shall not be undermined except in case of maximum necessity and with a fair compensation.

Article (28): The traditional rights of utilization from the harvest of rains and water of floods flowing naturally shall be taken into consideration, as regards their use for irrigation and connection with the agricultural land benefiting from it. There shall also be considered in these rights the characteristics of the regions having connection with the customs, traditions, the established system of irrigation and observed in each

of the regions of the Republic.

Article (29): The traditional rights of utilization and the rights affixed to them before the issue of this Law on the water of the springs, fountains, forests, natural streams and surface wells which depth does not exceed sixty meters, shall remain maintained, and their holders shall preserve them as existing fields, and this is without prejudice to the rules of registration so that they stay allocated for the purposes set for them. In the event that they are transferred to the ownership of others, these rights shall then be compulsorily transferred to the new owner, and in the event that the land benefiting from the water is partitioned, the water shall be apportioned according to the areas of the parts resulting from the partition.

Article (30): Without prejudice to the provisions of the protected and water quarantine areas, quantities of water may be acquired in cisterns or pools or streams through direct collection of rain water from the lands or the installations owned by the beneficiary, or from areas neighbouring them which authorize him the right of utilization and benefit from what are gathered from rain water. This acquisition is considered the right of utilization acquired if it does not harm previous advantages on him and does not conflict with the acquired water rights in accordance with established customs and traditions relating to the rights of utilization from rain water. The beneficiary, according to this Article, may also set up the necessary water installations that realize the objective of benefit from these quantities acquired from water, and likewise set up small irrigation installations and crack branch canals as per the procedures and controls which the bylaw determines.

Article (31): The executive bylaw of this Law determines the conditions which make it possible for the State to lay hands on the rights of utilization of water if the general interest so demands or the need to rationalize the uses of water, along with the fair compensation to the beneficiaries according to operative laws.

Article (32): All holders of rights of utilization in accordance with Articles (28 – 29) of this Law, are required to apply to the Authority for registration of their rights during a maximum period of three years from the date of the announcement addressed by the Authority after the issue of this Law.

Article (33): The beneficiaries or their representatives from groundwater wells dug prior to the issue of this Law, and holders of rights of utilization benefiting therefrom, whether utilized or not utilized, are required to apply to the Authority or one of its branches in Governorates offices and district centers for registration and continue enjoying the rights of utilization and easement within three years from the date of the announcement addressed by the Authority after the issue of this Law.

Article (34): The Authority and all its branches shall keep a register for the rights of

utilization acquired on the water, and the bylaw shall show the system and rules for keeping this register and the procedures for entry and their amendments.

Second Section

The Licenses

Article (35): Subject to Article (73) of this Law :-

- a- It is not permissible for any individual or group or Government or national body or any legal or natural person, to dig any water well or establish any water installation for holding back the water of floods or forests running in the streams of the valleys or above them or divert them from their natural courses unless after obtaining a prior license accordingly from the Authority.
- b- Any water well may be deepened for the one time only, and which shall not exceed twenty meters additionally, without the prior license of the Authority.
- c- As regards the projects which were previously approved by the Authority in accordance with Article (15), these parties are required to submit their projects for registration only.

Article (36): It is not permissible for any contractor to dig a new water well or an alternative well or set up any other water installations unless the beneficiary produces a valid license to dig or set up the installation. The contractor shall also ensure that the work contract between himself and the beneficiary agree with this license, and the contractor should produce it to the authorities specified in this Law upon requesting it.

Article (37): No beneficiary may exceed the quantities or the purposes of use or any other technical specifications and determined by the Authority. He must also abide by the conditions specified in the license, and the bylaw shows the details necessary for execution accordingly.

Article (38): The licenses granted in accordance with this Law for digging water wells, are deemed cancelled by force of the Law in the following cases :-

- 1- If the licensee did not commence the drilling works within one year from the date of issue of the license.
- 2- If the licensee used this license for a purpose other than that for which it was granted.
- 3- If he violates the conditions stated in the license.
- 4- If he assigns this license to others whether in return for a charge or not, without the approval of the Authority. The bylaw shows the cases

where it is possible to accept such an assignment. The Authority has also the right of periodic review of such a license according to the rule set for this purpose. Based on justifiable reasons, the license may be renewed for one time for a further period of three months, and the period may be extended if these reasons continue to exist.

Article (39): The holder of the license to drill a well or establish a water installation, acquires the right of utilization upon his accomplishment of the works licensed to him provided he submits a request to register his well or water installation within a maximum period of three months from his accomplishment of the works licensed to him, and he has the right to benefit from the right of utilization after the elapse of fifteen days from his submission of the request of registration.

Article (40): Without prejudice to the penalties stipulated in the Eighth Chapter of this Law, the Authority may cease the right of utilization if it is evident that the water of the well or the water installation is polluted, thus harmful to public health and the environment, and the impossibility of treating that in accordance with a laboratory report by the competent authority.

Article (41): The Government shall establish projects that develop the water resource and water harvest, and the Authority has the right when necessary to review the licensed quantity of water by pumping it from any underground or surface reservoir so as to correspond with the total water resources available for exploitation from such a reservoir, within the framework of the water projects which the Government has established or seeks to establish in the future according to the water plan.

Article (42): Subject to the provisions of the regulation of prequalification of Contractors and Engineering Offices, such Contracts and Engineering Offices may not practice any of the following activities unless after obtaining the license to practice these activities from the Authority :-

- 1- Drilling of water wells.
- 2- Exploration for groundwater and conduct the studies and consultation works in the scope of water resources.
- 3- Distribution of water directly from the wells or through networks of potable water or through filling them.

The Authority will issue licenses or refuse applications with the coordination with the bodies concerned according to specialization, and all the natural and legal persons who practice at the time of issue of this Law any of the activities stipulated in the preceding clauses, must apply to the Authority within a period of one year from the date of issue of this Law to register for themselves or their offices or their companies, and obtain licenses of practice of profession. The bylaw shows the requirements of practicing the profession and also the period of the validity of the license or the registration and the rules, provisions and procedures executing the provisions of this Article and in a manner that does not violate the stipulations and provisions of this

Law.

Article (43): The Authority shall classify the natural and legal persons who practice any of the activities stipulated in the preceding Article, according to their experience and technical, financial and human potentialities in accordance with the provisions of this Law and the other Laws.

Article (44): It is not permissible to import drilling equipments for water wells, or the metal casings for the water wells unless they correspond with the specifications set by the Authority, and it permissible by a resolution of the Authority determine the lists of equipments and other materials which importation conforms to specification.

Article (45): Subject to what was stated in Article (29) of this Law, it is possible without prior licenses to dig surface wells in order to obtain limited quantities of water at a depth of sixteen meters (60 m.), provided they adhere to the following conditions :-

- 1- Adherence to the controls and provisions of forbidden water resources and their installations and water quarantine areas, and not to cause injuries to the others.
- 2- Observing the established customs and traditions and relating to the right of utilization of water and to their rights servants and installations.

Sixth Chapter **Preservation of the Water and is Protection from Pollution**

First Section

The General Technical Standards and Specifications

Article (46): With the exception of the works preceding the issue of this Law, and with a view not to conflict with the provisions of Civil Law, the following activities shall be subject to the approved system of General Technical Standards and Specifications :-

- 1- Drilling of water wells.
- 2- a) The sites and general designs for the irrigation and water Installations.
b) Plants for treatment and desalination of water.

- 3- The forbidden wells, streams, creeks and natural springs.
- 4- Requirements of the Drillers, materials of diggings, and casings of wells.
- 5- The Pumps.

The bylaw determines these general technical standards and specifications, and all the rules and procedures in the execution of the provisions of the Article.

Article (47): Subject to Article (54) of this Law, the competent authorities and in coordination with the Authority, shall issue licenses for disposal of the residues and wastewater, and the oil, and the determination of the sites and the means of their disposal, and set up installations and re-use of the wastewater of treatment as per the approved conditions, standards, and specifications, and in conformity with the drainage sanitary networks, and the establishment of water desalination plants in accordance with the relevant Laws.

Second Section

Preservation of Water Resources

From Depletion and Rationalization of their Use

- Article (48): The State, represented by the Authority and relevant bodies, undertake the following tasks :-
- 1- Provide support and facilities necessary for the farmers, and encourage them to use the modern irrigation methods and the constructive techniques that realize savings in the uses of water, its rationalization and increase in its production.
 - 2- Set up of water dams, dikes and reservoirs, and the installations necessary for harvesting rain water to make the optimum use of the rain and floods and inject the groundwater, in a manner that realizes their sustainability from their maintenance and operation.
 - 3- Provide assistance and support necessary to preserve the soil and botanical cover, and combating desertification, and the factors that will lead to damaging the environmental factors.
 - 4- Support and encourage participation of the popular efforts to contribute towards management of the water resources and their conservation.

Article (49): Subject to the approved urban plans and architectural panning, and by a resolution by the Council of Minister based on a proposal of the Authority, it is permissible to determine quarantine regions where it is prohibited to set up any installations or develop or use any industrial or agricultural activities or others, which could increase the burden on the water reserves in those regions. The resolution incorporates the geographical boundaries for each of these regions, the period of the quarantine, the procedures and arrangements for its execution, and in a manner as not to conflict with the provisions and stipulations of the other Articles of this Law. The prohibition resolution, after fair compensation, entails the cancellation of each woks licenses which did not commence till the time of announcing the ban. The prohibition resolution may also include modification of the licenses volume of uses or is suspension, if there is harm to the water resources in the prohibition region, provided that this prohibition vanishes once its causes are removed.

Article (50): After submitting the possible alternatives and options, and determining the most preferred thereof through conducting existing and future exhaustive and comprehensive studies (technical, social and economic) and after approval of the Council of Ministers, the Authority may permit the pumping of specific volumes of groundwater or surface water from one the water basins or zones, and conveying them on a permanent or temporary basis for use in other basins, whenever the following conditions are provided :-

- 1- That the process of conveyance does not lead to damages in the requirements of drinking and household uses, whereby there is no future negative effect on the quantity and quality of the water in the zone or the basin from which it was conveyed.
- 2- That the water is conveyed for the purpose of drinking and household uses in the basin receiving the water.
- 3- That the water stored in the zone or basin to which it is conveyed, is not sufficient to meet the requirements due to scarcity of the water or its unsuitability for drinking after suspension of all other uses.
- 4- Consultation and coordination with the local authorities, basins committees, and actual beneficiaries of the basin from which it is conveyed.
- 5- If damages occur as a result of conveying the water, to existing interests of the beneficiaries (the holders of the right of utilization), such damages shall be fairly compensated and for one time.
- 6- In all the cases, in the event of numerousness of the sources from which they can be conveyed, and the proximity of the economic cost for conveyance from them or from some of them, to the cost of

conveyance from one source only, due consideration shall be given to drawing the required quantities of water

distributed among more than one source so that it leads to distribution of the effects of drawing among the basins.

Article (51): The employees assigned by the Authority and the relevant competent bodies, shall have the right to of access in any lands or estates or farms or industrial, commercial or water installations that are subject to the provisions of this Law, in order to conduct the measurements, field studies and researches, or to take samples of any water available, along with notifying the owner thereof in advance of the methods available. The bylaw shall indicate the procedures for the execution of this Article and the appropriate compensations for the beneficiary in return for the damages that may arise therefrom.

Article (52): Without prejudice to the provisions applicable, the Authority and the relevant Governmental bodies, have the right to obtain what they need of lands for erection of observation stations, sites for measurement, tests and studies, or for protection of installations from floods and utilization of floods, or others of projects or whatever shall be required for such projects in terms of forbidden zones, and that is after compensating fairly the owners of these lands in accordance with the effective Laws.

Article (53): The Authority shall have the right in the selection of wells or water installations in the water basins and zones for study and observation, without injuring the interests of the beneficiaries. In the event of any injury having occurred, the Authority shall then remedy the damages or compensate the beneficiaries fairly during a maximum period of one year.

Third Section

Protection of Water from Pollution

Article (54): The Authority shall have the power to protect the water resources from pollution, preserve its quality, prevent the activities that lead to their pollution or deterioration of their quality, and combat cases of emergency pollution, with the cooperation of the relevant and connected bodies; thus complying with the following :-

- 1- The authorities engaged in practicing activities with a view to leading to pollution of the water resources, must comply with applying the standards and specifications relating to the disposal of solid or liquid or radiation or thermal and oil wastes, etc., in accordance with the this Law and its executive bylaw.

- 2- Any authority whichever is forbidden to dispose of any wastes whichever their source are, or throwing away or accumulating the solid or liquid wastes or the dead animals in the courses of the valleys or the areas that the Authority designates as feeding areas for groundwater, or to practice any activity in these courses that could lead directly or indirectly to the pollution of the water resources or the deterioration of their quality.
- 3- The relevant authorities and the individuals are bound to give due consideration to the water quarantine areas or the protection areas to be close to the wells and other water resources as designated by the bylaw.
- 4-
 - a- The Authority shall, through coordination of the relevant bodies and after approval of the Council of Ministers, close down the industries and installations that dispose of their wastes without a permit, or violate the conditions of the permit, or without adherence to the orders and directions issued to them by the Authority or the relevant bodies to remove and stop the wastes in accordance with the provisions of his Law, along with obliging them to pay the compensations in return for the damages which they have caused.
 - b- The Authority has the right to allocate areas protected from the industries which wastes constitute a hazard to the water resources. The bylaw shall determine conditions and standards of protection according to which the industries shall be bound before they are permitted to operate. The Government authorities shall not issue licenses for industrial investment unless after coordination with the Authority.
- 5- The Authority shall, in cooperation and coordination with the relevant bodies, prepare the bylaws organizing the disposal of industrial wastes, the use of manure and agricultural fertilizers, insecticides, and all substances hazardous to water resources and environment, and select sites for garbage dumps and sites for disposal of the wastes, as well as classify the damages that are caused by the activities producing the pollution, and their potential damages on the water resources in the Republic.

Article (55): The Authority shall conduct studies and researches relating to the the protection of the groundwater reservoirs in the coastal area from merging with sea water, and it shall erect water installations, including the surface soil reservoirs and cisterns. The bylaw shows the basic controls and standards organizing the execution thereof.

Article (56): Subject to the stipulation of Article (54) of this Law :-

- a- Effective from the date issue of this Law, it shall not be permissible

to engage in activities relating to the transport or disposal of pollutant wastes regardless of their source, or permitting the setting up of any industrial installations which waste lead to pollution of water resources or deterioration of their quality, until after providing the Authority with an appraisal study on the environmental impacts of such activities or installations, and the relevant bodies concerned with protecting the environment shall grant the necessary licenses accordingly through coordination with the Authority.

b- The owners of the existing industrial installations prior to the issue of this Law, and all and all those who are engaged in any of the activities stipulated in the preceding paragraph, must apply to the Authority during six months from the date of issue of this Law, for adjusting the status of their installations so as to agree with the provisions of this Article.

Article (57): Without prejudice to the provisions of the preceding Article, all natural and legal persons are forbidden from disposing of any industrial or agricultural or commercial or medical wastes in the public sanitation network except after obtaining a prior license from the authority concerned with the operation of the network where it specifies the level of purification; thus conforming with the approved technical specifications.

Article (58): The Authority may undertake any modification on any of the licenses which it issues in accordance with the provisions of this Law, if it was evident that the circumstances that caused damage and the considerations under which these licenses were issued, have changed. The Authority may also suspend work in any of these licenses in a temporary way or cancel them, in the event that their holders have violated any of the conditions and technical specifications that are incorporated in these licenses, and thus without prejudice to any other punishment pursuant to the provisions of this Law and the other effective Laws.

Article (59): The Authority shall monitor the quality of the water at the level of the resources that will guarantee the suitability of their use. The other authorities shall undertake the monitoring during transportation, distribution and use.

Article (60): Pits or flat surfaces may be constructed in the rural villages, for a limited number of beneficiaries, and based on procedural controls set forth in the bylaw, under the supervision of the basins committees or the local authorities. This is in order to dispose of or treat the household water sanitary sewerage, provided that the owners thereof should be obligated to execute, operate and maintain them personally. The Authority has the right, during the processes of inspection and monitoring, to order their removal or modification if it finds that they have a damaging impact on the resources of water or the public health or the environment after the appropriate compensation.

Seventh Chapter

Protection from Floods

Article (61): The Ministry of Agriculture and Irrigation, and the other relevant authorities, shall set forth the controls for organizing the rainy areas causing heavy streams and floods, accumulation areas, their flow and disposal, and preparation of a plan for waterfalls and heavy streams and floods outlets so as to

ensure protection therefrom and avoiding the damages according to the functions of each of them, and in collaboration with the local authority and all the users of the water, including :-

- 1- Protection of the soil, the botanical cover, and the optimum investment of water and other land resources to ensure the natural environmental balance and reduce the severity of the impact of the harmful natural and human factors of erosion.
- 2- Control the courses of the valleys and their protection from driftage, and set up the installations necessary for the protection of the soil, the public and private properties, and population concentration areas including the removal of the sesban tree therefrom.
- 3- Protection and maintenance of the agricultural terraces to reduce the severity of flow of the floods and reinforce the system of rainwater harvest.
- 4- Prevent the expansion in creation of agricultural lands or civil or industrial installations or others, at the expense of the courses of the valleys, heavy streams and public canals, if it is intended to obstruct the courses of floods water in the courses so allocated, and also to prevent the construction of dikes, buildings and other structures in the lands where it is possible to be drowned by floods, or any buildings between the water courses and any barriers and installations which are set up for protection from the danger of heavy streams and floods. This does not include the installations that are built to protect the adjacent dwellings and properties in emergency situations.
- 5- The Ministry of Agriculture and Irrigation may remove barriers, and any other installations that are licensed to be constructed if it is found that they obstruct the course of the water or help to increase the damages of the floods, but after payment of fair compensation to their owners.

Article (62): The beneficiaries from rainwater streams and holders of agricultural land or the installations adjacent to their courses, should contribute in the protection of their properties, and organizing the water courses from which they benefit. The beneficiaries who are adjacent to the courses of flood water are entitled to build barriers to protect their properties thus safeguarding them against floods in such a manner as not to harm the general interest.

Eighth Chapter

Enforcement Procedures and Penalties

First Section

Enforcement Procedures

Article (63): The employees of the Authority and relevant bodies, who are charged with control and inspection, shall be granted the capacity of judicial enforcement, and there shall be issued in the matter of these employees a resolution from the Attorney General based at the request of their respective bodies. The executive bylaw of this Law determines the conditions which must be provided in these employees.

Article (64): The inspectors cited in the preceding Article undertake control of the violations specified in accordance with the provisions of this Law, and writing of enforcement reports to this effect wherein it is recorded the type of violation and the place of its occurrence, the perpetrators, and the date of its apprehension, and any other details relating to the incident the subject of violation.

Article (65): The police and security staff shall, when necessary, provide the protection necessary for the inspectors and employees of the Authority and the other relevant bodies, during the performance of their functional duties.

Article (66): 1- In the event that the inspectors or the other employees are exposed to any assault or bodily or moral harm, during or by reason of carrying out their functional duties, the Authority, or the body that seconded them in accordance with Articles (51, 63) of this Law, shall undertake to represent them in the institution of a lawsuit, and shall bear all the costs incurred as a result thereof, and shall claim compensation when any damage so occurs.

2- In the event that the beneficiaries are exposed to any assault or bodily or moral harm by any of the inspectors or employees of the Authority and the relevant bodies, the beneficiaries shall have the

right to resort to the judiciary and claim from the Authority or the relevant bodies to pay fair compensation for the damages that inflicted them.

Second Section

The Criminal Punishments

Article (67): Without prejudice to any other severe punishments stipulated in the other applicable Laws, the punishments stipulated in this Law shall apply whether the acts were in the forbidden or protected zones or the sanctuary of the wells.

Article (68): There shall be punished by imprisonment for a period not exceeding three years :-

- 1- Any owner of a water, industrial or service installation which wastes led to pollution of the water resources or deterioration of their quality, whether this was due to his non-obtaining of a prior license for disposal of such wastes or as a result of his lack of abidance to the approved technical specifications in accordance with the provisions of this Law.
- 2- Whosoever continues to dispose or transport such wastes after the expiry of the grace period set forth in Article (56), paragraph (b) of this Law without adjusting his status in a manner corresponding with the provisions of that Article.
- 3- Whosoever infringes upon, in any way whatsoever, the wells, the water installations and the irrigation installations, the instruments, equipments and stations of observation.

Article (69): There shall be punished by imprisonment for a period not exceeding two years :-

- 1- Anyone who proceeds with disposal of the wastes that leads to pollution of the water resources or deterioration of their quality without obtaining prior license, and the punishment shall be doubled in the case of repetition.
- 2- Anyone who refuses to adhere to the resolutions and orders issued to him by the Authority to suspend the work at the site of the violation that leads to pollution of the water.
- 3- Anyone who proceeds with disposal of any wastes or industrial or medical or animal output, or containing toxic or viral or radiation components, or any liquid substances such as the lubricants, or solid materials or gaseous substances or any other materials, the

specifications of which do not conform with the standards permitted in the public sanitation network.

- 4- Whosoever carries out the distribution of water for drinking, or tourism or other purposes, not conforming with the specifications and standards specified accordingly.
- 5- Any beneficiary or contractor who changes the site of drilling or any other water installations to another location without obtaining the license so to do.
- 6- Anyone who proceeds with drilling a water well or sets up any water installations for withholding flood waters or diverting them from their natural flow courses, whether for himself or on behalf of others, whether or not for a price, without having with him a license for work by the Authority.
- 7- Anyone who proceeds with dumping or accumulating solid or liquid wastes, including lubricants or dead animals, or undertaking any harmful activity in the courses of the valleys, or in groundwater feeding areas; thus leading to pollution of the water resources or deterioration of their quality.

Article (70): There shall be punished by imprisonment for a period not exceeding six months or by a financial fine not exceeding two hundred thousand Riyals, along with suspending the work the subject of the violation, and compelling him to remedy the damages :-

- 1- Any contractor who proceeds with drilling of a water well or erecting a water installation to withhold flood water or diverting them from their natural courses without him having a license to practice that activity.
- 2- Any contractor who has drilled water wells or erected a water installation in violation of the technical conditions stipulated in the license upon his execution of the work or who does not comply with the general technical specifications for water wells or the water installations or has violated the license issued to the Employer.
- 3- Anyone who proceeds with throwing the wastes in the valleys and other water courses that led to obstructing the flow of water in the courses.
- 4- Anyone who proceeds with expansion or creation of agricultural lands or civil or industrial installations, etc., at the expense of the courses of the valleys, the floods or the public canals, or obstructing the flow of flood water in the courses allocated for them.
- 5- Anyone who proceeds with the study of water resources or their

exploration without being licensed to practice the profession or in a manner that violates the license issued to him by the Authority.

- 6- Any employee of the Authority or of the relevant bodies, who exploits his position during his performance of the assignment entrusted to him.

Article (71): Punishment by imprisonment for a period not exceeding one month or by a financial fine not exceeding thirty thousand Riyals, shall be imposed on each of :-

- 1- Whosoever uses water for purposes other than those allocated to it.
- 2- Whosoever proceeds with drawing water from the dug up well or the water installations prior to submission of the application for registration.
- 3- Whosoever proceeds with the distribution of water for drinking purposes and household consumption without periodically undertaking analysis of samples of such water, and providing the Authority and the competent bodies with periodic results of the analysis.
- 4- Gave false information to the Authority or to other bodies relating to the application of this Law if they entailed violations in this Law.
- 5- Delayed in the registration of the rights of utilization with the Authority within the period stipulated in this Law.
- 6- Delayed in the registration of water wells that are in use within the period specified for the registration.
- 7- Delayed in submitting certificates of accomplishment of the works licensed to him for the period specified in the license, and in the event of delay for more than one year, the Authority has the right to revoke the license.
- 8- If the contractor imports or brings any water well drilling equipment, or any of the equipments or spare parts or the metal casings or the the drilling supplies that are not in compliance with the conditions as set by the Authority, the penalties shall double in the paragraphs in the event of repetition.
- 9- Any contractor who proceeds with drilling a well or erects water installations despite the expiry of the license issued to him to practice the activity and did not renew it.
- 10- Any contractor who drills water wells then fills them again or closes them after drilling them without explaining this to the Authority in the certificate of work performance or if such a

certificate or the technical data form included incorrect information.

- 11- Anyone who assigns the license to drill or the right of utilization to another person without the approval of the Authority.

Ninth Chapter

General and Final Provisions

- Article (72): The Authority may delegate some of its powers provided that its assignments stated in this Law are vested in any committee or office or unit emanating therefrom or is not affiliated thereto in accordance with Law and the Law of Local Authority, and in a manner that realizes accomplishment of these assignments if the Authority is not able to execute itself these powers and assignments.
- Article (73): The bylaw shows the rules and procedures relating to the permits and licenses and the approvals which are issued in accordance with the provisions of this Law and the period of their validity, and the amounts and deposits and the wages which the Authority collects for them, as well as for the services, works, technical consultations and the information which it provides to the others.
- Article (74): The Authority should consult and coordinate on the assignments relating to the Ministry of Agriculture and Irrigation and the Ministry of Electricity stated in this Law.
- Article (75): The indemnity for any liability of damages incurred to water resources and the right of utilization based on them or any material or health damages afflicting the others, falls on whoever practices acts that are in violation of the provisions of this Law and lead to the occurrence of such damages.
- Article (76): Based on the proposal of the Authority, and in coordination with the relevant bodies, and in accordance with the legal procedures, the Authority may impose fees the proceeds of which will be allocated to support the development of water resources and its protection from depletion and pollution and in a manner that fulfills the objectives of this Law, with such fees being as follows :-
- 1- Registration fees of water rights.
 - 2- Fees for utilization of water for commercial use

- 3- Water Resources Protection Fees against pollution resulting from sewerage and commercial and industrial wastes.
- 4- The bylaw determines the rules, procedures, and controls for organizing the collection and spending of such fees.

- Article (77):
- a- It shall be vested in the Authority the proceeds of deposits which the Authority collects in return for the permits, the licenses, and the services which it renders to others according to the provisions of this Law, as well as the penalties imposed in accordance with the provisions of this Law. These funds shall be allocated for payments therefrom to support the activity of the Authority and raise the level of its performance.
 - b- The proceeds of the charges for services performed to others, shall go to the relevant bodies. These funds shall be allocated for payments to support the activity of these bodies and raise the level of their performance. The bylaw indicates the rules and procedures organizing the provisions of this Article and in a manner that corresponds with the Law of Local Authority and the other operative Laws.

Article (78): The Authority shall prepare the executive bylaw of this Law, with the participation of the relevant bodies and mentioned in Articles (25) and (26) of this Law, within a period of six months from the date of issue of this Law and such a bylaw shall be issued by a resolution of the Council of Ministers.

Article (79): With respect to ownership of water locations and water courses and as regards the watering rights based on custom and traditions, 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.

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

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

Issued at the Presidency of the Republic – in Sana'a

On 22 / Jumada II / 1423

Corresponding to 31 / August / 2002

Ali Abdullah Saleh

President of the Republic