



long term technical assistance

**EU-AFD TECHNICAL ASSISTANCE PROGRAMME TO SUPPORT
REFORMS IN THE WATER AND WASTEWATER SECTORS
IN LEBANON**



**LIST OF RECOMMENDATIONS
TO IMPLEMENT THE WATER SECTOR LEGISLATION**

Prepared by
Ghassan Moukheiber – Law Offices



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Prepared by : Ghassan Moukheiber – Law Offices
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LIST OF ACRONYMS

AFD : Agence Française de Développement

CEDRE : Conférence économique pour le développement, par les réformes et avec les entreprises

CDR: Council for Development and Reconstruction

CoM: Council of Ministers

GWMP: General Water Master Plan

IWRM: Integrated Water Resource Management

LIBNOR: The Lebanese Standards Institution

LRA: Litani River Authority

MoA: Ministry of Agriculture

MoE: Ministry of Environment

MoET: Ministry of Economy and Trade

MoEW: Ministry of Energy and Water

MoF: Ministry of Finance

Mol: Ministry of Industry

MoIM: Ministry of Interior and Municipalities

MoPH: Ministry of Public Health /or MoH: Ministry of Health

MoPWT: Ministry of Public Works and Transport

MoT: Ministry of Tourism

NSWS: The National Strategy for the Wastewater Sector

NWC: National Water Council

NWSS: National Water Sector Strategy

OMSAR: Office of the Minister of State for Administrative Reform

PM: Prime Minister

PPP: *Public–Private Partnership*

WEs: Water Establishments

WIL: Water Institutions Law

WL: Water Law (No. 192 dated 22/10/2020)

Categories:

T : Technical - implementation decrees and decisions requiring the input of the technical departments of the concerned ministries (e.g. fixing norms, thresholds, specific procedures).

L : Legal - implementation decrees and decisions related to the governance and general structuring of the water sector, that do not necessarily require a specific technical or political preparation, prior to the issuance of the first drafts.

P: Political - implementation decrees and decisions requiring some levels of dialogue and mediation with major stakeholders, to insure consensus over their content as a guarantee for good enforcement.

Priorities:

ST : Short term drafting deadlines for the implementation decrees and decisions (within the next 6 months).

MT : Medium term drafting deadlines for the implementation decrees and decisions (within the next 10 months).

LT : Medium term drafting deadlines for the implementation decrees and decisions (within the next 14 months).

#	Instr. Type	Recommending Authority	Issuing Authority	Subject	Art in WL	Categ.	Priority
				1) Sources of the water sector legislation			
1	Report	AFD/TA Program	MoEW	Describe and analyze the challenges faced by the Water Diplomacy (as defined by the WL) related to the Aassi river, setting the general recommended guidelines for the development of resources and rights available to Lebanon on international waterways		P	LT
1	Report	AFD/TA Program	MoEW	Describe and analyze the challenges faced by the Water Diplomacy (as defined by the WL) related to the Hasbani and Wazzani., setting the general recommended guidelines for the development of resources and rights available to Lebanon on international waterways.		P	LT
2	Report	AFD/TA Program	MoEW	Develop a new version of the Water Code incorporating the legal provisions that should be considered to having been explicitly or impliedly cancelled with appropriate comments when necessary. Note that in a few instances that may be uncertain or contentious, an opinion may have to be requested from the MoJ's Department of Legislation and Advice.		L	ST

2) Definitions and General Principles of Water Law							
4	<i>Decrees and Decisions</i>	<i>MoEW and WE</i>	<i>MoEW and WEs</i>	Organize the rights and obligations deriving from the rights of Water Usufruct.	<i>Art. 5</i>	L	MT
5	Report	AFD/TA	MoEW	Develop a new set of modern Arabic-based definitions of water related installations to replace the archaic Turkish terms. Such effort could be useful to prepare for the development of a modern irrigation law to replace the Ottoman Law.		L	LT
3) Legal Status of Water Law							
6	<i>Decrees</i>	<i>MoEW</i>	Competent Admin. Authorities	<i>Identify the waterway's banks, boundaries, and retreats [protected areas].</i>	<i>WL Art. 8 Parag. 2-a</i>	T	MT
7	<i>Decree</i>	<i>MoEW</i>	CoM	<i>Regulate the conditions and terms of use and forfeiture of the acquired rights and/or their suspension to face any water deficit</i>	<i>WL Art. 12 Para. 2</i>	L	MT
8	<i>Decree</i>	<i>MoEW</i>	Competent Admin. Authorities	<i>Regulate the traditional use of water for irrigation.</i>	<i>WL Art. 33</i>	L	MT
9	<i>MoM decree</i>	<i>MoEW</i>	CoM	<i>Regulate the right of the state to seize private water rights for public interest against just indemnification.</i>	<i>WL Art. 34</i>	L	ST

10	<i>MoM decree</i>	<i>MoEW</i>	<i>CoM</i>	<i>Regulate the issuance of water Usufruct licenses.</i>	<i>WL Art. 35</i>	T / L	ST
11	<i>Decision</i>		<i>MoEW</i>	<i>Conduct the national survey of all unlicensed built facilities.</i>	<i>WL Art. 36</i>	T	ST
				4) Governance of the Water Sector			
12	<i>Report</i>	AFD with MoEW, WEs and other stakeholders		Draft a report analyzing the detailed grid of the respective competences of all actors involved in the governance of the water sector, to conclude with detailed recommendations on how best to improve on their interactivity and limit overlaps, in dialogue and collaboration with their representatives.		L	ST
13	<i>Decision</i>	<i>NWC</i>	<i>Prime Minister</i>	Organize the operating procedures (by-laws) of the National Water Institution.	<i>WL Art. 14 Parag. 3</i>	L	ST
14	<i>Report</i>	AFD with MoEW, WEs		Draft a report analyzing in details the governance of the WEs, both in law and in practice, with a focus on the internal organizational gaps and shortcomings of the WEs internal governance and operating rules, in addition to the obstacles and limitations of their relationships with the various external tutelage and oversight bodies, particularly the MoEW, to conclude with detailed recommendations on how best to improve the effectiveness and efficiency of both internal and external dimensions, in dialogue and collaboration with the representatives of the respective stakeholders	Items A.1.2. & A.2. of Annex II E.1. of the updated Water Sector Strategy.	L	ST
14	<i>MoM Decree</i>	<i>MoEW</i>	<i>CoM</i>	Regulate the details applicable to the establishment of water users' associations.	<i>WL Art 75 Parag 5</i>	L	MT
15	<i>Letter</i>		<i>MoEW</i>	Request a formal opinion from the Department of Legislation and Advice within the MoJ, as to whether or not municipalities and their federations: (i) may still build and/or operate water	<i>WL Art. 56</i>	L	ST

				related projects without a formal agreement with WEs; and (ii) may still levy sewage tax.			
				5) Financial Revenues and Accounting Provisions			
16	Decisions		All WEs	Set the tariffs for service against water services.	WL Art. 45	T / P	ST
17	Decisions		all WEs	Set the tariffs/indemnities for the preservation of water resources and the protection of water systems.	WL Art. 45	T / P	ST
18	Decree	MoEW	Competent Admin. Authorities	Set the indemnity due against damages caused by pollution.	WL Art. 51 Parag. 1	T	MT
19	Report		MoEW in collaboration with the CDR	Compile all current international funding agreements, to (i) assess their current legal status, and (ii) better map, plan and match between the current and future needs and the available and potential future resources.		T	ST
20	Decisions		All WEs	Set the special accounting plan for each service.	WL Art. 44 Parag. 2	T	ST
				6) Data Compilation and Planning			
21	Decree	MoEW	Competent Admin. Authorities	Regulate the organization and management of the water registry.	WL Art. 13 Parag. 2	T	MT
22	Decree	MoEW	Competent Admin. Authorities	Identify the sources of offshore springs.	WL Art. 84 Parag Fifth-1	T	LT

23	Decree	MoEW	Competent Admin. Authorities	Regulate the register of Water related Works <i>مدونة</i> organizing the information and rules applicable to the water equipment, facilities, operations and works provided for in article 27.	WL Art. 28	T	MT
24	Decision		WEs	Develop, keep and update the irrigation register.	article 74	T	ST
25	MoM Decree	MoEW in collaboration with the WEs and the MoE, MoA, MoPW, Mol; also following debate by the NWC.	CoM	Issue the General Water Master Plan. Including in the GWMP all the elements developed into the NWSS and the NSWS.	WL Art. 17	T P	MT
26	MoM Decree	MoEW	CoM	Regulate the procedures through which the Water Basin Master Plans are developed.	WL Art. 21	T / L	ST
27	Decision	MoEW in collaboration with WEs	MoEW	Issue the Water Basin Master Plans	WL Art. 21	T	MT
28	Decision		MoEW	Regulate the system to classify the basins and water regions.	WL Art. 22	T	ST
29	Decision		The different WEs	Issue the individual basins and water regions action plans.	WL Art. 23	T	ST
				7) Control and Protection of Water and Eco-Systems			

30	Decision	In coordination with the MoEW and MoE	LIBNOR	Set the Water Quality Standards.	WL Art. 24	T	MT
31	Decisions		WEs	Set the rules applicable to the equitable distribution of water to the various users.	WL Art. 30	T	MT
				8) Protection of Water Resources			
32	Decree	MoEW MoE	Competent Admin. Authorities	Set the details for the implementation of Article 84 WL related to the protection of water collections sites, in addition to the details related to the allocation of spring water to supply the inhabitants or other usages.	WL Art. 84	T / L	ST
33	Decision		MoEW Competent other ministers	Determine the perimeter of protection for water collection by decisions of the minister and/or all the ministers concerned within the framework of their respective competencies ().	WL Art. 84 - First	T	MT
				9) Prevention and Mitigation of Natural Hazards			
34	Decree	MoEW MoPW, MoE, MoA	Competent Admin. Authorities	Provide for the rules and regulations applicable for the prevention of floods.	WL Art. 86 Parag. 1	T	MT
35	Decision	WEs	MoEW	Set the measures required to guarantee the sustainable management of water.	WL Art. 87 and 88 Parag. 1	T	ST

10) Special Provisions for Water Sectors Management							
36	<i>Decisions</i>		<i>WEs</i>	Set the rules applicable to the connection to the water grid.	<i>WL Art. 63 Parag. 1</i>	T	ST
37	Report	AFD/TA	MoEW	Revise and update the WEs Decrees related to its “Management Regulations”.		L	MT
38	Report	AFD/TA	MoEW	Evaluate the opportunity and need to develop and modify the implementation decrees of LD 108 (regulating drinking water destined to be sold to the public) and L 210 (organizing the treatment, filtering, bottling and sale of drinking water) to better mainstream with the new WL.		T / L	MT
39	<i>Report</i>	AFD/TA	MoEW	Develop a concerted policy between the MoEW and the WEs about how to deal with the sale of water and delivery to clients through mobile cisterns; also consider developing, based on such policy, the appropriate regulation of such business.		P / L	ST
40	<i>Decree</i>	<i>MoEW</i>	Competent Admin. Authorities	Set the rules applicable to the oversight and management of the non-public wastewater installations.	<i>WL Art. 73</i>	L	ST
41	<i>Decisions</i>		<i>WEs</i>	Set the rules applicable to the connection to the wastewater grid.	<i>WL Art. 63 Parag. 1</i>	T / L	ST
42	Draft Law	MoEW		Compile all irrigation related provisions of the various applicable law to pave the way for the drafting of a model unified irrigation law.		L	MT

43	Report	MoEW and WEs		<p>Develop a concerted policy about how to deal with the following water sectors: a- Hydroelectric production. b - Building Dams. c - Water related leisure activities. d – Pisciculture. e - Fishing</p> <p>Develop, based on such policy, the appropriate regulations of such sectors.</p>		P / T	MT
				11) Administrative and Penal Law Enforcement			
44	Decree	MoEW and MoJ	Competent Admin. Authorities	Provide for the detailed rules granting employees authorities of the water judicial police.	WL Art. 94	L	ST
				12) Oversight and Follow-up			
45	Decision		MoEW	Develop templates recommended for the annual reports to facilitate their drafting by the MoEW and WEs.		L	ST